# Who Owns a Tradition: Understanding Geographical Indications Through India's Artisan Stories

News & Updates • October 2, 2026

A traditional craft can travel far beyond the place that gave it its name. The harder question is whether its name, reputation and identity can travel without taking its legal identity with it.

The question became particularly visible in 2025, when Prada presented a pair of toe-ring sandals bearing a striking resemblance to the traditional Kolhapuri Chappal. A public-interest petition before the Bombay High Court alleged unauthorised use of the GI-tagged product and sought, among other reliefs, protection for the artisan community. The Court ultimately dismissed the PIL, holding that the registered GI proprietors could pursue the statutory remedies available to them and that questions of similarity and infringement required evidence. Importantly, the Court did not decide that Prada had infringed the GI.

## A Name Can Carry a Place With It

A geographical indication is not simply a label of origin. Under Indian law, it identifies goods that originate in a particular territory and possess a quality, reputation or other characteristic attributable to that geographical origin.

That distinction matters for artisans. The value of a GI lies not merely in the physical product, but in the relationship between the product, its place and the community knowledge associated with making it.

Kolhapuri Chappal illustrates this particularly well. Registered as a handicraft GI for Karnataka and Maharashtra, its registration covers footwear and remains valid until 2029. The GI Registry records the geographical area and the product against which the registration operates.

The legal protection therefore does not mean that an individual artisan owns the idea of a traditional leather sandal. Nor does it mean that every sandal resembling a Kolhapuri Chappal automatically infringes the GI. The protection operates within the statutory framework governing the registered indication, its authorised users and the goods covered by the registration.

That distinction became central to the Prada proceedings.

## The Prada Question Was Bigger Than a Pair of Sandals

The controversy was compelling because it placed an old craft against one of the world's most recognisable luxury houses.

The petitioners argued that Prada's toe-ring sandals were deceptively similar to Kolhapuri Chappals and that their commercialisation raised questions under the Geographical Indications of Goods (Registration and Protection) Act, 1999. They also pointed to the economic and reputational interests of the artisans who make the traditional footwear.

But the Bombay High Court did not determine the underlying infringement question in the PIL. It noted that LIDCOM and LIDKAR, the registered proprietors of the Kolhapuri Chappal GI, could bring an appropriate action if they considered Prada's use unauthorised. It also observed that determining similarity and infringement would involve disputed questions of fact requiring evidence.

That makes the case more useful than a simple "GI versus global brand" story. It demonstrates a fundamental point about GI law: registration creates a legal framework for protection; it does not eliminate the need to establish infringement under that framework.

## When Darjeeling Was Used for Something Other Than Tea

The same complexity appears in a much older dispute involving one of India's best-known geographical names.

In **Tea Board, India v. ITC Ltd.**, the Tea Board challenged ITC's use of **"Darjeeling Lounge"** for a lounge at its Kolkata hotel. The Tea Board argued that the use infringed its rights in the Darjeeling GI and related marks and could dilute the reputation associated with Darjeeling.

The case raised a deceptively simple question: Can protection for a geographical indication covering goods extend to the use of the geographical name for a service?

The Calcutta High Court examined the statutory framework and ultimately found against the Tea Board's claims. Among other considerations, the Court noted that the GI legislation concerned goods and that the use of "Darjeeling" for the hotel lounge did not establish the kind of confusion or association alleged by the plaintiff.

The case demonstrates why a GI cannot be understood simply as giving someone exclusive ownership of a geographical word. Its legal protection operates in relation to the goods, rights and circumstances covered by the statutory scheme.

## When a GI Travels Beyond India

Darjeeling Tea also demonstrates another dimension of GI protection: the value of geographical reputation does not necessarily stop at the border.

The Darjeeling name and logo have been the subject of international protection efforts, including disputes concerning attempts to use or register the name outside India. The World Trade Organization has documented the protection challenges surrounding Darjeeling Tea and the efforts to prevent unauthorised use of the name in international markets.

For producers, this matters because reputation can travel faster than the product itself. A name associated with a particular region can acquire commercial meaning in markets where consumers may never have visited that region.

## So, Who Owns a Tradition?

The answer is more complicated than “the artisan” or “the government.”

A registered GI is a collective form of intellectual property. The legal framework provides for registered proprietors and authorised users rather than treating the geographical indication like a privately owned brand that can simply be sold or licensed by one individual.

For artisans, this distinction is significant. A GI can connect commercial recognition to the geographical community that has developed and maintained the product's distinctive qualities. But registration alone does not guarantee that every artisan automatically receives its commercial benefits. The system depends on registration, authorised-user status, specifications, enforcement and the ability of the relevant institutions and producers to protect the indication.

That is perhaps the most important lesson from Kolhapuri Chappal and Darjeeling Tea.

A GI does not merely say where a product comes from. It can embody the accumulated reputation of a place and the people who have carried a tradition forward.

And when that reputation enters a global marketplace, from a Darjeeling tea estate to a luxury sandal runway, the legal question becomes larger than the name on the product.

It becomes a question of who gets to speak for a tradition that belongs to a place, but whose value can now travel across the world.

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