

Legal Reasoning Questions for CLAT | QB Set 17

Geographical Indications (GI) are a form of intellectual property that protects products linked to specific geographical regions, reflecting the unique qualities and reputation derived from their place of origin. GIs serve as a marker of authenticity, ensuring consumers receive genuine products with distinct characteristics rooted in the region's natural environment and traditional practices. This helps maintain the cultural heritage and economic value associated with these products.

A Geographical Indication is used to identify goods originating from a specific area, where their unique attributes, such as taste, craftsmanship, or design, are closely connected to the location. For example, Darjeeling Tea, known for its distinct flavour, owes its characteristics to the Himalayan climate and geography. GIs are not only a symbol of quality but also an important aspect of the region's cultural identity, preserving centuries-old traditions and practices.

Protection of GIs is vital to prevent the misuse or fraudulent imitation of these products. In India, the Geographical Indications of Goods (Registration and Protection) Act, 1999 safeguards the rights of producers by legally protecting registered GIs from being used without permission. International treaties like the TRIPS Agreement also provide frameworks for GI protection globally. This legal framework ensures that only products meeting the specific criteria of the geographical region can be sold under the protected name.

Questions

Question 1:

A group of farmers in a particular region grows a unique variety of mangoes with specific characteristics, such as taste and aroma, that are tied to the region's soil and climate. They want to prevent others from falsely marketing mangoes grown elsewhere as the same variety.

What type of Intellectual Property protection should the farmers seek?

- (a) Patent protection
- (b) Trademark protection

- (c) Geographical Indication protection
- (d) Copyright protection

Question 2:

A company starts selling tea under the label "Darjeeling Tea," but the tea is actually grown outside the Darjeeling region. The original producers of Darjeeling Tea seek to take legal action to protect the authenticity of their product.

Under which law can the original producers of Darjeeling Tea protect their product?

- (a) The Patents Act
- (b) The Copyright Act
- (c) The Trademarks Act
- (d) The Geographical Indications of Goods Act

Question 3:

A local craft made in Lucknow, known as Lucknow Chikan Craft, receives widespread recognition for its intricate embroidery. Another company starts selling machine-made textiles under the same name.

What action can the local artisans take to protect their traditional craft?

- (a) File a patent application to protect their craft.
- (b) Register a Geographical Indication to prevent others from using the name for machine-made products.
- (c) Seek trademark protection for the name "Lucknow Chikan Craft."
- (d) File a copyright claim to protect the patterns of the embroidery.

Question 4:

A retailer sells a product labeled as "Basmati Rice," but it does not meet the quality standards and region-specific characteristics associated with authentic Basmati Rice.

What protection does the term "Basmati Rice" have, and what action can be taken against the retailer?

- (a) The retailer can be stopped under Geographical Indication laws for selling a product that does not meet the authentic standards.
- (b) The retailer can be sued for patent infringement.

- (c) The retailer can continue selling the rice as long as it is labeled correctly, regardless of its origin.
- (d) The retailer must license the name "Basmati" from the trademark holder.

Question 5:

A well-known brand of whisky called "Scotch" is being produced and sold in a country outside Scotland, but it uses the name "Scotch" on its labels. The Scotch Whisky Association files a complaint.

Why is this an issue under Geographical Indication law?

- (a) Because Scotch is patented and cannot be produced outside Scotland.
- (b) Because "Scotch" is a registered trademark in Scotland.
- (c) Because "Scotch" is a protected Geographical Indication, and only whisky produced in Scotland under specific regulations can use the name.
- (d) Because the recipe for Scotch whisky is copyrighted.

Answers & Explanations**Answer to Question 1:**

Correct Option: (c) Geographical Indication protection

Explanation: The farmers should seek Geographical Indication protection as the unique characteristics of the mangoes are tied to the specific region's soil and climate. GI protection will prevent others from falsely marketing mangoes grown elsewhere as the same variety.

Answer to Question 2:

Correct Option: (d) The Geographical Indications of Goods Act

Explanation: Darjeeling Tea is protected under the Geographical Indications of Goods Act, which ensures that only tea grown in the Darjeeling region can be marketed as "Darjeeling Tea."

Answer to Question 3:

Correct Option: (b) Register a Geographical Indication to prevent others from using the name for machine-made products.

Explanation: Registering a Geographical Indication for "Lucknow Chikan Craft" will prevent

others from falsely using the name for products not made in the traditional manner in the Lucknow region.

Answer to Question 4:

Correct Option: (b) The retailer can be stopped under Geographical Indication laws for selling a product that does not meet the authentic standards.

Explanation: Basmati Rice is protected as a Geographical Indication. The retailer can be prevented from selling rice falsely labeled as "Basmati" if it does not meet the authentic quality and region-specific standards.

Answer to Question 5:

Correct Option: (c) Because "Scotch" is a protected Geographical Indication, and only whisky produced in Scotland under specific regulations can use the name.

Explanation: "Scotch" is a protected Geographical Indication, meaning only whisky produced in Scotland under strict guidelines can be labeled as "Scotch." Using the name for whisky produced elsewhere is a violation of GI law.