



PRESERVING CULTURAL HERITAGE THROUGH GEOGRAPHICAL INDICATIONS: SAFEGUARDING INDIGENOUS TRADITIONS IN A GLOBALIZED WORLD

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Abstract:

This article delves into the critical imperative of safeguarding the rich tapestry of indigenous people's local traditions, encompassing their cherished customary practices, values, and ethics, and its intrinsic connection to their cultural identity. In an era characterized by rapid globalization and technological advancement, preserving these time-honored traditions has become an increasingly vital undertaking. Geographical indications (GIs) emerge as a compelling solution, heralding a paradigm shift in the realm of cultural preservation. By bestowing legal protection upon products that bear a unique geographic origin and possess qualities or characteristics intrinsic to that locale, GIs stand as a formidable fortress against the encroaching tide of homogenization. Illustrating the profound impact of GIs, the article draws upon emblematic exemplars like Pisa silk, renowned for its intricate craftsmanship, Swiss watches, a pinnacle of precision engineering, and Florida oranges, synonymous with lush, sun kissed groves. These hallmark instances underscore the role GIs play in shielding traditions and elevating them to the global stage. A compelling case study, the Roquefort cheese, is explored in detail. Its distinctive sharp, tangy, and salty flavors, combined with a sumptuous creamy texture, owe their uniqueness to the bacterium 'Penicillium roqueforti,' thriving exclusively within the caves of southern France's Toulouse region. The confluence of the humid atmosphere, the indigenous bacterium, and the use of rich sheep's milk encapsulates the essence of GI protection. This safeguards not just a product but an entire ecosystem of cultural practices, ensuring that future generations can relish the historical continuity embedded within each delectable bite.

Keywords:

Local tradition, geographical indication, Cultural Identity, Roquefort cheese, globalized world.

i. Introduction

In the face of rapid globalization and technological advancement, preserving the time-honoured traditions has become increasingly crucial. Preserving indigenous traditions in a globalized world is of immense significance for several reasons, encompassing cultural, social, environmental, and ethical aspects. Indigenous traditions represent a diverse range of cultures, languages, rituals, and customs that have evolved over centuries. Preserving these traditions helps maintain the world's cultural richness and diversity, contributing to a global mosaic of

human heritage. It also provide a sense of identity and belonging for indigenous communities and promotes, among the members of these communities, a strong connection to their roots, history, and ancestors, this can contribute to social cohesion and a sense of unity in the society. Many indigenous traditions are deeply rooted in sustainable and environment friendly practices. Hence preserving these practices are crucial for promoting sustainable development and environmental protection also. In a rapidly globalizing world, preserving indigenous traditions allows for a balance between modernization and cultural continuity. It enables societies to embrace progress while valuing and integrating the wisdom and practices of their ancestors.

ii. Globalization and Technological Advancements: Impact on Cultural Identity.

The erosion of cultural identity due to rapid globalization and technological advancements is a significant concern that impacts societies around the world.¹ This phenomenon is characterized by the loss or dilution of unique cultural practices, languages, beliefs, and traditions as a result of increased global interactions, modernization, and exposure to external influences.

One such issue is Cultural Homogenization, ie, globalization can lead to a dominant global culture, often influenced by Western values, lifestyles, and consumerism. This can overshadow diverse local cultures and contribute to the standardization of behavior, preferences, and practices worldwide. Similarly, the language Shift and loss, as dominant languages, often associated with economically powerful nations, become more prevalent through globalization, local languages can be marginalized and endangered. Language loss contributes to a decline in unique cultural perspectives and expressions.

Globalization promotes a consumer-driven culture, emphasizing materialistic values and consumption patterns. This shift can lead to a devaluation of traditional values that prioritize community, spirituality, and sustainable practices. As modern technologies and industries dominate, traditional skills and knowledge may be deemed less relevant or practical, resulting in a decline in the transfer of these skills to younger generations.

Globalization also presents significant challenges for protecting local traditions in terms of Intellectual Property Concerns. Traditional knowledge and practices may be vulnerable to exploitation or misappropriation by external entities through patents, trademarks, or copyrights, reducing the control and ownership of the local community over their heritage. In 1995, the US Patent and Trademark Office issued a patent, granting the University of Mississippi Medical Centre exclusive rights for using powdered turmeric to accelerate wound healing.² The Council of Scientific and Industrial Research of India challenged this patent in October 1996, arguing that it lacked novelty as the use of turmeric for wound healing was part of prior knowledge, supported by Indian

¹Ruchi pant, "protecting and promoting traditions knowledge in India", IIED, no 7 (2015).

² R A Mashelkar, *Intellectual Property Rights and the Third World*, Journal of Intellectual Property Rights Vol 7, July 2002, pp 308-323

publications. In August 1997, the US PTO rejected the patent.³ This case emphasizes the importance of implementing more efficient mechanisms to safeguard traditional knowledge and local traditions amidst the process of globalization.

Balancing the benefits of globalization with the preservation of cultural identities is crucial for fostering a more inclusive and harmonious world. The preservation of indigenous traditions is vital to maintaining the unique cultural identities of indigenous peoples. Indigenous traditions are at the core of the cultural identity of indigenous communities. These traditions encompass a wide array of elements, including language, spirituality, ceremonies, art, folklore, land use practices, traditional knowledge, and social structures. They define how indigenous communities perceive themselves, their place in the world, and their relationships with the environment and one another. When these traditions are preserved and passed down through generations, they reinforce a sense of belonging and pride within the community. Cultural continuity ensures that individuals identify with their roots, ancestors, and the values that define their community. The preservation of indigenous traditions is intricately linked to the preservation of cultural identity, which is central to the well-being, resilience, and empowerment of indigenous communities. It is a crucial step toward fostering understanding, respect, and appreciation for the diversity that enriches our world. Preserving and respecting these traditions not only enriches human diversity but also offers valuable insights into sustainable practices, interconnectedness, and the importance of respecting and living in harmony with the natural world.

iii. Leveraging Geographical Indications (GIs) for the Preservation of Heritage and Traditions: An Artful Approach

Geographical indications pertain to agricultural, natural, or manufactured goods that are linked to a specific country, territory, region, or locality.⁴ These indications highlight the origin and unique qualities of the goods, such as distinct quality, reputation, or characteristics, which are primarily attributed to their geographical source.⁵ In the case of manufactured goods, at least one stage of production, processing, or preparation occurs in the specified territory, region, or locality, contributing to the goods' association with that particular geographic area.⁶ Geographical indications can elevate the commercial worth of various natural, traditional, and artisanal products when their unique features can be traced back to their geographical source. The geographical indications limits or pertains to a specific area, which is collective right by nature and implies that people pertaining to that region can use the indication in the way which doesn't violates or infringes the producer of that products.⁷ Goods

³David R. Downes, *How Intellectual Property Could Be a Tool to Protect Traditional Knowledge*, HeinOnline -- 25 Colum. J. Envtl. L. 253 2000.

⁴Sec. 2(9), Geographical Indications (registration and protection) Act, 2013

⁵Ibid

⁶Ibid

⁷Cerkia Bramley, EsteelleBienable and Johann Kirsten, "geographical indications: towards a conceptual framework for geographical indication research in developing countries", *THE ECONOMICS OF INTELLECTUAL PROPERTY* (2009), pages 109-137.

that are protected must originate in the region, to which they are associated.⁸ Geographical indications can result in economic benefits for producers employing traditional techniques in the region where the product has historically been made.⁹ Frequently, these goods are crafted using traditional methods and expertise of one or multiple communities within a specific region. Geographical indications can provide enhanced protection for the economic interests of these communities that hold such traditional knowledge.¹⁰ The case of Basmati rice is a significant example. In 1997, the US Patent Office granted patents for three new rice strains that could be marketed as "Basmati," a term associated with a specific type of rice characterized by its long grains and aromatic nature, traditionally linked to the Punjab plains. Subsequently, in 1998, the US Rice Federation argued that "Basmati" was a generic term referring to a distinct aromatic rice variety.¹¹ Responding to this, civil society groups from the US and India collaborated to file a petition, urging to restrict the use of the term "Basmati" in advertising US-grown rice. However, in May 2001, the US Department of Agriculture and the US Federal Trade Commission dismissed the petition, considering "Basmati" as a generic term and asserting that labeling rice as "American-grown Basmati" was not misleading.¹² In the face of protests from India and Pakistan regarding the use of the term "Basmati," the US patent office eventually revoked the rights of the patent holder to use the generic name "Basmati." The rice strains were then only allowed to be marketed under names like "Texmati" or any other name that clearly indicated the rice's origin was not the Punjab region.¹³

Various courts worldwide have recognized the connection between traditional knowledge and geographical indications. Many developing nations have come to realize the potential of the geographical indications system in safeguarding specific traditional knowledge.¹⁴ From the traditional knowledge standpoint, geographical indications hold particular significance for several reasons. Firstly, they distinctly stand out from other forms of intellectual property rights by having a collective scope. Secondly, unlike the patent system, geographical indications do not require novelty tests.¹⁵ In essence, they can be employed to safeguard traditional products, given that the distinct attributes of these products can be linked to a precise geographical source. Moreover, the inability to transfer geographical indications beyond their protected region is a significant benefit concerning traditional knowledge.¹⁶ Therefore Geographical indications, trademarks, or similar sui generis approaches can serve as valuable tools for indigenous and local communities aiming to derive economic benefits from their traditional knowledge or aiming to prevent its inappropriate commercial exploitation by external parties.¹⁷

⁸ Dr. Kariyana k. S., "*A study on geographical Indication as a tool of protection of traditional knowledge*", IJIRT volume 8, no 299 (2021)

⁹ Johann. F. Kirsten, "*Exploring the economic rationale for protecting geographical indicators in agriculture*", volume 46, no 1 (2007).

¹⁰ See Ashwathi T. M, "*Geographical indications in India: major issues and challenges*", no 27 (2020).

¹¹ See, Dr. Kariyanna K S, "*A Study on Geographical Indication as a tool of protection of Traditional Knowledge*", IJIRT, Vol8, Issue 5

¹² Ibid

¹³ Ibid

¹⁴ Supra n (3)

¹⁵ See, ibid

¹⁶ Tarunika and tamilselvi, "*Traditional knowledge and patent issues in India*", volume 119No. 17, (2018)

¹⁷ Supra n (1)

iv. GIs in Practice: Emblematic Examples

Geographical Indications (GIs) serve a vital role in safeguarding and promoting the unique qualities and excellence of products linked to specific geographic regions. By establishing a connection between a product and its geographical roots, GIs provide consumers with a guarantee of authenticity while allowing producers to leverage the esteemed reputation and inherent features associated with that particular locale. The utilization of GIs has been widespread, effectively preserving the distinct identity, cultural heritage, and economic interests of various products based on their geographic origins.

The case of Roquefort Cheese serves as a prominent illustration, Roquefort cheese, renowned for its distinctive blue hue and salty flavor, stands as one of the most illustrious cheeses. In the country of France, particularly within the domain of cheese production, *Penicillium roqueforti*, holds significant importance. Tracing its origins back 3,500 years, the Roquefort cheese has an intriguing legend associated with its inception. According to folklore, a young shepherd inadvertently left his meal of bread and white cheese in a cave. Upon his return, he discovered that the mold that had formed on the bread had extended to the cheese, giving birth to Roquefort cheese.¹⁸ The Roquefort village is nestled in the foothills of the southern region of Parc Naturel Regional des Grands Causes, specifically at the hill of Rocher de Combalou. In 1411, King Charles VI granted aging rights for Roquefort cheese to the village of Roquefort-sur-Soulzon.¹⁹ Roquefort cheese holds Geographical Indication protection due to the unique weather conditions characterized by a humid and cool atmosphere that supports the growth of the "*Penicillium Roqueforti*" fungi. This growth and maturation occur within the caves of Rocher de Combalou.²⁰ The matured fungi give the cheese its characteristic blue stains, enhancing its salty taste. Subsequently, locally sourced sheep's ewe milk is utilized for cheese preparation, collected from the region near the caves where the fungi mature. The sheep's milk possesses a creamy texture, pure white color, and is rich in essential vitamins, minerals, and proteins. The sheep graze freely on bushes, grasses, and flowers, ensuring the milk's richness and thickness. The milk is collected fresh daily and cannot be stored for more than 24 hours.²¹

Other notable examples are Pisa silk, Swiss watches, and Florida oranges, Pisa silk, for instance, signifies a specific type of silk or silk fabric traditionally crafted in the historic city of Pisa, Italy. Renowned for its smooth texture, subtle sheen, and exceptional durability, Pisa silk production predominantly involves age-old techniques and craftsmanship passed down through generations. On the other hand, Swiss watches epitomize precision, artistry, and superior quality, manufactured exclusively in Switzerland. Admired for their accuracy, innovative designs, and utilization of high-grade materials, Swiss watches reflect a rich horological heritage that distinguishes them in the global market. In a similar vein, Florida oranges denote oranges cultivated in the state

¹⁸ Julien Frayssignes, "*system N : roquefort cheese (France)*", edited by Elizabeth Barham and Bertil Sylvander published by CABI (pages. 177-183) (2011).

¹⁹ Elizabeth verky, "*intellectual property law and practice*", foreword by justice Thottahil B. Radhakrishnan, published by eastern book company (2015)

²⁰ Ibid at 18

²¹ See, *Supra* n (18)

of Florida, USA, characterized by their distinct flavor profile, sweetness, and exceptional quality. These oranges are celebrated for their juiciness, vibrant hue, and a well-balanced fusion of sweet and tangy flavors, shaped by the region's unique climate and soil composition.

These cases underscore the vital role Geographical Indication plays in the conservation of local traditions, beyond safeguarding the products, GIs serve as custodians of an intricate ecosystem, cultural practices and local traditions.

v. Conclusion

In a rapidly globalizing world where cultural erosion is a pressing concern, preserving indigenous traditions has become paramount. These traditions encompass a rich tapestry of languages, rituals, and customs that have evolved over centuries, contributing to the world's cultural richness and diversity. They also provide a sense of identity and belonging for indigenous communities, fostering social cohesion and unity. Many of these traditions are rooted in sustainable and environment friendly practices, making their preservation vital for promoting sustainable development and protecting the environment.

Geographical Indications (GIs) serve as a powerful tool in preserving and promoting the authenticity of products deeply intertwined with their geographic origins. By linking a product to its specific region, GIs not only protect the product itself but also safeguard an entire ecosystem of cultural practices and local traditions. Notable examples like Roquefort cheese, Pisa silk, Swiss watches, and Florida oranges highlight how GIs uphold the essence of traditional craftsmanship and heritage, ensuring economic benefits for the communities involved.

In conclusion, the interplay between globalization, cultural preservation, and Geographical Indications is crucial in striking a balance between progress and heritage. Respecting and valuing indigenous traditions not only enrich human diversity but also imparts wisdom on sustainable practices and the significance of living in harmony with the natural world. GIs stand as a beacon, protecting the tapestry of traditions that define our world and contributing to a more inclusive and harmonious global society.

vi. References

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