Chapter 1: Introduction

Chapter 2: An Analysis of the Law relating to Geographical Indications at International and National Levels

2.1. Introduction
2.2. History of the Legal Protection of "Mark"
2.3. History Geographical Indications
2.4. Geographical Indications and Developing Countries
2.5. Doha Round
2.6. Need for Protection
2.6.1. The Protection of Consumer's Interests
2.6.2. Secondly, Protection of GIs also Protects Producer's Interests
2.7 The Philosophy of Protection of Geographical Indications
2.7.1. Moral Argument
2.7.2. Cultural Arguments
2.7.3. Social Arguments
2.8. Characteristic Features of GIs
2.9. Method of Protection of GIs
2.9.1 The International Protection of Geographical Indications
2.9.1.1. The Paris Convention
2.9.1.2 The Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods, 1891
2.9.1.3 Madrid Protocol: The Protocol Relating to the Madrid Agreement concerning the International Registration of Marks, 1989
2.10. The International Wine Organisation
2.11. The Stresa Convention of 1951
2.13. International Register of Appellations of Origin
2.14.1. The WIPO Model Law on Geographical Indications
Indications, 1975

2.15. The TRIPs Agreement

2.16. National Level Protection of GIs

2.16.1. Systems Based on Trademark Laws

2.16.1.1. Protection of Geographical Indications: The US Study

2.16.1.2. Generic Words and Terms

2.16.1.3. Geographical, Locational, or Place Names

2.16.1.4. Registration of Collective Marks or Certification Marks

2.16.1.5. Collective Marks

2.16.1.6. Source Identifying Trademarks

2.16.1.7. Regional Certification Marks USDA and FDA Labeling for Geographical Origin

2.16.1.8. USDA and FDA labeling for Geographical Origin

2.17. Protection in European Communities

2.17.1. Impact of the WTO Decision on the European Regulation

2.17.2. Problems Concerning the European Hormonisation of GIs

2.17.3. Conflicts Over the Definition and Specification of GIs

2.17.4. Conflicts Over the Scope of Specifications

2.17.5. Conflicts Over the Repatriation of Semicontinental Names

2.17.6. Special Titles of Protection

2.18. Geographical Indications in the UK

2.18.1. Common Law Action for Passing Off

2.19. Sui Generis Systems

2.20. The Law of Unfair Competition

2.20.1. Protection Against Unfair Competition

2.21. Protection of GIs in India: Pre- and Post-1999 Scenario

2.21.1. Geographical Indication Protection in India

2.21.2. Protection of GIs in India Prior to 1999

2.21.3. Protection of GIs under Consumer Laws

2.21.4. MRTP Act, 1969

2.21.5. Consumer Protection Act, 1986

2.21.6. Common Law Action of Passing Off

2.21.6.1. Essential Characteristics of a Passing off Action

2.22. Protection through Certification Marks (Trademarks)
2.23. Mark Indicating Geographical Origin
   2.23.1. Registration of Geographical Names
   2.23.2. Fanciful Associations not Objectionable
   2.23.3. Ordinary Signification
2.24. Legislative Protection of GIs in India: The Post-1999 Scenario
   2.24.1. Definition of Geographical Indications
   2.24.2. Registration of Geographical Indications
   2.24.3. Registered Proprietor and Authorised User
   2.24.4. Rights Conferred by Registration of a GI
   2.24.5. Infringement of the Registered Geographical Indication
   2.24.6. Acts Constituting no Infringement
   2.24.7. Remedies for Infringement of a GI
   2.24.8. Civil Remedies
   2.24.9. Criminal Remedies
   2.24.10. Second or Subsequent Conviction
   2.24.11. Penalty for Falsey Representing a GI
   2.24.12. Improper Description of a Place of Business as Connected with GI Registry
   2.24.13. Penalty for Falsification of Entries in Register
   2.24.14. No Offence in Certain Cases
2.25. Homonymous Geographical Indication
2.26. Basmati Controversy - A Precursor to Initiate GI Legislation in India
   2.26.1. Ordinance to Amend APEDA ACT Approved
   2.26.2. Basmati a Certified Seed
2.27. TRIPs Article 23 Protection

Chapter 3: Legal Protection of Geographical Indications in India: Some Hassles and Hurdles with Special Reference to Handicrafts Sector
3. Geographical Indications
   3.1. Definition of Goods
   3.2. Registered Proprietor
   3.3. Authorised User
   3.4. Application Procedure
   3.5. Issue of Migration of Craftsmen
   3.6. Quality Control
   3.7. Duration of GI status
   3.8. Foreign Registration
   3.9. Enforcement within and outside India
   3.10. Prohibition of Registration of certain Geographical Indications
Chapter 4: Kashmiri Shawls: A Legal Study of their Specifications and Post-Geographical Indication Scenario

4. Introduction
4.1. Types of Shawls Accorded GI Status
   4.1.1. Kashmiri Pashmina
      4.1.1.1. Description of Goods
      4.1.1.2. Method of production
      4.1.1.3. Procurement of Raw Materials
      4.1.1.4. Preparation of the pashm Wool
      4.1.1.5. Spinning the Yarn
      4.1.1.6. Arranging the Warp
   4.1.2. Weaving the Fabric
   4.1.3. Clipping the Loose Threads
   4.1.4. Dyeing
   4.1.5. Washing
   4.2. Specifications which Led to GI Protection of Pashmina Shawl
   4.7.1. Description of Goods
   4.7.2. Proof of Origin
   4.7.3. Specifications which Led to GI Protection of Kani Shawl
4.8. Post-GI Challenges
   4.8.1. Lack of Adequate Enforcement Mechanism
   4.8.2. Production of Raw Cashmere (Pashmina)
   4.8.3. Establishment of Pashmina De-hairing Plant
   4.8.4. Reaping Benefits
   4.8.5. Quality Control
   4.8.6. Unfair Trade Practices Associated with the Shawl
   4.8.7. Lack of Financial Support
   4.8.8. Old Age Problems
   4.8.9. Skill and Dedication Trade-offs
   4.8.10. Inaccessibility to Market for Independent Artisans
   4.8.11. Time-specific Export Trade
   4.8.12. Registration Problems
   4.8.13. Use of New Designs
   4.8.14. Women Folk Abandoning Spinning
   4.8.15. Consignment Basis Trade of Arts Emporium
   4.8.16. Need for Wider Governmental Measures
Chapter 5: Kashmiri Carpets: A Legal Study for their GI Status and Current Challenges

5. Introduction
5.1. History
5.2. Definition of Goods and Classification
5.3. Geographical Area
5.4. Uniqueness
5.5. The Process of Carpet Weaving
5.6. Designs
5.7. Writing the Taleem
5.8. Dyeing the Pile Yarn
5.9. Piling the Yarn
5.10. Weaving the Carpet
5.11. Finishing the Carpet
5.12. Production, Employment Avenues and Export
5.13. Numdah
5.13.1. Definition of Goods and Classification
5.13.2. Numdah Quality Control
5.14. Gabba
5.14.1. Definition of Goods and Classification
5.15. Leather and Fur
5.15.1. Definition of Goods and Classification

Chapter 6: Kashmiri Wood Work: A Legal Analysis from GI Perspective

6. Introduction
6.1. Proof of Origin with Historical Reference
6.2. Definition of Goods and Classification
6.3. Specifications
6.4. Designs
6.4.1. Gul Tarah (Flower Motif)
6.4.2. Mavi Dhar (Fruit bearing trees)
6.4.3. Dach Tarah (Grape motif)
6.4.4. Badm Tarah (Almond motif)
6.4.5. Bhoni Tarah (Chinar motif)
6.4.6. Janavar ti Jandhar Tarah (Animal and Animate motif)
6.4.7. Jungle Tarah (Jungle scenes)
6.4.8. Harfi Dhar
6.4.9. Scenery Dhar (Landscape)
6.5. Styles
6.5.1. Undercut (Khokerdar)
6.5.2. Open or Lattice Work (Jallidhar, Shabokdhar)
6.5.3. Raised Carving (Vaboraveth)
6.5.4. Engraved Carving (Padri)
6.5.5. Shallow or Plain Carving (Sadi Kaam) 229
6.6. Geographical Area 231
6.7. Method of Production 231
6.8. Uniqueness 232
6.9. Kashmir Wood Carving is Different from that of Saharanpur 233
6.10. Production, Employment Avenues and Export 234
6.11. Challenges to the Walnut Wood Carving 239
   6.11.1. Value Perceptions and Competition 239
   6.11.2. Unethical Practices 240
   6.11.3. Industry Structure 240
   6.11.4. Wage Fixation 241
   6.11.5. Lack of Assistance 241
   6.11.6. Design 241
   6.11.7. Polishing and Finishing 242
   6.11.8. Raw Material 242
   6.11.9. Value Chain 243
6.12. Khatambandh 243
   6.12.1. Definition of Goods and Classification 244
   6.12.2. Khatambandh- GI Definition 244
   6.12.3. Proof of Origin with Historical Reference 245
   6.12.4. Geographic Location of Practice/ Production 246
6.13. Description and Uniqueness 247
   6.13.1. Method of Production 251
   6.13.2. Sawing or Cheerun 251
   6.13.3. Seasoning or Hokhnawun 252
   6.13.4. Making the Master Scale and Master Shapes, Kannat and Andaz 252
   6.13.5. Making Guz from Battens 253
   6.13.6. Preparing Dil or Polygonal Shapes 254
   6.13.7. Assembling or Laagun 255
6.15. Issues Related to Khatambandh Artisans 261
   6.15.1. Availability of Raw Material 261
   6.15.2. Unit/Plot of Land 261
   6.15.3. Exploitation by Middlemen 261
   6.15.4. Problems Caused by Police and Forest Officials in the Movement of Khatambandh Material 262
   6.15.5. Ill-informed and Un-informed Artisans 263
   6.15.6. No Investments in New Designs and New Installation Formulae 263
   6.15.7. Najar Monopoly 263
   6.15.8. Judicial Pronouncement- An Impact on Khatambandh Craft 264
   6.15.9. Lack of Awareness Regarding Marketing 265
6.15.10. Non-availability of Timely Finance 265
6.15.11. Issues Faced by Traders 265
  6.15.11.1. Non-recognition by the State Government 265
  6.15.11.2. Non-availability of Raw Material 265
  6.15.11.3. Lacklustre Attitude of the Various Departments of State Government 266
  6.15.11.4. Vague Government Policies 266
6.16. Pinjira (Lattice Work) 267
  6.16.1. Definition and Classification 268
  6.16.2. Geographical Location 268
  6.16.3. Designs 268
  6.16.4. Uniqueness 270
  6.16.5. Present Scenario 270

Chapter 7: Chain Stitch and Crewel Embroidery 272-282

  7. Introduction 272
  7.1. Definition of Goods and Classification 273
    7.1.1. Chain Stitch: A Historical Retrospect 273
    7.1.2. The Technique of Chain Stitch 274
    7.1.3. Processing 274
  7.2. Crewel Embroidery 276
    7.2.1. Geographical Area 276
  7.3. Designs of Chain Stitch and Crewel 277
  7.4. Production, Employment avenues and Export of Chain Stitch/Crewel 278

Chapter 8: Papier Machie and Miscellaneous Crafts: GI Specifications and Current Challenges 283-311

  8. Introduction 283
  8.1. Proof of origin with Historical Reference 283
  8.2. Types of Goods and Classification 284
  8.3. Specifications 284
  8.4. Name of the Geographical Indication and Particulars 285
  8.5. Traditional Designs 285
  8.6. Traditional Papier Machie Designs 286
    8.6.1. Figurative Depictions 286
    8.6.2. Floral Depictions 286
    8.6.3. Geometrical Depictions 286
    8.6.4. Ladakhi or Chinese Depiction 286
    8.6.5. Hazara 286
    8.6.6. Gulli-Willayat 286
    8.6.7. Gul-andar-gul 286
    8.6.8. Badam Tarah (The Almond) 287
    8.6.9. Chinar 287
8.6.10. Sarav (Cypress)  287
8.7. Geographical area  288
8.8. Method of Production  288
8.9. The Production Process of Papier Machie  288
8.10. Making of Sakhta  289
8.11. Preparation of Mashed Paper  290
8.12. Smoothening  290
8.13. Application of Naqashi  290
8.14. Uniqueness of Kashmiri Papier Machie  294
8.15. Production, Employment Avenues and Export of Papier Machie Goods  294
8.16. Papier Machie: Issues and Challenges  299
8.17. Competition  300
8.18. Unethical Practices  301
8.19. Wicker Work  301
8.20. Kangri  303
  8.20.1. Geographical Area  306
  8.20.2. Definition of Goods and Classification  306
  8.20.3. Marketing  306
8.21. Metal Wares  309
  8.21.1. Definition of Goods and Classification  310
8.21.2. Present Scenario  310

Chapter 9:  Problems and Prospects of Kashmiri Handicrafts: An Empirical Evaluation  312-329
Chapter 10: Conclusion and Suggestions  330-355
Bibliography i-xxi
Annexures
Annexure I Questionnaire
Annexure II Interview Schedule