

## Legal Protection of Geographical Indications in Jammu and Kashmir—A Case Study of Kashmiri Handicrafts\*

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*Received 14 February 2010, revised 3 May 2010*

The location of the State of Jammu and Kashmir represents a confluence where East, West, Central and South Asia meet which has provided an opportunity for the convergence of Hellenistic, Sinic, Iranian and Indian thought and culture. The geographical location of the valley of Kashmir has made it an ideal location for handicrafts because local people prefer to stay indoors due to long winters.

This paper discusses different geographical indications which could be considered for registration in the light of statistical figures of revenue generated by such handicrafts. It also discusses lack of adequate governmental support to mobilize local human resource to take up handicrafts on professional lines for self employment which could ease the burden on the government resources to provide jobs to educated youth which is a perennial problem for the State of Jammu and Kashmir due to the lack of investment by the corporate sector and income generating units in the State. The paper points out some loopholes in the GI Act which could impede registration of geographical indications or could unjustly help traders of geographical indications to exploit ignorance of its true owners. It has been also argued that the traditional knowledge relating to handicrafts which is left un-protected should be protected by some *sui generis* system to suit the needs of the local craftsmen.

**Keywords:** Geographical indication, Kashmiri heritage, Amlikar shawl, walnut wood carving, Papier Mache, Khatambandh, Namdha felt, Pinjarakari, silk and woollen carpets

The protection of Geographical Indications (GI) has, over the years, emerged as one of the most contentious intellectual property right issue in the realm of the WTO. It is an issue, which is still generating significant controversies, the outcome of which involves enormous significance for a country like India, which has in its possession a number of world renowned GIs including Darjeeling tea, Coorg orange, Kashmiri *Kani*, *Pashmina* and many more.

Although, an effective protection for GIs is of considerable importance for a country like India which is richly endowed with natural and agricultural products, there was no separate legislation on GIs until the enactment of the Geographical Indications of Goods (Registration and Protection) Act, 1999 (hereinafter referred to as the GI Act). This Act came into force with effect from 15 September 2003. The GI Act was enacted as a part of the exercise in the country to set in place national IPR laws in compliance with India's obligation under the TRIPS Agreement. The Central Government

has established the GI Registry with all India jurisdictions at Chennai, where the right-holders can register their respective GI.

### Heritage of Kashmir

The people of Kashmir rose to great heights of art, culture and economic prosperity primarily when the influences came from outside rather than from within.<sup>1</sup> Kashmir is home to numerous artifacts in which shawls, woodcraft products<sup>2</sup>, *Papier Mache* products<sup>3</sup>, scarves, stoles, silk sarees, Khatambandh<sup>4</sup>, hand-knotted carpet, Sozni embroidered crafts<sup>5</sup> are worth mentioning.

Documents produced by UNCTAD, WTO and UNESCO have argued that crafts form a substantial part of a country's cultural heritage. Skills related to such crafts are affiliated to a community and must be protected in the areas of their origin. The economic argument spelt out in such documents is that when crafts are copied or exported without the consent of crafts people, they are deprived of earnings that are rightfully theirs. Imitated crafts also give a bad name to the original crafts to the detriment of the economic validity of original craft activities.

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\*Paper presented in the National Seminar on Changing Dimensions of Intellectual Property Rights in Present Economic Perspective (6-7 February 2010) organized by the Faculty of Law, AMU, Aligarh.

### Government Initiative

Kashmiri producers of handicrafts have often complained that outside imitations of original handicraft items of Kashmir undermine the real handicrafts of Kashmir thereby threatening the entire traditional handicraft industry including livelihood and highly developed skills. They sought the establishment of some mechanism to prevent destruction of a heritage that distinguishes Kashmir within India and around the globe.<sup>6</sup>

Keeping this in view, the Prasad Committee recommended that measures should be taken for 'promoting handicraft exports with Kashmir as a brand name including the possibility of applying GIs, encouraging exporters to adhere to quality standard...'<sup>7</sup> The Committee's Report is expected to guide the State's action plan for promoting exports. The industries and commerce department has been made a nodal department for dealing with the impact of the WTO Agreements.

The sectors identified for export potential are handicrafts and carpet-making, sports goods, food processing, essential oils and honey, furniture, electronics and software, leather goods, gems and jewellery, pharmaceutical- based on herbs and bulk drugs, silk and other textiles, wool and Pashmina products, floriculture and wooden toys.

While the state has tremendous potential for exports, its share in the total exports of the country is poor, limited only to handicrafts and dry fruits. The Prasad Committee said in its report that Jammu & Kashmir can take advantage of the WTO Provisions.<sup>8</sup> The Committee underlined the fact that with the opening of economy and globalization, opportunities have multiplied and therefore, new WTO-compatible strategies with special initiatives to boost exports were required. Referring to the Special Economic Zone (SEZ) Schemes of the Government of India, the Report stated that J&K being a disadvantaged region, the existing SEZ Scheme should be modified to provide suitable benefits to the state.<sup>9</sup>

### Economic Value of Handicrafts of Kashmir

Crafts play a significant role in the economic growth of the State. According to official figures, the State annually exports handicrafts worth Rs 785 crores.<sup>10</sup> Most of the crafts are based on traditional materials, traditional knowledge and local skills. It makes good economic sense to protect them legally under the GI Act.

### Kashmir Crafts which are registered as GI

Among the craft items of Kashmir, the first item which has been registered as GI is Kashmir *Pashmina*. However, according to the Managing Director of the Jammu & Kashmir Handloom Corporation, the term *Pashmina* is still associated internationally with Nepal rather than Kashmir. A machine-made woollen product called Semi-*Pashmina* shawl is also sold, confusing the common public regarding the authenticity of a *Pashmina* shawl. *Pashmina* is also being machine-spun in Amritsar. China also launched pirated *Pashmina* shawls by imitating the Kashmiri brand. For a lay buyer, it is difficult to distinguish between the original and these types of proximate imitations.

Another type of unique shawl from Kashmir is the *Kani* shawl which has a distinct antiquity. It has enticed the aesthetic buds of the craft lovers since ages. The intricate patterns, splendid weaving and the exotic colours of this shawl have smitten its admirers across the globe. Application for registration of *Kani* shawl as GI was made by the Craft Development Institute (GI application number 51) and falls in Class 25 of the Fourth Schedule appended to the GI Act. Similar to *Pashmina* shawls, certain types of *Kani* shawls are also being woven on machines.

An application for registration of Kashmiri *Sozani* as a GI in part A of the Register was also made under Section 11(1) and Rule 23 of the GIs Act. The application no is 48 and the applicant was 'TAHAFUZ' which is a Registered Society for the protection of Kashmiri crafts.

Other crafts which have been put forth before GI Registry for registration include: (i) *Amlikar* shawl, (ii) walnut wood carving, (iii) *Papier Mache* products, (iv) *Khatambandh*, (v) *Namdha* felt (vi) *Pinjirakari*, and (vii) silk and woollen carpets.

(i) The *Amlikar* shawl is essentially a combination of two different traditional activities. The *Pashmina* plain shawl wearing craft activity and the fine needle craft called '*Sozani*'. The needle work is of an all over pattern using fine strands of silky yarn. The term '*Aml*' means 'worked upon' or to 'imitate'.

(ii) Walnut wood carving is generally identified as products made of walnut wood from Kashmir and further embellished with hand carving of traditional design and motifs by traditional carvers (*naqash*) from Kashmir. The walnut wood product is light weight in proportion to its strength with a pronounced swirl grain structure, even texture and unique colour.

Many of the products made in Kashmir are also produced in Saharanpur (UP) and other regions in India.<sup>11</sup> Besides being practiced in Kashmir, wood carving is also done in other parts of India, as they share common historical influences. Infact, the wood carving in Saharanpur has been greatly influenced by the migration of Persian and Kashmiri crafts personnel and wood workers during the post-Mughal period (1817).<sup>12</sup>

What differentiates the Kashmir walnut wood products is the nature of the material, its inherent texture and also the characteristic nature of the carving employed as an integral part of it. Saharanpur carving is done on *Shisham* wood, which has a darker colour than that of walnut and a different grain structure. The carving of Kashmiri walnut wood is more intricately done (also because of the workability in walnut as compared to *Shisham*), employing motifs depicting flora and fauna that are essentially unique to Kashmir.

Also unlike wood carvers in Saharanpur who make use of stencils in *Khakas* for drawing motif on the surface of the object, Kashmiri carvers are used to a free hand rendering of motifs and patterns learned over a period of time. When a Kashmiri *Naqash* is carving a circular pattern, he starts at one end and carves his way to the back to the same point but with perfect continuity in the motifs. This free hand rendering also provides space for individual artistic nuances even when depicting established motifs.<sup>12</sup>

(iii) *Papier Mache* products are generally made of light weight material like paper pulp, paper board or wood and further embellished with hand painting of traditional designs and motifs by traditional painters (*naqash*) from Kashmir. This is one of the most popular of crafts practised in Kashmir today. It represents a tradition of workmanship that dates back to the days of Zain-ul-Abidin.

The craft has over the centuries evolved into delicate ornamentation of a fantastic array of decorative and utility articles.

(iv) *Khatambandh* is the art of ceiling-making by fitting small pieces of wood (preferably walnut or Deodar wood) into each other in geometrical patterns. The wood is processed, cut into batons and panels and fixed in the ceiling in various floral and geometrical designs. Indeed a painstaking work, which once used to take months to finish a 10 feet by 10 feet ceiling. The uniqueness of this art is that when the ceiling is complete, it acquires a unique geometrical pattern.

With few or no nails used at all, the *Khatambandh* ceiling can easily be disassembled and re-assembled at another place. There are different theories and stories about the art of *Khatambandh* and its origin. Some say it was brought to Kashmir in 1541 by Mirza Hyder Tughlaq in Mughal times and some believe that *Khatambandh* was brought to Kashmir during the 14<sup>th</sup> century by famous saint Shah-i-Hamadan who visited the Himalayan valley along with many followers that also included *Khatambandh* artists from Iran. These artisans passed on this art to local Kashmiris.<sup>13</sup>

Earlier *Khatambandh* used to be the domain of shrines, palaces, houseboats and Royal houses but now every other person wants it for his house. There are more than 160 designs for the *Khatambandh* in Kashmir, but today's artists can only reproduce about 100. Artists have however, greatly compensated the lost designs with newer ones, where they experiment with mirror, colour combination and other things.

It was challenging to work with the group of *Khatambandh* artisans in Srinagar. This particular community of artisans is very closed and insecure with the fear that their craft will be copied and result in loss of their livelihood. Citing example of what happened to walnut wood carving furniture craft, where people from Saharanpur, UP started to replicate the designs and styles from Kashmir which affected the walnut wood carving furniture and accessories market. Products from Saharanpur were made of inferior *Shisham* wood much cheaper than walnut wood which affected the prices of the finished product. Common customers usually cannot differentiate between the quality of the product and most of the times prefer less expensive or cheaper products.<sup>13</sup>

There are about 500-700 odd *Khatambandh* artisans in Srinagar. They work in a group of 10-15 under a master craftsman and are trained to do certain processes involved in making of the components. Fir wood used in making of *Khatambandh* is very light as compared to other hard woods. Fir is coniferous and is most closely related to the cedars (*Cedrus deodara*). The raw material is available in long form. They are processed into two basic forms, one is long beading and second into panels. The beadings are used for making the *Gaz-pattis* and the panels are used for making posh or polygons.

(v) *Namdha* is traditionally processed woollen or wool plus cotton rugs with chain-stitched

embroidered patterns. Namdhas are colourful and traditionally have floral designs reminiscent of the flowers of the valley of Kashmir. Bold and vivid with traditional patterns of Kashmiri florals, these rugs make a warm, colourful and inexpensive floor covering and are also used as mattresses where the climate is cooler.

Originally, the plain *Namdha* rug came from Yarkand and then the art of chain stitch embroidery on *Namdha*, was started in Kashmir. *Namdha* is a non-woven rug that is produced by matting, pressing and fusing fibers together. Namdhas are opaque with floral embroidery done on them, and made into any two-dimensional shape, size or thickness. They are made by a process called wet felting, where the natural wool fiber is stimulated by friction and lubricated by moisture (usually soapy water), and the fibers move at 90° angle towards the friction source and then away again, in effect making little 'tacking stitches'.

In Kashmir, this craft was fully recognized in the year 1918 by Khwaja Garib Shah Ahmad of Nawab Bazaar, Srinagar. It was only during the Second World War that it got its impetus due to the rising demand of the rugs abroad as many people who came to Srinagar found *Namdha* to be an excellent handicraft product. There was a set back between 1947 and 1953 as the rise in demand was not fulfilled by the original producers and many inferior quality Namdhas were sold. Due to this unhealthy competition among producers, which led to further deterioration of quality, several European customer complaints were made to the then Prime Minister Sheikh Mohammad Abdullah about the mockery that the *Namdha* merchandise has caused. As a result, the Namdha Quality Control Act, 1953<sup>14</sup> was brought into existence. The Board of Namdha Quality Control consisted of felt makers and embroiders and the process continues but slightly in a different form. A Quality Control Division of the handicrafts has replaced the Board.<sup>15</sup>

(vi) The wood lattice work or *Pinjira* was generally used in windows and partitions in the prominent years of Islam as a veil screen for women as the religious beliefs prohibited them to be directly seen by the public. Like many crafts in Kashmir, *Pinjira* was also brought to the valley by Islamic teachers and artisans coming from Iraq in the 13<sup>th</sup> and the 14<sup>th</sup> century AD.

This craft's decorative splendour added to the Islamic architecture equally as done by the famous

domes and arches over the centuries. As an important feature, it appeared in nearly all the Islamic buildings, be it windows, partitions, balconies, *roshan dans* etc. It was made from a wide variety of materials like wood, bamboo, stone, marbles, bricks etc.

The *Pinjira* work of Kashmir is basically an intricate piece of *Jalli* made out of small pieces of wood held through various joints inside a frame and mostly in traditional practices without the use of glue. Pieces are fixed only using dowel joints, mortise, tenon joint and halved joint with very rare use of wooden screws for larger pieces. The pieces are so precisely made that they fit into each other perfectly. Though the pieces are not glued together, they stay in place and are quite strong and can stand huge pressures. They are fixed in their place due to the stress, strain, weight and force they exert on each other. An extra outer frame may also be used for further strength but traditionally made *Jalli* can stay together even without the use of such frames. Used as a veil screen for women, its design was such that it is see-through from inside the house but not see-through from outside. This is based on the fact that any *Jalli* can be seen through only when someone is standing close to it and would be difficult to see through from a distance. The precision and design of this lattice work was passed from one generation to another along with the knowledge of geometry and mathematics taught in Islam.

Geometry, calligraphy and vegetation are used as sources of ideas. Out of these, the artisans only used geometry as their knowledge of mathematics helped them to make many complex designs which could be tessellated.<sup>16</sup>

(vii) History of carpets can be traced to the earliest human civilization if taken into consideration in its crude form. The industry is a major foreign exchange earner for the state and provides employment to a large section of the society. In the wake of open market economy and globalization, this industry has the best chances of growth and development. The exporters have also got sufficient experience and are well acquainted with the advanced business trends. The involvement of the private entrepreneurs coupled with the best state interference is a healthy sign for this exchange earner industry. But the state has to come forward and create an atmosphere of entrepreneurship by way of holding annual large scale domestic exhibitions especially in the state, and throwing invitations to international dealers of the craft.<sup>17</sup>

It is true to say that hand-knotted carpets of Kashmir are perhaps the most coveted of textile weaves, because of its fineness and quality like Persian carpets. Basically, one of the floor coverings such as hand-knotted silk carpets (commonly known as *Rashmee-auth-Kaleenmor* or *Silki-auth Kaleen*) of Kashmir are known for their wealth of colours, shades and of course for their scenic splendour designers and craftsmen for the last thousands of years.

Kashmiri silk carpet is unique in the way that every single carpet is woven, based on graphic design (drawing) pattern. It is visualized by a designer through its corresponding *Talim*. The *Talim* is a coded script consisting of precise instructions which is to be strictly followed by the weaver during the weaving process. This coded script is in real form a weaver's technical language. This is something that Persian craftsmen do not know. They keep the design drawn on graph paper either in the warp of a carpet or in front of them. This is definitely one of the distinguishing features or uniqueness found in Kashmir carpet industry.

Thus, Kashmir is a treasure trove of traditional knowledge and hub of artisan's creativity. Traditional crafts of Kashmir involve special skill and registration of such craft goods as GIs will give a great boost to the economy of the state. However, in international fora like the WTO, developed countries often drive the agenda. Whereas, USA diverts the attention of WTO towards the intellectual property protection in the field of computer programs and other related activities, the European community is interested in the field of wines, spirits and value-added food products. Time is now ripe for the developing countries including India to bring the attention of world body towards protection of traditional knowledge in terms of GI because GI are described as intellectual property of the poor. Kashmiri artisans use their traditional knowledge which has evolved generation after generation and passed also through folklore. These crafts with this unique blend of traditional knowledge appeal to the aesthetic sense of purchasers and have achieved recognition throughout the world as 'Kashmiri brand' and thus deserve protection.

### Legal Hassles

TRIPS Agreement provides that unless a product is protected in its country of origin, there is no obligation on other WTO Members to offer reciprocal protection to such products in their own countries.

Technically, registration may be sought directly in other countries after informing the Indian Registry. Thus, the fundamental premise is that the GI Act facilitates registration of GI but a deeper analysis shows that crucial provisions lack harmony that may produce undesired results. This Act is not comprehensive enough to safeguard interest of the craftsmen. Surprisingly, the TRIPS Agreement which forms the basis for GI Act is much wider in scope. The GI Act is traditionally worded and the legislators have lost sight of crucial economic and employment incentives involved in the craft which this legislation attempts to safeguard not to talk of invaluable cultural heritage. To drive this point home, the following analysis of some of the legal provisions is attempted.

### Geographical Indications

The term GI has been defined as an indication which defines such goods as agricultural goods, natural goods or manufactured goods as originating goods or manufactured in the territory of a country, or a region or a locality in that country where a given quality, reputation or other characteristics of such goods is essentially attributed to its geographical origin.<sup>18</sup>

The above provision is based on Article 22 of the TRIPS Agreement. However, some expressions<sup>19</sup> have been added in the above definition that is not in Article 22. These expressions have not only unnecessarily constricted the scope but have brought this definition in conflict with the other provision of the enactment that defines the term goods. A plain reading of the above provision reveals that the term GI is confined to agricultural goods, natural goods or manufactured goods. This would not include handicrafts because these are neither agricultural goods nor natural goods nor manufactured goods. They are hand made goods. Though, one may argue that the term 'manufactured goods' would include handicrafts, it is not a correct exposition. The dictionary meaning of the word 'manufactured goods' is goods manufactured on large scale with the help of machinery. The fundamental argument of craftsmen in Kashmir is that their crafts are imitated in other parts of the country which are machine made and are passed on as Kashmiri brand. They demand protection of their crafts because they are hand made. The language used in Article 22<sup>20</sup> is flexible enough to include handicrafts. The ideal option was to adopt the language of Article 22 which would encompass handicrafts as well.

Besides, an explanation has been appended to Section 2(e) that has added to the worries of craftsmen. The explanation provides that the name of a country, region or locality cannot be registered as a GI.<sup>21</sup> This principle has been borrowed from the trademark jurisprudence which operates with a different scheme of things.<sup>22</sup> A trademark based on the name of a country, locality or region cannot be registered under the Trade Mark Act as no individual will be allowed to trade on any geographical name of the country or region. As against this, the GI Act allows to reap the benefits of GI which may include the geographical names as well.

The handicrafts of Kashmir cannot be identified by a layman unless they carry a Kashmiri tag. A *Pashmina* shawl or a carpet which is worth lakhs of rupees cannot be identified unless it is branded as Kashmiri *Pashmina* shawl or Kashmiri carpet. This explanation serves no purpose and has been incorporated without any apparent rationale. It is neither required under TRIPS nor is there any indirect reference made to such provision under TRIPS. Articles 22 and 23 of TRIPS do not prohibit registration of geographical names. Article 22 simply defines GI and enjoins the member states to provide legal means for interested parties to prevent the use of any means in the designation or presentation of a good that indicates or suggests that the goods in question originate in a geographical area other than the place of origin in a manner which misleads the public as to the geographical origin of the goods. Thus, the explanation attached to the above provision has been appended without serving any worthwhile purpose.

#### **Definition of Goods**

The GI Act has completely ignored the traditional definition of goods as provided in the Sale of Goods Act, 1930. The term 'goods' for the purposes of the GI Act means any agricultural, natural or manufactured goods or any goods of handicrafts or of industry and includes foodstuff. This definition of goods cannot be used interchangeably with the definition of the GI nor would it provide content to the definition of GI. There are a good number of judicial opinions<sup>23</sup> suggesting that when in relation to the same subject-matter, different words are used in the same statute, there is a presumption that they are not used in the same sense.

This definition of goods is not in harmony with the definition of GI which is unnecessarily narrow in scope. Handmade goods are not covered in the definition of GI.

#### **Registered Proprietor**

Registered proprietor in relation to a GI means any association of persons or producer or any organization for the time being entered in the register as the registered proprietor of the GI. The term 'producer' in relation to handicrafts means any person who makes such goods and includes any person who trades or deals in such production, exploitation, making or manufacturing, as the case may be, of the goods.<sup>24</sup>

The rural Kashmiri and inhabitants of economically backward pockets in urban areas are generally associated with different crafts. It is their labour and skill which is being reaped by the traders. They toil hard but receive less. It is their haplessness which is being exploited by the moneyed people who have access to global market. The artisans have kept these handicrafts tagged with GI alive. They should have been at the centre stage of any legal protection. The GI Act has accorded protection to the trader of these handicrafts which will prove to be a license for exploitation of grass root workers who give breath and blood to these crafts.

#### **Protection of Traditional Knowledge**

The different crafts in Kashmir are carried on professional lines by the inhabitants of particular area(s) generation after generations. These are based on skill, knowledge and experience. Some of the crafts are based on what in local language is known as *talim*. This *talim* is based on traditional knowledge and is a coded script which can be prepared by a trained professional and read by trained persons only. It consists of precise instructions that are to be strictly followed by the weaver during the weaving process. This coded script is in real form a weaver's technical language.

The *talim* cannot be accorded copyright protection as it is already in public domain and no individual is entitled to claim exclusive copyright protection over it. It cannot be protected under the Design Act as it does not satisfy the requirements of originality, novelty and no prior publication. This traditional knowledge needs protection and it is to be protected under the GI Act itself.

#### **Need for Wider Governmental Measures**

During the last more than 20 years, the State and Central Government agencies have imparted training to boys and girls of the Kanihama area with the hope that these trainees after the completion of the said courses could become *Kani* shawl weavers and will

not only have their source of living but would utilize their efforts for modernization and revival of *Kani* shawl weaving. Unfortunately, the dreams did not come true. Since these trainees were from poor families, they were not in a position to erect their own looms and bring warps for weaving. The result is that these boys and girls after receiving the training either elected other jobs or are sitting idle and waiting for some financial assistance.

The Jammu & Kashmir Handloom Development Department is running production centres in the area at present, but each is having a limited capacity of ten looms only. So they can accommodate 60 workers in all while as hundreds others are willing for the job of *Kani* shawl weaving.

Neither governmental nor non governmental initiative has been sufficient to carry on handicrafts in an organized way. The craftsmen need financial, infrastructural and technical support from the Government in addition to comprehensive legal support.

### Conclusion

The handicrafts of Kashmir represent Kashmiri heritage and pride. These handicrafts have economic as well as employment incentives. This has to be acknowledged by the Government of the day by providing infrastructural, financial and logistic support to the craftsmen. A large number of handicrafts in Kashmir can qualify and be registered as GI.

The GI Act facilitates registration of GI but creates hurdles also since the provisions of this Act lack harmony. This legislation is not comprehensive enough to safeguard the interest of the craftsmen and there is no provision to protect the traditional knowledge involved in the making of handicrafts. The Act is traditionally worded and legislators have lost sight of crucial economic and employment incentives involved in the craft which this legislation attempts to safeguard, not to talk of invaluable cultural heritage.

Further, the object of GI is multi fold. It not only protects GI of the country but also recognizes the rights of the communities. It has made GI marketable by recognizing monopoly rights over it. TRIPS has prescribed minimum standard of protection and states are free to adopt *sui generis* system to safe guard economic interest of its subjects. India should take the lead and provide protection to traditional knowledge instead of looking at other countries.

### References

- 1 Frank Ames, The Kashmir shawl and its Indo-French influence (The Antique Collector's Club Ltd, Woodbridge Suffolk), 1986, p. 16.
- 2 Woodcraft products in the present context invariably implies carved walnut wood material that abounds in Kashmir.
- 3 One of the most popular of crafts practiced in Kashmir. It is paper pulp used for molding into numerous craft items. It is literally 'chewed paper'.
- 4 *Khatambandh* is perhaps the oldest of the crafts introduced in Kashmir and has history that spans over ten centuries. It is an art of making ceiling by fitting small pieces of wood preferably Walnut or Deodar wood. The walls can also be decorated by this woodcraft.
- 5 *Sozni* embroidery is a fine needle work on various fabrics done by a Sozankar employing predominantly the *Sozni* stitch, Darn and Stem stitch using silk and viscose yarns.
- 6 Draft Report on Silk Carpets and Woollen Handicrafts (Carpets, Rugs and Shawls) made in Srinagar, Jammu & Kashmir, Project sponsored by Development Commissioner (Handicrafts) Ministry of Textile, Government of India prepared by Consultancy Development Centre (CDC) India, Habitat Centre Core-IV B, 2nd floor Lodi Road, New Delhi.
- 7 This committee was setup by the Department of Commerce, Ministry of Commerce and Industry, under the chairmanship of Dr H A C Prasad, Economic Adviser to Government of India.
- 8 The Report of the Committee on promotion of Exports from Jammu & Kashmir was released by Shri Omar Abdullah, the then Minister of State for Commerce and Industry. The report has recommended the setting up of an Export Development Fund, two Inland Container Depots (ICDS), an Air Cargo Complex, a Trade-cum-Exhibition Centre, Export Promotion Industrial Parks (EPIPs) among various other things to give a boost to exports from the State.
- 9 The Tribune Chandigarh, 5 April 2003, [www.Tribune.india.com/..J&K.htm](http://www.Tribune.india.com/..J&K.htm).
- 10 Rising Kashmir, 15 January 2009.
- 11 Furniture, carved utility articles, *Khatambandh* ceiling of inferior quality are also made in Saharanpur (UP).
- 12 Study on the protection of 'TK' with reference to Kashmir handicrafts, Vol. II: Amlikar Shawl, Walnut Wood Carving, Papier Mache, Silk Carpet, April 2006-June 2006 conducted by CDI, Srinagar, Sponsored by Development Commissioner (Handicrafts) Ministry of Textiles, Government of India.
- 13 *Khatambandh* by Sandeep Sangaru, *Integrated Design and Technical Development* Project in the area of *Khatambandh* Srinagar Kashmir, CDI Knowledge Management Centre, 2007-2008, p. 9, 19.
- 14 The Jammu and Kashmir Namdha Quality Control Act, 2010 (1953 AD), which is an Act to improve the trade and quality of Namdha in the state of Jammu and Kashmir to make certain regulations for the same.
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- 16 [www.cdigr.org](http://www.cdigr.org).
- 17 Matoo A M, Kashmir carpet-An appraisal', *Craft; A magazine devoted to arts and crafts of Jammu and Kashmir*, Directorate of Handicrafts, Govt of J&K, 1998, p. 10, 11.
- 18 Section 2(a)

- 19 For Instance, agricultural goods, natural goods or manufactured goods.
- 20 Article 22: Geographical Indications are, for the purposes of this agreement, indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.
- 21 Explanation: For the purposes of this clause, any name which is not the name of a country, region or locality of that country shall also be considered as the geographical indication if it related to a specific geographical area and is used upon or in relation to particular goods originating from that country, region or locality, as the case may be.
- 22 In *Imperial Tobacco Co v Registrar Trade Marks*, it was held that the geographical terms are words in common use, designate a locality, a country or a section of country which cannot be monopolized as trade marks, AIR 1977 Cal 413.
- 23 Member, Board of revenue. Arthur Paul Benthall, AIR 1956 SC 35,p.38 in this case the apex court opined that 'when two words of different import are used in a statute in two consecutive provisions, it would be difficult to maintain that they are used in the same sense; *CIT v East West Import & Export (P)Ltd*, Jaipur, AIR 1989 SC836,p.838; *B R Enterprises v State of UP*, AIR 1999 SC1867p.1902; *Shri Ishal Alloy Steel Ltd v Jayaswalas Neco Ltd*, JT 2001 (3) SC114,p.119( wherein the court said that the words 'a bank' and 'the bank' in section 138 of the NI Act do not have the same meaning; in *Kailash Nath Agarwal v Pradeshiya Indust and Inv Corp of UP*, 2003, AIR SCW 1358, the words 'proceeding' and 'suit' used in the same Section was construed differently; in *DLF. Qutab Enclave Complex Educational Charitable Trust v State of Haryana*, 2003AIR SCW 1046, p.1057, the expression 'at his own cost' and 'at its cost', used in one section was given different meanings.
- 24 Section 2( n) and Section 2(k).