10

Threads That Last

Geographical Indications for Textiles

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ABSTRACT

For traditional textiles, geographical indication (GI) protection offers improved brand visibility while insulating a hard-earned reputation against misuse. This form of IP has additional synergies with the shift towards more sustainable production and consumption in the global fashion industry. These textiles have conventionally used natural fibres, organic dyes and artisanal methods. They are also meant to be reused, unlike fast fashion. This chapter investigates this 'GI optimism', asking whether there are legal and institutional mechanisms to systematically reinforce sustainability commitments. It unpacks a recent regulatory reform in the EU, whereby the GI product specification can incorporate voluntary 'sustainability undertakings' by producer groups. The chapter concludes by observing that synergies between different aspects of sustainability should not be taken for granted, if GI law is to truly deliver on 'threads that last'.

10.1 Introduction

Harris tweed, Banaras silk saris and Kente cloth enjoy a considerable reputation, as traditional textiles feted for their quality and provenance. Geographical indications (GIs) offer a mode of place-based branding for

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such regional products. This form of intellectual property can help to shape a distinct brand identity and ensure better legal protection for their reputations. Once protected, the price premium derived from this reputation makes GI production potentially sustainable across three registers.[1] In socio-cultural terms, legal recognition as a GI can sustain the demand for heritage textile products, renewing important symbols of cultural identity, traditional production practices and local communities. In economic terms, improving market access can also support producer communities whose livelihood depends on these products, while facilitating closer collaboration within these communities. Where successful, this results in sustainable employment, often in rural or under-developed regions. Moreover, the GI approach, with its emphasis on local resources and artisanal methods, potentially avoids environmental sustainability criticisms targeting the mainstream fashion industry. GI protection may therefore align promisingly with the 'three pillars' model of sustainability: social, economic and environmental.[2]

GIs are an attractive option because the sustainability credentials of the global fashion industry are being scrutinised more closely than ever. Focusing primarily on environmental sustainability, this chapter critically assesses whether this 'GI optimism' is warranted, asking whether there are legal and institutional mechanisms to *systematically reinforce* sustainability commitments, focusing on recent legal reforms in the EU. Following this introduction, Section 10.2 outlines the basics of GI protection and describes how crafts and textiles are increasingly accommodated within this field of IP law. It then sets out why the sustainability crisis of global fashion might be an opportunity for traditional textiles,

[1] For a framework and indicators to assess sustainability in the agricultural products context, see Emilie Vandecandelaere et al, 'The Geographical Indication Pathway to Sustainability: A Framework to Assess and Monitor the Contributions of Geographical Indications to Sustainability through a Participatory Process' (2021) 13(14) *Sustainability* 7535 (hereafter Vandecandelaere et al, 'Geographical Indication'). See also Giovanni Belletti, Andrea Marescotti and Jean-Marc Touzard, 'Geographical Indications, Public Goods, and Sustainable Development: The Roles of Actors' Strategies and Public Policies' (2017) 98 *World Development* 45.

[2] Ben Purvis, Yong Mao and Darren Robinson, 'Three Pillars of Sustainability: In Search of Conceptual Origins' (2019) 14 *Sustainability Science* 681. The 'pillars' are also reconceived as intersecting circles in some of the literature, to suggest that they interact. However, even this set of approaches is premised on sustainable *growth*. The incompatibility of relentless GDP-oriented growth with the health of the biosphere, or with human wellbeing, has led to calls by heterodox economists for prosperity without growth: Giorgos Kallis, *Degrowth* (Agenda, 2018); Tim Jackson, *Prosperity without Growth: Economics for a Finite Planet* (Routledge, 2nd edn, 2016).

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which are territorially embedded. Section 10.3 unpacks a recent regulatory experiment in the EU, which will allow the product specification, describing how and where GI products can be made, to accommodate voluntary 'sustainability undertakings' by producer groups. However, sustainability is being emphasised in different ways in EU GI policy. While the agricultural GI regime embraces the social, economic and environmental dimensions of sustainability, the crafts and textiles regime prioritises economic sustainability, given the relatively small-scale nature of production. This is an oversight, since commercial pressures can lead to adaptations that are justified in economic terms but have significantly detrimental environmental consequences. Section 10.4 briefly concludes by observing that synergies between different aspects of sustainability should not be taken for granted in GI law and policy, if it is to truly deliver on 'threads that last'.

10.2 GIs: The Hope

10.2.1 What Are GIs?

Like trademarks, GIs are signs that convey information about products to consumers and can function as valuable brands. Article 22.1 of the TRIPS Agreement[3] describes them as '*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*' (emphasis added). Prominent examples include Champagne, Bordeaux and Prosecco for wine, Café de Colombia for coffee, Darjeeling for tea, Roquefort for cheese and Parma for ham. GI protection is therefore concerned with preventing unauthorised uses of such signs, which may either cause harm to their communicative functions – for example, by misleading consumers about provenance – or misappropriate their brand image. Notably, these regimes protect signs but do not protect the underlying production methods. Thus 'GIs are about what things can be called. They are about labelling, packaging and marketing. Nothing in GI rules prevents any producer anywhere from using the techniques specified as being associated with the GI name. But they may not use

[3] Marrakesh Agreement Establishing the World Trade Organization, opened for signature April 15, 1994, 1869 UNTS 299, 33 ILM 1197 (signed April 15, 1994) Annex 1C.

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the name to communicate the production techniques they have used'.[4] While Champagne is a protected term in many jurisdictions, the *méthode champenoise* has been widely adopted by sparkling wine producers around the world.

Despite this shared commitment to the protection of signs, four features set GIs apart from trademarks.[5] First, as per the TRIPS definition in Art 22.1, GIs indicate geographical origin (a place) as opposed to trade origin (commercial source) for a product. Second, all producers from within the region of origin who follow the established production methods are invested in their use. This gives rise to co-ordination issues around product definition and a collective interest in any ensuing reputation.[6] Third, in order to qualify as a GI, producers must demonstrate – in a causally verifiable manner – that the product in question owes its qualities or reputation to the region of origin. In this regard, wine is the archetypal subject matter with *terroir* providing the causal explanation for the distinctive quality or typicity (*typicité*) of wine.[7] However, as we will see immediately below, crafts and textiles cannot be linked to a place in the same way that grapes anchor wines to geologically and climatically defined regions. Fourth, there needs to be a consensus around the underlying product that is referenced by the sign. If a GI is promising something about a product to consumers, we need to be clear about the content of this promise. Sui generis protection systems for GIs usually require an application to be made to a public registrar.[8] At the core of this application is the product specification, also referred to as the qualification document or *cahier des charges*. A crucial part of legally defining a GI is therefore a detailed product description, emphasising its distinctive

[4] Hazel Moir, 'Geographical Indications: An Assessment of EU Treaty Demands' in Annmarie Elijah et al (eds) *Australia, the European Union and the New Trade Agenda* (Australian National University Press, 2017) 122.

[5] For an overview of legal features and forms of GI protection, see Michael Blakeney, *The Protection of Geographical Indications: Law and Practice* (Edward Elgar, 2nd edn, 2019).

[6] Xiomara F Quiñones-Ruiz, et al, 'Why Early Collective Action Pays Off: Evidence from Setting Protected Geographical Indications' (2017) 32(2) *Renewable Agriculture and Food Systems* 179.

[7] Alessandro Stanziani, 'Wine Reputation and Quality Controls: The Origin of the AOCs in 19th Century France' (2004) 18 *European Journal of Law and Economics* 149; Percy H Dougherty (ed), *The Geography of Wine: Regions, Terroir and Technique* (Springer, 2012).

[8] Dev S Gangjee, '*Sui Generis* or Independent Geographical Indications Protection' in Irene Calboli and Jane C Ginsburg (eds), *The Cambridge Handbook of International and Comparative Trade Mark Law* (Cambridge University Press, 2020) 256 (hereafter Gangjee, '*Sui Generis*').

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qualities that set it apart from similar products – what makes *this particular* handwoven fabric different from others?[9] These differentiating features which characterise the product should then be causally linked back to the region of origin in verifiable ways:

> [The application] should demonstrate in what way the product's characteristics are due to the geographical area and what the natural, human and other elements are which give its specificity to the product . . .. [It] must describe the specificities of the product and of the geographical area which produces or influences these factors, and how these two are linked. This is the 'link' between the geographical area and the quality of the product. The description must also underline in what way the methods of production for the product are superior to others and contribute to its specific and distinctive character.[10]

This link between product and place distinguishes GIs as a form of intellectual property. Formal examination by a public registrar serves to certify this nexus.

One further clarification is helpful at this stage. In the case of a traditional textile, when can its quality, reputation or characteristic features be 'essentially attributable' to its geographical origin? For such products, a combination of natural and human factors usually influences the end result. Natural factors include the sourcing of raw materials from within the defined region. Examples include the conical hats from Hué in Vietnam, prepared from a local variety of leaves,[11] or the fleece of the mountainous goat breed Capra Hiracus for making Kashmiri Pashmina shawls from India.[12] Pashmina is a down fibre or under coat derived from this native breed, which lives at high Himalayan altitudes with

[9] For an overview of the specification and other registration requirements when applying for a GI, see World Intellectual Property Organization (WIPO), *Compilation of the Replies to Questionnaire I on the National and Regional Systems that can Provide a Certain Protection to Geographical Indications*, SCT/40/5 (2019) Annex 104-115 (hereafter WIPO, *Compilation*).

[10] See, in the context of Agricultural GIs, 'Guide to Applicants – How to Compile the Single Document', *European Commission* (July 6, 2023) <https://agriculture.ec.europa.eu/system/files/2023-07/guide-to-applicants-of-single-document_en.pdf>.

[11] Barbara Pick, Delphine Marie-Vivien and Dong Bui Kim, 'The Use of Geographical Indications in Vietnam: A Promising Tool for Socioeconomic Development?' in Irene Calboli and Ng-Loy Wee Loon (eds), *Geographical Indications at the Crossroads of Trade, Development, and Culture: Focus on Asia-Pacific* (Cambridge University Press, 2017) 305.

[12] Yaseer Ahmad Mir and Mushtaq Ahmad Darzi, 'Kashmir Pashmina: A Journey of Standardization through Geographical Indication' (2017) 3(5) *International Journal of Applied Research* 1.

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severe winter temperatures. The resulting fabric is renowned for its fineness and warmth. Human factors refer to the practical skills and inter-generational, collectively transmitted know-how crucial to the manufacture of such textiles.[13] Delphine Marie-Viven describes the skill involved in the production of Kancheepuram silk saris, woven in the famous temple town of Kanchipuram in Southern India:

> The method of production is characterized by the use of thick silk yarn which gives it its heavy weight and bright colours as well as by the use of two extra shuttles on each side of the loom, besides the shuttle used for the main body of the sari, to weave the borders in contrasting colors. The reputation of Kancheepuram saris also lies in the use of silver, gold and red silk threads known as 'zari'. It is generally accepted that counterfeit Kancheepuram saris are made of thinner silk yarn and have only one border and do not contain gold. The method of production includes dressing the yarn, sizing, the degumming of the yarn, including the number of times it is rinsed and the time required to do so, as well as a meticulously detailed dyeing process.[14]

However, in many cases it may *only* be human factors that link a product to a specific region, with raw materials being drawn from a wider catchment area. Even in such situations, producers' skills will have evolved through interactions with local environmental features or localised socio-economic circumstances. While artisans can migrate with their skills, the knowhow associated with such famous regional products has usually been shaped by its geographical context (e.g., climatic conditions favouring light, porous fabrics, or textile designs bearing motifs that have local religious or cultural significance).[15] Where these natural and/or human factors are responsible for the product's characteristic features and associated reputation over time, this aligns with the definitional requirements of Art 22.1 TRIPS.[16]

[13] European Commission, Green Paper: Making the Most out of Europe's Traditional Know-How: A Possible Extension of Geographical Indication Protection of the European Union to Non-Agricultural Products, COM 469 (July 15, 2014)4 (hereafter European Commission, Green Paper).

[14] Delphine Marie-Vivien, 'Do Geographical Indications for Handicrafts Deserve a Special Regime? Insights from Worldwide Law and Practice' in William van Caenegem and Jen A Cleary (eds) *The Importance of Place: Geographical Indications as a Tool for Local and Regional Development* (Springer, 2017) 221, 231 (hereafter Marie-Vivien, 'Geographical Indications for Handicrafts').

[15] Ibid 243–244.

[16] Gangjee, '*Sui Generis*', above n 8, 36; Andrea Zappalaglio, Flavia Guerrieri and Suelen Carls, 'Sui Generis Geographical Indications for the Protection of Non-Agricultural

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Finally, the applicant group is required to submit inspection or verification criteria (which specific manufacturing processes, or product features, will be tested for compliance with the product specification) and additionally identify who will be responsible for ensuring compliance (frequently an unrelated third party with the necessary certification expertise).[17] Consequently, while the source indication function and brand dimensions of GIs overlap with trademarks, the collective interest in protection, geographical embeddedness and certification of the causal link set them apart.

10.2.2 GIs Protection for Traditional Textiles

GI protection seeks to preserve the ability of a sign to communicate the distinctive geographical origin and associated quality of a product. While the initial regimes originated in the context of guaranteeing the regional provenance of wines in France,[18] over time the subject matter categories have expanded. Today, GIs are registered around the world for wines, spirits, foodstuffs, agricultural produce and crafts.[19] Within the broad category of craft GIs one finds several examples of textiles as well as leather and jewellery products, which are of relevance for the fashion sector.[20]

Products in the EU: Can the Quality Schemes Fulfil the Task?' (2020) 51 *International Review of Intellectual Property and Competition Law* 31.

[17] European Union Intellectual Property Office, Protection and Control of Geographical Indications for Agricultural Products in the EU Member States, European Commission (December 2017) (hereafter European Union Intellectual Property Office, Protection and Control); Delphine Marie-Vivien and Isabelle Vagneron, 'One Size Fits all or Tailor-Made? Building Appropriate Certification Systems for Geographical Indications in Southeast Asia' (2017) 3(2) *World Food Policy* 105.

[18] On the historical evolution of GI protection, see Dev S Gangjee, *Relocating the Law of Geographical Indications* (Cambridge University Press, 2012); Andrea Zappalaglio, *The Transformation of EU Geographical Indications Law: The Present, Past and Future of the Origin Link* (Routledge, 2021).

[19] WIPO 'World Intellectual Property Indicators', World Intellectual Property Organisation (2022) 144 ('GIs in force relating to wines and spirits (51%) accounted for just over half of the 2021 global total, while agricultural products and foodstuffs accounted for 43.6% and handicrafts 3.9% of the total.').

[20] Case studies of textile GIs include Mohammad Ataul Karim and Mohammad Ershadul Karim, 'Protection of "Handicraft" as Geographical Indications under Municipal Law, TRIPS and BTAs vis-à-vis CETA: "Bangladeshi Jamdani" as Case Study' (2017) 7(1) *Queen Mary Journal of Intellectual Property* 49; Servjaeta Verma and Nandita Mishra, 'Recognition and Marketing Opportunities of a "GI" Tag in Handloom Product: A Study of Banaras Brocades and Sarees' (2018) 23 *Journal of Intellectual Property Rights* 101; Michelle Okyere and Janice Denoncourt, 'Protecting Ghana's Intellectual Property Rights in *Kente*

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The Organisation for an International Geographical Indications Network (oriGIn), a non-profit non-governmental organisation (NGO) advocating for better GI protection, maintains a searchable international compilation of GIs. This includes 381 textile-related protected GIs – including for brocades, silks, woollens, saris, cashmere, tweeds, embroidery work, block printed materials, tie-dyed fabrics, kimonos and shawls – from a range of countries.[21] The Lisbon Express database managed by WIPO contains 37 international registrations for textile products registered under the Lisbon System,[22] almost exclusively from the Czech Republic, France and Iran.[23] National GI registers in countries such as India and Thailand contain sizeable numbers of registrations for crafts, including textiles.[24] An in-depth study of Indian handloom GIs identifies 74 registrations as of 2021, since they are an important part of the informal economy, which nevertheless generates significant employment.[25] Several examples of traditional textiles are found across Latin America, including Colombia (Wayuu), Guatemala (Maya), Bolivia (Textileros de Cochabamba), El Salvador (San Sebastián) and Panama (Kuna).[26] In a significant development, the European Union has recently introduced a registration system for non-agricultural products, including extracted products such as marble, crafts and textiles, including lace and embroidered products.[27]

Textiles: The Case for Geographical Indications' (2021) 16(4–5) *Journal of Intellectual Property Law and Practice* 415(hereafter Okyere and Denoncourt, 'Protecting Ghana').

[21] 'Worldwide GI Compilation', Organization for an International Geographical Indications Network <https://www.origin-gi.com/worldwide-gi-compilation/>.

[22] The Lisbon System protects GIs across 72 countries, through international registration. It draws its membership from a combination of the original Lisbon Agreement, 1958, and the more recent Geneva Act of that Agreement, 2015. See 'Lisbon – The International System of Appellations of Origin and Geographical Indications', World Intellectual Property Organization <https://www.wipo.int/lisbon/en/>.

[23] 'Lisbon Express Structured Search', World Intellectual Property Organization <https://lisbon-express.wipo.int/struct-search> (using the search parameters: (*) AND (CAT/NONFOOD) AND (CAT/TEXTILE) AND (ST/false) AND (LISBON_ACT/Y) (GENEVA_ACT/Y)).

[24] Marie-Vivien, 'Geographical Indications for Handicrafts', above n 14, 222–223.

[25] Nidhi Buch and Hetvi Trivedi, *Geographical Indications of Indian Handlooms: Between Legal Right and Real Right* (Routledge, 2022) 3 (hereafter Buch and Trivedi, *Indian Handlooms*).

[26] Patricia Covarrubia, 'Geographical Indications of Traditional Handicrafts: A Cultural Element in a Predominantly Economic Activity' (2019) 50 *International Review of Intellectual Property and Competition Law* 441.

[27] Regulation (EU) 2023/2411 of the European Parliament and of the Council of October 18, 2023, on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 [2023] OJL 1/56.

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Once registered, GIs are protected against statutorily defined unauthorised uses. The widely shared intuition that counterfeits or fakes are undesirable can be further unpacked via the information efficiency hypothesis, which relates to the degree of information reflected in the prices of products in efficient markets.[28] Within mainstream neoclassical economics, consumers are characterised as utility maximising agents attempting to make optimal choices.[29] Rational decision-making is premised on the availability of sufficient information in the marketplace. However, GI products can be characterised as either experience goods or credence goods, whose quality cannot be easily verified by consumers prior to purchase ('How can I tell if this is a genuine Bordeaux wine?'). In these situations, sellers possess more information about the products than buyers, whereupon information asymmetry arises.[30] This informational imbalance could lead to familiar forms of market failure such as adverse selection and the ensuing 'market for lemons', driving quality downwards.[31] Reputation signals and the conveying of reliable information relating to product attributes are two methods of restoring informational efficiency. Public authorities intervene by establishing a legal regime that grants exclusive rights, thereby regulating who can legitimately use a sign for traditional

[28] Joseph E Stiglitz, 'Imperfect Information in the Product Market' in Richard Schmalensee and Robert D Willig (eds) *Handbook of Industrial Organization* (Elsevier Science, 1989) vol 1, 769.

[29] There are convincing challenges to this account, once bounded rationality is acknowledged: Peter Diamond and Hannu Vartiainen (eds), *Behavioural Economics and Its Applications* (Princeton University Press, 2012). However, it qualifies but does not entirely reject the core economic assumption that additional information is deemed helpful for decision-making, since it respects an individual's autonomy.

[30] Dwijen Rangnekar, 'The Socio-Economics of Geographical Indications', United Nations Conference on Trade and Development-International Centre for Trade and Sustainable Development Project on IPRs and Sustainable Development, Issue Paper No 8 (May 2004); Cerkia Bramley, Estelle Biénabe and Johann F Kirsten, 'The Economics of Geographical Indications: Towards a Conceptual Framework for Geographical Indication Research in Developing Countries' in *The Economics of Intellectual Property* (World Intellectual Property Organization, 2009) 109; Ramona Teuber, 'Protecting Geographical Indications: Lessons Learned from the Economic Literature', European Association of Agricultural Economists Congress, Zurich, No 116081 (August 30, 2011). Informational efficiency is further supplemented by other economic theories relating to club goods or conventions, which explore the costs and benefits of establishing producer groups, product specifications and the expenses of legal protection (exclusion from the club).

[31] George A Akerlof, 'The Market for "Lemons": Quality Uncertainty and the Market Mechanism' (1970) 84(3) *Quarterly Journal of Economics* 488.

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regional products. As a result, protected signs can be trusted. This not only reduces consumer search costs but also prevents undesirable free riding. Additionally, for GIs, credible information is provided – via the examination preceding registration – about provenance, quality attributes and modes of production. Two products bearing the same protected GI should share the same origin-specific qualities. In other words, registration empowers consumers by converting credence or experience attributes into quasi-search ones.

The informational efficiency account justifies one important tier of GI protection rules. Signs or logos for traditional textiles are protected against unauthorised misleading uses relating to origin or quality. Article 22.2 of TRIPS requires members to 'provide the 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 good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good'. Article 40(1)(c) of the recent EU Crafts and Industrial Products [CIP] Regulation (EU) 2023/2411 prohibits any 'false or misleading indication as to the provenance, origin, nature or essential qualities of the product ... [used in packaging or advertising] liable to convey a false impression as to its origin'. Article 40(1)(d) of the CIP Regulation broadly prohibits 'any other practice liable to mislead the consumer as to the true origin of the product'.

Increasingly, sui generis regimes also prevent unauthorised uses that free ride on a product's reputation, or else harm the brand image of regional products, via dilution or tarnishing associations, even where no consumers are misled.[32] For instance, Article 40(1)(a) of the CIP Regulation prevents the use of a protected craft or textile GI against 'any direct or indirect commercial use of the [GI] in respect of products not covered by the registration ... where the use of the name exploits, weakens, dilutes, or is detrimental to, the reputation of the protected geographical indication'. Article 40(1)(b) prevents any 'misuse, imitation or evocation of the [protected name], even if the true origin ... is indicated or if the protected geographical indication is translated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation" [etc]'. This second, far more generous tier of protection exists to protect the reputation that arises from the collective,

[32] World Intellectual Property Organization, *Compilation*, above n 9, Annex 286–309.

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inter-generational investment in the underlying product.[33] GIs therefore appeal as a form of brand-based protection for traditional crafts and textiles, since it has previously proved challenging to accommodate such products within the 'content protection' fields of IP such as copyright and design law.[34]

Premised on these normative foundations, legal protection creates the conditions for legitimate GI producers to obtain a price premium, by ensuring exclusive use of the sign for the purposes of differentiating their products. An EU study calculated the average value premium – the price difference between EU GI products and comparable standard products – as 2.07 in 2017.[35] The premium across different categories of products is further differentiated, with wines at 2.85, spirits at 2.52 and agricultural products and foodstuffs at 1.5. There is an expectation that consumers' willingness to pay a price premium also exists for crafts and textiles GIs as well, once consumers become aware of the certification guarantees performed by GIs.[36] These products often rely on artisanal modes of

[33] *Comité Interprofessionnel du Vin de Champagne v Aldi*, Case C-393/16, ECLI:EU:C:2017:991, at [38] (CJEU, December 20, 2017) ('[GI protection exists to] offer a guarantee of quality due to their geographical provenance, with the aim of enabling agricultural operators to secure higher incomes in return for a genuine effort to improve quality, and of preventing improper use of those designations by third parties seeking to profit from the reputation which those products have acquired by their quality.'); *European Commission v Council of the European Union*, Case C-389/15, ECLI:EU:C:2017:604 at [AG77] (CJEU, July 26, 2017) ('[The] purpose of geographical indications is to preserve traditional knowledge, cultural expressions and specific manufacturing skills, and to ensure that consumers are given reliable information about the quality of the goods in question.').

[34] For an overview, see WIPO, 'The Protection of Traditional Cultural Expressions: Updated Draft Gap Analysis', WIPO/GRTKF/IC/37/7 (2018); J Janewa Osei-Tutu, 'Protecting Culturally Identifiable Fashion: What Role for GIs?' (2021) 14 *Florida International University Law Review* 571, 578–580.

[35] AND-International, 'Study on Economic Value of EU Quality Schemes, Geographical Indications (GIs) and Traditional Specialities Guaranteed (TSGs) – Final Report', European Commission, Directorate-General for Agriculture and Rural Development (February 12, 2021) 100–102. A synthesis of studies measuring the price premium can be found in Áron Török et al, 'Understanding the Real-World Impact of Geographical Indications: A Critical Review of the Empirical Economic Literature' (2020) 12(22) *Sustainability* 12–15.

[36] Mohsin Shafi, 'Geographical Indications and Sustainable Development of Handicraft Communities in Developing Countries' (2022) 25(1) *Journal of World Intellectual Property* 122, 127 (hereafter Shafi, 'Handicraft Communities'); Dyah Permata Budi Asri et al., 'Valuing Local Heritage: Issue and Challenges of Geographical Indication Protection for Local Artisans in Indonesia Kasongan Village Heritage' (2022) 25(1) *Journal of World Intellectual Property* 71.

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production, while researchers have noticed a 'handmade effect' which positively shapes consumer purchase preferences. Handcrafted products appear more attractive to consumers, since they perceive them as embodying the artisan's love for their craft in a way that machine-made products cannot replicate.[37] In addition, there is also a perceived prestige value associated with handmade fashion products such as clothing, handbags and shoes. One study identifies (verifiable) craft authenticity, the purchaser's knowledge about the craft and social identity as the key determinants that influence purchases by Indian consumers.[38] Another study from India concludes from survey evidence that GI labels that convey reliable quality information about traditional handlooms do increase trust and positively influence consumer purchase intentions.[39] A review of the EU context suggests that where artisanal crafts or textiles have shorter and less complex value chains, 'it is more likely that the price premium stays with producers'.[40]

However, the same study also notes that there is comparatively less research on willingness to pay a premium for non-agricultural GIs, while distribution effects may vary: 'The question is whether the premium will cover the costs [since GIs are usually more expensive to produce] and who will benefit.'[41] It should be noted that the beneficiaries of this price premium will vary in accordance with the power dynamics specific to each supply chain. For some agricultural GIs, the price premium is captured by local farmers, whereas in others it is captured by traders and distributors.[42] These concerns carry over to craft and textile GIs; for

[37] Christoph Fuchs, Martin Schreier and Stijn MJ Van Osselaer, 'The Handmade Effect: What's Love Got to Do with It?' (2015) 79(2) *Journal of Marketing* 98. See also Francielle Frizzo et al, 'The Genuine Handmade: How the Production Method Influences Consumers' Behavioral Intentions through Naturalness and Authenticity' (2020) 26(4) *Journal of Food Products Marketing* 279.

[38] Ajay Kumar Koli, 'Handmade OK Please: Key Criteria for Purchasing Craft Items by Indian consumers' (2023) 13(1) *Journal of Cultural Heritage Management and Sustainable Development* 43.

[39] Sangeetha K Prathap and Sreelaksmi CC, 'Determinants of Purchase Intention of Traditional Handloom Apparels with Geographical Indication among Indian Consumers'(2022) 4(1) *Journal of Humanities and Applied Social Sciences* 21.

[40] Julia Rzepecka et al, 'Economic Aspects of Geographical Indication Protection at EU Level for Non-Agricultural Products in the EU', European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (2020) 27 (hereafter Rzepecka et al, 'Economic Aspects').

[41] Ibid 30.

[42] Emilie Vandecandelaere et al, *Strengthening Sustainable Food Systems through Geographical Indications: An Analysis of Economic Impacts* (Food and Agriculture

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example, a price premium has not resulted in equitable wages for the weavers of the reputed Indian Banaras sari.[43]

While questions therefore remain about who benefits from legal protection, in its absence the harm to traditional craft and textile producers is abundantly clear. Lookalike products enter the market at lower price points, while misleadingly using the GI designation and frustrating consumer expectations:

> Competition comes mostly from competitors located outside of the region, who produce either similar products or imitation products at lower costs then abusing the GI name and deceiving consumers. Besides the fact that consumers might be attracted by the 'lower price' of the other products, they are often not able to perceive the difference between a genuine and a counterfeited or imitation product, as the quality of the counterfeits are becoming increasingly better.[44]

The lower price is often attributed to factors such as less costly labour outside the original region of production, cheaper raw materials or the adoption of industrial-scale, mechanised production processes. To take one example, the city of Varanasi in the state of Uttar Pradesh in India is a historic weaving centre famed for its Banaras saris. The favourable reputation is due to the finely textured silk and intricate weaving techniques, often involving brocade work with *zari* or metallic thread and displaying complex design motifs or *bootis*.[45] In the recent past, concerns have included a flood of far more economical, lower quality imitations from China as well as the other states in India (such as Gujarat); the imitations being made by power looms as opposed to more labour-intensive traditional techniques, the use of synthetic materials or other cheaper varieties of silks in these imitations and the poaching of the best

Organization, 2018) 15 (hereafter Vandecandelaere et al, *Strengthening Sustainable Food Systems*); Leonardo Cei, Edi DeFrancesco and Gianluca Stefani, 'From Geographical Indications to Rural Development: A Review of the Economic Effects of European Union Policy' (2018) 10(10) *Sustainability* 3745 (hereafter Cei, DeFrancesco and Stefani, 'From Geographical Indications').

[43] Amit Basole, 'Authenticity, Innovation, and the Geographical Indication in an Artisanal Industry: The Case of the Banarasi Sari' (2015) 18(3–4) *Journal of World Intellectual Property* 127 (hereafter Basole, 'Authenticity, Innovation').

[44] InSight Consulting et al, 'Study on Geographical Indications Protection for Non-Agricultural Products in the Internal Market', Final Report for the European Commission (February 2013) 100-101 (hereafter InSight Consulting et al, 'Internal Market').

[45] Geographical Indication Application No 99, filed on July 4, 2007 (Registered on September 4, 2009) <https://search.ipindia.gov.in/GIRPublic/Application/Details/99>.

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weavers by other sari manufacturing regions.[46] The threat is not just external. Some technological advances prove irresistible to established producers *within* the region of origin, such as the adoption of power-looms.[47] Based on extensive fieldwork in the Varanasi area, Amit Basole has described this new development as 'home-based and small workshop-based weaving, often (but not necessarily) carried out with second-hand looms obtained from textile mills'.[48] Whilst recognising the political economy dimensions of who does and does not adopt the more capital-intensive powerlooms, Basole questions whether the introduction of the powerloom should be viewed as a threat at all:

> [The Banaras sari] GI has been developed without significant participation of the artisanal community and is 'preservationist', that is, freezes current production methods in the name of craft preservation. In contrast artisans take a dynamic approach to their knowledge and innovate in response to market pressures as well as changing resource bases. A GI that seeks to preserve artisanal traditions, as they exist now, risks punishing artisans for innovating.[49]

We return to the issue of (im)permissible adaptations in Section 10.3.2 of this chapter. Nonetheless, there is a broad consensus that effective intellectual property protection is required to combat fakes or counterfeits.[50] Legal protection, alongside a basket of other support

[46] Kasturi Das, 'Prospects and Challenges of Geographical Indications in India' (2010) 13 *Journal of World Intellectual Property* 148; Basole, 'Authenticity, Innovation', above n 43; Meghna Chaudhary, Bhawna Agarwal and Meena Bhatia, 'Geographical Indications in India: A Case of Handicraft Industry in Uttar Pradesh' (2022) 25(3) *Journal of World Intellectual Property* 617; Nikita Doval, 'The Rise and Fall of the Banarasi Handloom Sari', *Mint* (December 1, 2016) <https://www.livemint.com/Politics/BHUXH59k2Z1YANffG64AQO/The-rise-and-fall-of-the-Banarasi-handloom-sari.html>.

[47] Shefalee Vasudev, 'Ground Report – The Banaras Bind', *Mint* (November 23, 2013) <https://www.livemint.com/Leisure/5h1lnyORjhtn9Pr0Z4wiXL/Ground-Report–The-Banaras-bind.html> ('Sections of the industry invest in "keeping the Banarasi alive" without worrying about "authenticity" by producing imitations that are hard to distinguish from the traditional handcrafted variety.').

[48] Amit Basole, 'Informality and Flexible Specialization: Apprenticeships and Knowledge Spillovers in an Indian Silk Weaving Cluster' (2015) 47(1) *Development and Change* 157.

[49] Basole, 'Authenticity, Innovation', above n 43, 128.

[50] Okyere and Denoncourt, 'Protecting Ghana', above n 20, 419 ('The main danger affecting *kente* today is the economic misappropriation of the cloth by third parties.'). For a representative discussion on EU producers' concerns regarding fakes and counterfeits, see Frithjof Michaelsen et al, 'Study on Control and Enforcement Rules for Geographical Indication (GI) Protection for Non-Agricultural Products in the EU', European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and

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policies, is seen as a crucial bulwark to prevent the eventual dying out of traditional crafts, where producers can no longer make a sustainable living. An EU study in 2020 reveals that from a sample of 834 potential craft and textile GIs identified in 2013, 'many of the products, as of 2019, were simply not produced anymore. Other products had lost their geographical roots, for example by being used as trade mark by multi-national companies without maintaining any actual presence in the region of origin'.[51]

10.2.3 Fashion and Sustainability: An Opportunity for Traditional Textiles

The preceding analysis has set out the case for why GI protection has advantages for geographically embedded traditional textiles. However, what do GIs offer the fashion industry, in terms of the provenance guarantee that they represent? Put differently, what are the synergies between GI protection for local, traditional textiles and the priorities of the increasingly globalised fashion industry? One compelling response is the claim that traditional textiles have better sustainability credentials. It is now widely acknowledged that mainstream models of fashion production and retail are both ecologically and socio-economically unsustainable, although the concept of sustainability is understood in different ways across the sector.[52]

This chapter adopts the Brundtland Report's widely accepted, broad definition of sustainability as meeting 'the needs of the present without compromising the ability of future generations to meet their own needs'.[53] In the context of fashion, as opposed to focusing on any given item of clothing being sustainable, the approach should be process-oriented: 'Sustainable describes the processes and behaviours involved

SMEs (2021) 165–166 (hereafter Frithjof Michaelsen et al, 'Study on Control and Enforcement').

[51] Rzepecka et al, 'Economic Aspects', above n 40, 16.

[52] Kedron Thomas 'Cultures of Sustainability in the Fashion Industry' (2020) 24(4) *Fashion Theory* 715.

[53] Gro Harlem Brundtland et al, 'Our Common Future: Report of the World Commission on Environment and Development' World Commission on Environment and Development (1987)[27]. Today, the United Nations' Sustainable Development Goals provide a more comprehensive framework of 17 Sustainable Development Goals and 169 more specific targets; see 'The 17 Goals', United Nations Department of Economic and Social Affairs <https://sdgs.un.org/goals>.

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in producing that [fashion] product.'[54] While the focus of this chapter is on environmental considerations, the full range of sustainability concerns spans inequitable labour practices, the health and safety of workers, gender inequality as well as the wasteful production and consumption of fashion goods. A United Nations Environment Programme (UNEP) report highlights the ecological sustainability concerns:

> [Fashion is] a sector struggling to address its impacts, including significant natural resource use and pollution, with 215 trillion litres of water consumed per year, and 9% of annual microplastic losses to oceans. This sector is contributing to the triple planetary crisis of climate change, nature and biodiversity loss, and pollution and waste. A crisis which is exacerbated by the way in which we produce and consume, and the textile sector is significant in driving unsustainable patterns of both, with consumers using items 36% less before discarding compared to 15 years ago, and the equivalent of a garbage truck full of clothes being thrown away every second.[55]

This implicates the entire fashion value chain. On the production side, wet processing (the bleaching/dyeing/finishing stage of textile production) and synthetic fibre production stand out, while the effluents and energy usage from laundering as well as discarding items after only a few wears are prominent consumption-based aspects.[56]

The fast fashion industry is of particular concern, as a significant global polluter. Emerging in the 1990s, this new model emphasised the shortening of lead times for both production as well as distribution, offering new products to the market as fast as possible.[57] While fashion has historically been premised on trends and cycles, it is the pace of change that makes this far more frenetic iteration remarkable. It was initially feted as a retail strategy for democratising couture and bringing trendy, affordable items to the masses. Brands today associated with this trend include Zara, Forever 21, H&M, TopShop, Shein and Primark.

[54] Johanna Gibson, 'The Intellectual Property in Sustainable Fashion: Standards Are up to the Mark' (2023) 13(2) *Queen Mary Journal of Intellectual Property* 141, 142–143.

[55] Laila Petrie, *Sustainability and Circularity in the Textile Value Chain – A Global Roadmap* (United Nations Environment Programme, 2023) 6.

[56] Philippa Notten, *Sustainability and Circularity in the Textile Value Chain – Global Stocktaking* (United Nations Environment Programme, 2020).

[57] Donald N Sull and Stefano Turconi. 'Fast Fashion Lessons' (2008) 19(2) *Business Strategy Review* 4; Nikolay Anguelov, *The Dirty Side of the Garment Industry: Fast Fashion and Its Negative Impact on Environment and Society* (CRC Press, 2015) 1–20.

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Although this development can in turn be situated within a broader historical trend of increasingly industrialised, mass-produced and standardised garment manufacture,[58] there is nevertheless a distinctive set of concerns associated with fast fashion. The pressure to sell newer lines at lower prices has undermined working conditions and wages, while the environmental costs of this model are increasingly apparent.[59] One prominent policy response to the latter is the recent EU Strategy for Sustainable and Circular Textiles:

> As clothing comprises the largest share of EU textile consumption (81%), the trends of using garments for ever shorter periods before throwing them away contribute the most to unsustainable patterns of overproduction and overconsumption. Such trends have become known as fast fashion, enticing consumers to keep on buying clothing of inferior quality and lower price, produced rapidly in response to the latest trends … Moreover, the growing demand for textiles is fueling [*sic*] the inefficient use of non-renewable resources, including the production of synthetic fibres from fossil-fuels. These negative impacts have their roots in a linear model that is characterised by low rates of use, reuse, repair and fibre-to-fibre recycling of textiles, and that often does not put quality, durability and recyclability as priorities for the design and manufacturing of apparel. The shedding of microplastics from synthetic textiles and footwear during all stages of their lifecycle further adds to the environmental impacts of the sector.[60]

The EU strategy seeks to address this set of challenges through measures such as clamping down on greenwashing, taking steps to reduce the export of textile waste and setting mandatory minimums for the inclusion of recycled fibres in textiles, making them longer lasting, as well as easier to repair and recycle.[61]

This policy shift towards encouraging more sustainably produced, longer-lasting garments creates an opportunity for traditional textiles, which have conventionally relied on natural fibres and dyes as opposed to synthetic ones, to be valued for artisanal modes of production

[58] Sara Idacavage, 'Fashion History Lessons: The Origins of Fast Fashion', *Fashionista* (October 17, 2018) <https://fashionista.com/2016/06/what-is-fast-fashion>.

[59] Rachel Bick, Erika Halsey and Christine C Ekenga, 'The Global Environmental Injustice of Fast Fashion' (2018) 17 *Environmental Health* 1.

[60] European Commission, 'EU Strategy for Sustainable and Circular Textiles', COM 141 (2022) 1 (internal citations omitted) <https://environment.ec.europa.eu/strategy/textiles-strategy_en>.

[61] Ibid.

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connected to local communities and are bought to be kept, not discarded.[62] In other words, the titular 'threads that last'. Environmental sustainability has been expressly linked to traditional textile GIs in the draft proposal for the new EU non-agricultural GIs protection regime, which 'also shares specific objectives with the Commission's forthcoming EU strategy on sustainable textiles, which aims to create a better business and regulatory environment for sustainable and circular textiles within the Union'.[63] This potential can be illustrated by Dabu (variously spelled Dhabu or Daboo), from Western India. Dabu means 'to press' and is a form of block printed textile production relying on mud-resistant printing techniques.[64] While natural dyes are used for colouring, local mud is used to make a dye-resistant paste, which is then painstakingly stamped, using carved wooden or metal blocks bearing attractive motifs, onto the fabric. Since the mud prevents the natural dyes from attaching to the fabric, artisans create patterns and designs by intentionally preventing dye penetration in selected areas. The process is labour intensive, involving various stages of washing, stamping and dyeing. Producers rely on natural materials such as clay or mud, lime gum, wheat husk, florals and fruits. It should however be noted that traditional textile production methods evolve in ways that sometimes cut against sustainability objectives. For example, natural dyes require chemical supplements to bind more effectively with fabrics and retain colour over time, with the residual binding chemicals washed away after the final rinsing.[65] In Section 10.3, we therefore examine whether specific binding and meaningful commitments to sustainability could be facilitated by GI legislation.

[62] Miguel Angel Gardetti and Subramaniam Senthilkannan Muthu (eds), *Handloom Sustainability and Culture: Artisanship and Value Addition* (Springer, 2021); Thushari Wanniarachchi, Kanchana Dissanayake and Carolyn Downs, 'Improving Sustainability and Encouraging Innovation in Traditional Craft Sectors: The Case of the Sri Lankan Handloom Industry' (2020) 24(2) *Research Journal of Textile and Apparel* 111.

[63] European Commission, Proposal for a Regulation of the European Parliament and Council on Geographical Indication Protection for Craft and Industrial Products and Amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754, COM 174 (2022) 2.

[64] Janmay Singh Hada and Chet Ram Meena, 'Dabu, The Sustainable Resist Printed Fabric of Rajasthan' in Subramaniam Senthilkannan Muthu (ed), *Sustainable Approaches in Textiles and Fashion: Manufacturing Processes and Chemicals* (Springer, 2022) 69.

[65] Hana Křížová, 'Natural Dyes: Their Past, Present, Future and Sustainability' in Dana Křemenáková (ed), *Recent Developments in Fibrous Material Science* (Kosmas, 2015) 59.

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The second reason why GIs seem promising is they ostensibly fit well with contemporary policy approaches to sustainable development. Since these products are, by definition, locally embedded to varying degrees, they have the potential to act as a platform for territorial development strategies.[66] As opposed to a top-down national (or in the EU's case, region-wide) approach to sustainable development, territorial strategies focus on leveraging the unique characteristics, strengths and opportunities present within a particular region. This approach recognises bespoke policy interventions tailored to specific local needs. Key principles include prioritising local context, that is, natural resources (and their constraints), cultural heritage, economic arrangements and social dynamics and inclusive or participatory governance whereby local stakeholders are involved in decision-making. This emphasis on place or local geography complements a growing consumer awareness of where and how garments are made. The COVID-19 'pandemic contributed to [drawing] attention to nearness and quality, enhanced cultural connections with the territory, and, to a certain extent, triggered a centripetal as opposed to a centrifugal movement, which is at the heart of the concept of localism'.[67]

The territorial approach to development, which values local context, has been informed by social science research that ranges widely beyond the formal legal act of GIs registration. A recent review of the lessons learned from agricultural, wines and spirits GIs concludes that legal recognition is 'not a magical tool and that the local conditions which can influence their establishment and management are crucial to the efficiency and local sustainability of the GI'.[68] The review goes on to identify the following operational conditions:[69]

i. respecting, as a matter of operational practice, the casual link between quality and origin that is clearly defined in the product specification (both in order to satisfy the conditions for granting a legal (IP) right and to ensure meaningful product differentiation in markets);

[66] Sarah Bowen, 'Embedding Local Places in Global Spaces: Geographical Indications as a Territorial Development Strategy' (2010) 75(2) *Rural Sociology* 209; Riccardo Crescenzi et al, 'Geographical Indications and Local Development: The Strength of Territorial Embeddedness' (2022) 56(3) *Regional Studies* 381.

[67] Sara Cavagnero and Simona Giordano, 'Sui Generis Geographical Indications Fostering Localized Sustainable Fashion: A Cross-Industry Assessment' (2022) 14(9) *Sustainability* 5251 (hereafter Cavagnero and Giordano, 'Cross-Industry Assessment').

[68] Vandecandelaere et al, 'Geographical Indication', above n 1, 2.

[69] Ibid.

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ii. creating the conditions for successful collective action, described as 'the ensemble of individual and collective choices and initiatives made by producers as a group for a common objective'[70] and ensuing territorial governance strategies, on an ongoing basis;
iii. effective marketing, which incorporates the GI term and accompanying official logos;[71] and
iv. an efficient legal framework and the role of the public sector, as it pertains to effective protection of GIs against misuse.

With sustainability in mind, the product specification remains an important legal site, since it defines acceptable production techniques, influences value chain efficiency and delimits the production region.[72] However, one needs to step back and review the full 'biography' of the GI product – its existence both prior to and past the initial product specification, as influenced by the decisions of supply chain actors amidst changing circumstances – when evaluating the potential for sustainability.

10.3 Legally Reinforcing Sustainable Production for Textiles

The preceding analysis has outlined how the fashion industry is increasingly being held to account for its sustainability record, with a particular emphasis on environmental sustainability. Here we ask whether there are legal and institutional mechanisms within GI law that *systematically* guarantee the environmental sustainability of traditional textile production? Alternatively, instead of a mandatory legal obligation, might GI rules incrementally nudge textile producers to either maintain or proactively adopt environmentally sustainable practices? While the

[70] Flavia Guerrieri, 'Governing Governance: Collective Action and Rulemaking in EU Agricultural and Non-Agricultural Geographical Indications' University of Amsterdam, PhD Thesis (2023)xxi.

[71] Effective marketing, alongside support in accessing markets, is recognised as being crucially important for success. For crafts and textiles in particular, see Ruppal W Sharma and Shraddha Kulhari, *Marketing of GI Products: Unlocking their Commercial Potential* (Centre for WTO Studies and Indian Institute of Foreign Trade, 2015)(hereafter Sharma and Kulhari, *Marketing of GI Products*); Buch and Trivedi, *Indian Handlooms*, above n 25, 79–114.

[72] Marianna Guareschi, Maria Cecilia Mancini and Filippo Arfini, 'Geographical Indications, Public Goods and Sustainable Development Goals: A Methodological Proposal' (2023) 103 *Journal of Rural Studies* 103122.

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territorial or *terroir* anchor generates theoretical expectations that GIs align with sustainability objectives, there has been far less analysis of the role that legal architecture plays in supporting these objectives. Drawing on recent regulatory experimentation in the EU as a case study, this Section (i) outlines newly adopted legal mechanisms for encouraging sustainable production while arguing that there is slippage between the different senses of sustainability – in particular, economic and environmental – in EU GI policy and (ii) subsequently analyses why this slippage matters, because commercial pressures can lead to the adoption of less environmentally sustainable production methods.

10.3.1 Making Binding Sustainability Commitments?

In recent years, EU policymakers have actively engaged with ways to reinforce sustainability commitments via the legal framework regulating GIs. However, the difference in emphasis between the environmental and economic dimensions of sustainability has gone largely unnoticed. The following analysis foregrounds how *both dimensions* are prominent in the agricultural products context (used broadly here, to include wines and spirits), while the focus seems to be mainly on *economic sustainability* for crafts and textiles. This difference matters and Section 10.3.2 explores the potential tension between commercial pressures and more environmentally friendly production techniques.

To begin with, this policy interest in sustainability hinges on the centrality of the link, shared by all GIs, between distinctive products and specified regions.

> Even if environmental protection or animal welfare are not the main objectives of GIs … these kind of products can have a direct or indirect impact on both domains because they are strongly associated with specific territories and local resources … and because [product specifications] often contain rules about traditional production practices linked to their geographical origin as well as traditional know-how, or the choice of specific varieties, that might have an impact on the environment and animal welfare even indirectly.[73]

[73] AND International, ECORYS and COGEA, 'Evaluation Support Study on Geographical Indications and Traditional Specialities Guaranteed Protected in the EU', Final Report, European Commission, Directorate-General for Agriculture and Rural Development (December 2020), 236 (hereafter AND International, ECORYS and COGEA, 'Evaluation Support Study').

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This link or territorial association is elaborated in the product specification, where the product – including its distinctive characteristics – is described along with the (often traditional) methods of production that give the product those characteristics. Specifications also delimit the production region, identify permitted raw materials and their sourcing while sometimes additionally prescribing modes of packaging.[74]

Turning first to environmental sustainability, surveys of producer groups in the agricultural context reveal that the following measures have been found, to varying degrees, in product specifications:

> The mitigation of the impacts on landscape [such as preventing soil erosion] . . ., fostering the use of old breeds or plant varieties . . . mitigating of the impact on water quality . . . and limiting the use of water . . . fostering extensive production practices [producing a lower yield per unit of land, such that many more units of land are required in order to be profitable], mitigating of the impact on biodiversity and fostering organic production . . .. The least cited relates to the limitation of [greenhouse gas] emission and impact on air quality and of the use of energy.[75]

Whereas mandatory environmental standards must be complied with, certain producer groups have taken the initiative to adopt stricter standards that are more environmentally friendly, such as a commitment to using animal manure instead of chemical fertilisers, mechanically controlling weeds or using certain insect species to combat pests.[76] A recent proposal to consolidate the three distinct EU GI regimes for agricultural products, wines and spirits recognises sustainability in the 'three pillars' sense: 'GI agricultural/food products incorporate some sustainability characteristics in one or more of the three dimensions of the term: environmental, stemming from GI products intrinsic link to a specific area with its specific natural factors and resulting from production methods adapted to that area; [social . . .] and economic: as the value added in a GI product is secured for the local producers and cannot be delocalised.'[77]

[74] The product specification requirements are outlined in Dev S Gangjee, 'Proving Provenance? Geographical Indications Certification and its Ambiguities' (2017) 98 *World Development* 12.

[75] AND International, ECORYS and COGEA, 'Evaluation Support Study', above n 73, 239–240.

[76] Ibid 244–246.

[77] European Commission, 'Commission Staff Working Document: Impact Assessment Report Accompanying the document Proposal for a Regulation of the European Parliament and of the Council on European Union geographical indications for wine,

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Environmental sustainability is an increasingly visible priority because agricultural GI law is situated within the EU food quality policy framework. Given the environmental impacts of food production, distribution and consumption, this policy framework is being reshaped by the European Green Deal, aiming to make Europe the first climate-neutral continent and its subsidiary Farm to Fork strategy, seeking to establish a fair, healthy and environmentally friendly food system.[78]

The case for economic sustainability is premised upon GI status resulting in higher margins for producers, via the price premium that consumers are willing to pay for distinctive products.[79] This ensures the survival of production-related local know-how, thereby preserving viable employment in the region and possibly even growing employment where demand increases, as a result of enhanced visibility and access to new markets. The formation of a GI producer group allows for better co-ordination and the ability to collectively confront external pressures (such as contractual negotiations with large retailers or other intermediaries). GI status can also be a bargaining chip when negotiating more flexible solutions, when it comes to regulatory compliance for a certain product sector (e.g., demonstrating that products made with unpasteurised milk are nevertheless suitable for consumption, or where smoking or salting a product can effectively preserve it). Finally, there are the positive spillovers: potential benefits for local food processing industries that use local GI ingredients – the hotels, restaurants and catering sectors and tourism more generally.[80]

The final text of this Consolidating Regulation 2024/1143 explicitly references all three dimensions of sustainability in its opening recitals.[81]

spirit drinks and agricultural products, and quality schemes for agricultural products, amending Regulations (EU) No 1308/2013 (EU) 2017/1001 and (EU) 2019/787 and repealing Regulation (EU) No 1151/2012', SWD 135 (2022) 11 (hereafter European Commission, 'Impact Assessment Report').

[78] Flavia Guerrieri, 'The Farm to Fork Strategy as an External Driver for Change: Possible Impacts on Nested GI Rule Systems' (2021) 16 *Journal of Intellectual Property Law and Practice* 331.

[79] Ibid Annex 7, 68–77.

[80] Ibid. See also Vandecandelaere et al, *Strengthening Sustainable Food Systems*, above n 42; Cei, DeFrancesco and Stefani, 'From Geographical Indications', above n 42.

[81] Regulation (EU) 2024/1143 of the European Parliament and of the Council of April 11, 2024, on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013 (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012 [2024] OJ L 1143 (hereafter Consolidating Regulation 2024/1143)Recital 2 (The European Green deal included the design of a 'fair,

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One of the stated purposes of instituting an EU-wide system of GI protection is to ensure 'that producers acting collectively have the necessary powers and responsibilities to manage the [GI] concerned, including to respond to societal demands . . . for products resulting from sustainable production in its three dimensions of economic, environmental and social value' and – by preventing unfair competition or misuse – 'ensure a fair return for producers and a capacity to invest in the quality, reputation and sustainability of their products'.[82] The commitment to sustainability takes the form of an optional *sustainability undertaking* in the final text. Producer groups 'may agree on sustainable practices to be adhered to in the production . . . [or other requirements associated with the product] in the product specification . . .. Such practices shall aim to apply sustainability standards higher than those laid down by Union or national law in terms of social, environmental or economic sustainability or animal welfare'.[83] The specific environmental sustainability objectives mentioned include 'climate change mitigation and adaptation, the sustainable use and protection of landscapes, water and soil, the transition to a circular economy, including the reduction of food waste, pollution prevention and control, and the protection and restoration of biodiversity' alongside the reduction in usage of pesticides.[84]

The key move is thus to provide an option to embed these enhanced sustainability undertakings – if mandatory for all producers – within the product specification, via the initial GI registration or subsequent amendment procedure.[85] The ability of producer groups to agree such sustainable practices is further recognised when describing their role and

sustainable . . . and more environmentally-friendly food system'); Recital 3 (GIs 'can play an important role in terms of sustainability, including in the circular economy'); Recital 19 ('Producers acting collectively have more powers than individual producers and take collective responsibilities to manage their geographical indications, including responding to societal demands for products resulting from sustainable production', going on to mention a fair income for producers and benefits to remote, rural regions); Recitals 23 (GI producers 'should be encouraged to adhere to sustainable practices that go beyond mandatory standards encompassing environmental, social and economic objectives'), etc.

[82] Ibid art 4(1)(a).

[83] Ibid art 7(1).

[84] Ibid art 7(2).

[85] Ibid art 7(3); . On the modest extent to which new amendments reflect environmental sustainability initiatives, see Andrea Marescotti et al, 'Are Protected Geographical Indications Evolving Due to Environmentally Related Justifications? An Analysis of Amendments in the Fruit and Vegetable Sector in the European Union' (2020) 12(9) *Sustainability* 3571.

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functions.[86] Where producer groups have chosen to make such a commitment, it becomes visible to the public in two complementary ways: (i) by forming part of the product specification, accessed via a publicly available electronic database[87] and also potentially a legally binding commitment, if incorporated into the certification compliance criteria (when verifying that a GI producer satisfies the commitments in the product specification); and (ii) a periodically updated, publicly available sustainability report by the producers, 'comprising a description of existing sustainable practices implemented in the production of the product, a description of how the method of obtaining the product impacts on sustainability, in terms of social, environmental, economic or animal welfare commitments, and information necessary to understand how sustainability affects the development, performance and position of the product'.[88] The underlying rationale seems to be that producers are more likely to be rewarded by consumers who are made aware of their commitment to enhanced sustainability.[89] It also underscores the seriousness of the commitment, while implicitly raising the sanction of reputational damage if this turns out to be merely greenwashing.

It is therefore evident that a more comprehensive concept of sustainability informs recent developments in the agricultural GIs context. By contrast, since craft and textiles GIs tend to be produced by micro, small and medium enterprises (MSMEs) in the EU,[90] the policy emphasis has been on legal protection as a means of achieving *economic sustainability* for producers. The Green Paper in 2014, introducing the possibility of legally recognising craft GIs at the EU level, highlights positive spillover effects such as 'encouraging tourism, trade fairs and cultural activities and, consequently, creating more job opportunities'.[91] A European Parliament Resolution supporting such a regime, which protects traditional, high-quality knowhow, would ensure 'a more

[86] Consolidating Regulation 2024/1143, above n 81, art 34(1)(c).
[87] 'eAmbrosia: The EU Geographical Indications Register', European Commission <https://ec.europa.eu/agriculture/eambrosia/geographical-indications-register/>.
[88] Consolidating Regulation 2024/1143, above n 81, art 8.
[89] Studies indicate that the COVID-19 accelerated the demand for products derived from nature-friendly production systems. See, eg, Etleva Muça, Iwona Pomianek and Mariya Peneva, 'The Role of GI Products or Local Products in the Environment—Consumer Awareness and Preferences in Albania, Bulgaria and Poland' (2021) 14(1) *Sustainability* 4.
[90] Rzepecka et al, 'Economic Aspects', above n 40, 68–69.
[91] European Commission, Green Paper, above n 13, 9 and FN16.

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socially, economically and environmentally sustainable approach to *economic development*'.[92] Detailed preparatory studies analysing the economic potential for craft GI protection emphasise regional and sustainable development in the senses of increased productivity, employment, improved marketing efforts and greater producer co-operation.[93] This emphasis continues in the text of the CIP Regulation, where Recital 8 declares that protection will 'contribute to the creation of valuable and sustainable jobs, including in rural and less-developed regions, which would help counter depopulation trends', especially where a substantial proportion of the value added is generated within the defined region. Article 45(2) of this Regulation, which identifies the tasks undertaken by GI producer groups, recognises that such a group 'may [ie, optionally] ... agree to undertake commitments with regard to sustainability, whether or not included in the product specification or as a separate initiative'.[94] While the draft Consolidating Regulation clearly envisions sustainability in the 'three pillars' sense, by contrast the CIP framework references sustainability as a general concept, with more detailed references pertaining only to economic sustainability. It is also apparent that the crafts version of the sustainability undertaking – 'whether ... in the product specification *or as a separate initiative*' (emphasis added) and with no provision for an updated sustainability report or other visibility enhancing mechanisms – is relatively diluted.

It is unclear why this differential treatment exists for two EU legislative processes that have unfolded in parallel. One part of the answer may have to do with their origins. Their legislative incubators and associated institutional priorities differ: 'It is noteworthy that [the Consolidating Regulation] originates within [the policy department, Directorate-General or] DG Agriculture and [the CIP Regulation] originates within DG Grow – Internal Market, Industry, Entrepreneurship and SMEs.'[95]

[92] European Parliament resolution of 6 October 2015 on the possible extension of geographical indication protection of the European Union to non-agricultural products [2017] OJC 349/2 (emphasis added).

[93] Rzepecka et al, 'Economic Aspects', above n 40, 29–30; InSight Consulting et al, 'Internal Market', above n 44, 112–149.

[94] See also Council of the European Union, Proposal, above n 81, art 2(a) (Recognising that the Regulation will facilitate producers in carrying out the tasks necessary to manage GIs, 'including in response to societal demands for sustainable products').

[95] Devanshi Saxena, 'The Compromise Text of the New Regulation on Crafts and Industrial Geographical Indications: A Compromise on Sustainability?', *The IPKat* (September 20, 2023)<https://ipkitten.blogspot.com/2023/09/guest-post-compromise-text-of-new.html>.

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Another, more substantive driver of differential treatment may be the reluctance to impose additional regulatory compliance burdens on CIP producers, in the form of enhanced environmental sustainability standards. This 'compliance costs' concern has emerged as a consistent theme during the drafting of the CIP Regulation, given the small-scale nature of craft and textile production across the EU. A study of the cost effectiveness of formal certification, verification and enforcement concludes that costs 'tend to be higher for certification marks (with verification procedures) and GIs (verification procedures and detailed scrutiny of the application) compared to the other schemes'.[96] It was therefore proposed that as opposed to more expensive (and rigorous) external verification compliance checks – testing whether the producer being inspected makes crafts in accordance with the specification – 'self-certification and random controls should lower the application and verification costs'.[97]

As a result of this sensitivity to regulatory compliance burdens, the CIP Regulation has introduced two alternative pathways for verification compliance. One, contained in Article 52, mirrors the conventional approach found in the agricultural GI domain, where verification is carried out by designated competent authorities in each Member State, or else this responsibility is delegated to independent bodies (or individuals) with the relevant certification expertise. Competent bodies in the agricultural GI context are usually 'the intermediaries between the applicants and the EU Commission'[98] and often a public body under the relevant Ministry of Agriculture or Rural affairs.[99] The second, alternative, pathway in Article 51 relies on a self-declaration by a producer, periodically updated every three years and submitted to the national authority. This declaration is scrutinised at the level of formal compliance: is the prescribed form complete and providing consistent information? An external verification layer by a product certification body can be *optionally* added to this self-declaration mechanism, if the GI applicant group so chooses. A surprisingly light-touch verification process,

[96] Frithjof Michaelsen et al, 'Study on Control and Enforcement', above n 50, 71; see also 125.
[97] European Commission, 'Impact Assessment Report', above n 77, 58.
[98] Andrea Zappalagio et al, 'Study on the Functioning of the EU GI System' (2022) 1 *Max Planck Institute for Innovation and Competition* 56.
[99] European Union Intellectual Property Office, Protection and Control, above n 17, 14.

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resting on self-certification, is therefore envisaged to ensure that craft and textile producers comply with product specifications.

What consequently emerges from the EU experiment is that for the CIP Regulation, the priority given to economic sustainability clearly overshadows environmental sustainability. It also showcases voluntary sustainability undertakings being incorporated into the product specification, as an operational mechanism. These undertakings can potentially be made (i) binding, via the verification process and (ii) more visible, within the GI register. However, unlike agricultural GIs, there is no mention of an accompanying sustainability report for craft GIs. Furthermore, the verification process for crafts has itself been diluted, by opting for producer self-certification in order to reduce operational costs. Sustainability is being deployed to achieve seemingly different ends in the agricultural and crafts GI contexts.

10.3.2 Pressures to Adapt

Section 10.3.1 analysed the potential for *enhanced* sustainability objectives to be formally recognised within the GI registration and subsequent operationalisation processes. However, the very real risks of *backsliding* should also be acknowledged. Where textiles have conventionally used more sustainable traditional methods of production, how do commercial pressures to adopt less environmentally friendly measures manifest? There is an assumption in some of the GI literature that crafts and textile GIs can harmoniously accommodate the social, economic and environmental dimensions of sustainability.[100] Milano and Cazella characterise this as a more general assumption, based on theories of territorial development and the production of public goods by agriculture: 'The hypothesis that GIs simultaneously generate positive environmental, social and economic results is widely accepted in the literature.'[101] However, we have seen immediately above that the recently enacted

[100] See illustratively, Shafi, 'Handicraft Communities', above n 36, 123 (Emphasising the 'the cultural and environmental benefits (aside from economic and social) of GI legislation in the context of the handicraft industry'); Cavagnero and Giordano, 'Cross-Industry Assessment', above n 67.

[101] Marja Zattoni Milano and Ademir Antonio Cazella, 'Environmental Effects of Geographical Indications and Their Influential Factors: A Review of the Empirical Evidence' (2021) 3 *Current Research in Environmental Sustainability* 100096 (arguing that the empirical literature paints a more nuanced and varied picture, depending on local institutional arrangements).

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EU CIP Regulation prioritises the economic dimensions of sustainability, with environmental sustainability being relatively invisible. The 'three pillars' paradigm is also used in fields such as environmental or administrative law as a principled approach for reconciling interests, which in turn recognises that these interests *can and do* conflict, depending on how they are framed.[102]

> Goals of environmental and social sustainability may be conflicting rather than compatible. For example, efforts to overcome social inequalities and develop human capabilities could easily mean increasing the use of natural resources to the detriment of the conservation or resilience of the biophysical environment.[103]

There are examples from the agricultural GIs literature that point to the unintended consequences of economic success, in the form of an increased demand for a GI product. A pioneering study by Bowen and Zapata analysed spirit drink production in the Amatitán-Tequila Valley in Mexico.[104] This was conducted against the backdrop of a 15-year-long expansion of the Tequila market, 'driven by a shift in control and ownership of the major Tequila companies to transnational liquor companies, and . . . accompanied by the concentration, industrialization, and standardization of Tequila production'.[105] While ostensibly introduced to remedy persistent cycles of surplus and shortage in the agave cactus supply chain, these changes led to detrimental revisions of the Tequila product specification, such as the increased use of chemical inputs at the expense of more labour-intensive production practices. The revised production rules, which favoured standardisation, did 'little to preserve traditional Tequila production methods or the environmental specificity of Tequila. Thus, Tequila is evolving into a generic, mass-produced liquor; and the farmer knowledge, artisanal production practices, and environmental resources that are associated with the specificity and

[102] Volker Mauerhofer, '3-D Sustainability and Its Contribution to Governance Assessment in Legal Terms: Examples and Perspectives' in Volker Mauerhofer (ed) *Legal Aspects of Sustainable Development* (Springer, 2016) 35.

[103] Magnus Boström, 'A Missing Pillar? Challenges in Theorizing and Practicing Social Sustainability: Introduction to the Special Issue' (2012) 8(1) *Sustainability: Science, Practice and Policy* 3, 8.

[104] Sarah Bowen and Ana Valenzuela Zapata, 'Geographical Indications, Terroir, and Socioeconomic and Ecological Sustainability: The Case of Tequila' (2009) 25 *Journal of Rural Studies* 108.

[105] Ibid 112 [NB: Tequila has been capitalised in the text cited, to reflect its status as a protected designation].

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heritage of tequila are being degraded'.[106] In the case of the Spanish almond-based desserts, Turrón de Jijona and Turrón de Alicante, manufacturers seeking to scale up production removed the requirement to source the primary ingredient (almonds) from the region's low-input farms and opted for intensively produced ingredients imported from abroad (primarily California).[107] A study of hairy mitten crabs from the Yangcheng Lake region in Suzhou, China concludes that their increasing economic value incentivised farmers to expand crab breeding zones. This expansion, accompanied by the increased adoption of crab feed pellets, contributed to water pollution.[108]

Similar stresses arise in the context of traditional textile production, as the following example from India illustrates. Fabrics produced in the Bagru hand block-printing cluster in the state of Rajasthan are protected under Indian GI law.[109] While the neighbouring cluster in Sanganer, also famous for block-printing, has gradually shifted to screen and machine printing, Bagru is still acknowledged for its hand block-printing technique that is over three centuries old.[110] It is also reputed for using natural dyes, which rely on mixtures of flowers, tree barks, roots and clay. Key features from the GI specification include a cream or off-white base colour with block prints being dominated by red or black, traditional methods being used to prepare vegetable dyes and create prints, five main groups of small motifs (leaves and buds, geometrical designs, etc), the use of Dabu (resist) soil from local black clay and its association with the community of Chippas based in that region.[111] In the Indian context, the impact of COVID-19 restrictions and disruptions on supply chains for traditional artisanal production clusters has been widely

[106] Ibid.

[107] Emily Reisman, 'Protecting Provenance, Abandoning Agriculture? Heritage Products, Industrial Ideals and the Uprooting of a Spanish Turrón' (2022) 89 *Journal of Rural Studies* 45 (Californian almond farmers 'rely on extensive water imports, heavy synthetic fertilizer loads and an expanding array of pest control measures to compensate for their high density plantation scale').

[108] Denian Cheng, 'Sustainability for Stakeholders and the Environment? Understanding the Role of Geographical Indications in Sustaining Agri-Food Production' (2023) 34 *International Journal of Gastronomy and Food Science* 100839.

[109] Geographical Indication Application No 183, filed on August 10, 2009 (Registered on January 4, 2011) <https://search.ipindia.gov.in/GIRPublic/Application/Details/183>.

[110] Oinam Bedajit Meitei and Tanveer Ahemad, 'Communication and Challenges of Capacity Development: A Case Study of Bagru Hand Block Printing' (2021) 20(3) *Textile* 311 (hereafter Meitei and Ahemad, 'Communication and Challenges').

[111] 'Bagru Hand Block Print' (2011) 37 *Indian Geographical Indications Journal* 12, 13–14.

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acknowledged.[112] The effects of the pandemic in Bagru have exacerbated longer term challenges that undermine many of the key features of this traditional fabric. The traditional method of production has made the cluster vulnerable to fabrics that are screen-printed mechanically in larger volumes (as opposed to block-printing by hand) and relying on chemical dyes (as opposed to natural ones).[113] These are often sold as if genuinely handmade.

> Many manufacturers today continue to sell screen printed textiles under the name of hand block-printed [ones] due to the lack of certificates and [effective] authentic labelling in this industry. This practice has discouraged many firms to continue with traditional practices. Manufacturers respond to market dynamics very quickly in order to maintain steady profits.[114]

These commercial pressures have serious consequences for the production cluster as a whole: 'Natural vegetable mixtures are being replaced by synthetic materials as they are cheaper to produce, take less time to prepare as compared to the lengthy natural dyeing process [which] has increased the artisan's exposure to potential hazards. A study . . . revealed that 95% of printers and chemical mixers suffer from asthmatic tendencies or chronic bronchitis and other respiratory issues [while] 61% of workers have below normal hand grip strength.'[115] To the extent that registered GI status increases the visibility of traditional textiles and facilitates access to new markets, this often generates associated pressures to scale up production volumes while reducing production times. From an environmental sustainability perspective, economic success can be a double-edged sword.

A counter-example can be found in the Harris Tweed industry, which is recovering from a period of decline by prioritising design-led innovation in recent years. 'The environmental impact of a small pedal powered industry, such as the Harris Tweed® industry is comparably

[112] Kanupriya, 'COVID-19 and the Indian Textiles Sector: Issues, Challenges and Prospects' (2021) 25(1) *Vision* 7; Meghavatu Krishnaprasanna Naik, Prabhas Bhardwaj and Vinaytosh Mishra, 'Post-COVID Assessment of Small Business Weavers in an Indian Handloom Industry: Identifying and Prioritizing Key Challenges' (2023) *Research Journal of Textile and Apparel* 40.

[113] Sakshi Tokas et al, 'Tracing the Journey of a Craft from "Embeddedness" to "Commercialisation": A Case of Hand Block Printing from the Jaipur Region' (2023) 24 *Asian Ethnicity* 301.

[114] Ibid 314.

[115] Meitei and Ahemad, 'Communication and Challenges', above n 110, 319.

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low to those of a greater scale, or which require a greater amount of automated machinery.'[116] It also showcases a single country of origin supply chain, with the wool being sourced from the United Kingdom.[117] Significantly, the artisanal element is a core legal requirement that is respected in practice. Harris Tweed is defined as 'tweed which ... has been handwoven by the islanders at their homes in the Outer Hebrides, finished in the Outer Hebrides, and made from pure virgin wool dyed and spun in the Outer Hebrides'.[118]

The preceding analysis therefore does not imply that any innovations in the traditional textile space are impermissible.[119] In legal terms, environmentally harmful backsliding could be framed as inadequate GI enforcement against third parties outside the GI club who misuse the protected term without complying with the specification requirements. Where producers within the GI club also begin to adopt such undesirable methods, it points to inadequate verification mechanisms.[120] Robust enforcement needs to be accompanied by a supportive web of interlinked policies, to assist those producers who do follow sustainable methods of production. These include loans to provide working capital for investing in raw materials, tools or (recognised) technology; assistance with certification compliance; financial support with marketing, attending

[116] Josie Steed, Karen Cross and Beth Wilson, 'Collaborating with a Scottish Heritage Brand towards Enhancing and Preserving Sustainable Artisan Hand-Weaving Practices through a Knowledge Transfer Partnership' (2023) 11(1–2) *Journal of Textile Design Research and Practice* 127.

[117] See: 'Low Impact', Harris Tweed Hebrides <https://www.harristweedhebrides.com/pages/low-impact>.

[118] Harris Tweed Act 1993, s 7 (UK).

[119] See Basole, 'Authenticity, Innovation', above n 43, 129–130 (arguing against a 'preservationist' paradigm); Camilla Roman, 'Technological Change and Innovation in Middle India: The Case of Arni's Silk Cluster' in Barbara Harriss-White (ed), *Middle India and Urban-Rural Development. Exploring Urban Change in South Asia* (Springer, 2016) 177; W N Jazmina and W Ariffin et al, 'Handicraft Innovations: A Strategic Approach to Preserving Intangible Cultural Heritage of Malaysia' (2023) 10(7) *International Society for the Study of Vernacular Settlements* 137.

[120] In the Indian context, both (internal) verification and (external) enforcement are significantly underdeveloped. See Yogesh Pai and Tania Singla, 'Vanity GIs: India's Legislation on Geographical Indications and the Missing Regulatory Framework' in Irene Calboli and Ng-Loy Wee Loon (eds), *Geographical Indications at the Crossroads of Trade, Development, and Culture: Focus on Asia-Pacific* (Cambridge University Press, 2017) 333; Niharika Sahoo Bhattacharya and Kuhu Tiwari, 'A Study on the Quality Control and Enforcement of Registered Geographical Indication Goods in India' in Niharika Sahoo Bhattacharya (ed), *Geographical Indication Protection in India: The Evolving Paradigm* (Springer Nature, 2022) 27.

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international exhibitions, distribution and accessing export markets; the introduction of innovative new designs; and establishing e-commerce channels.[121]

10.4 Conclusion

For traditional textiles, GI protection offers the potential for both increased visibility and more effective legal protection for a hard-earned reputation. Supporting traditional textiles through this form of IP has additional synergies with the shift towards more sustainable production and consumption in the global fashion industry. By utilising natural fibres, organic dyes, artisanal modes of production and fabrics intended to be worn multiple times, GIs are positioned as the polar opposite of fast fashion; as 'threads that last'. This chapter has investigated whether there are legal and institutional mechanisms to *systematically reinforce* sustainability commitments, focusing on recent legal reforms in the EU that accommodate sustainability undertakings within a GI product specification, as a case study.

However, sustainability is understood in different senses. While the agricultural GI regime embraces the social, economic and environmental dimensions of sustainability, the crafts and textiles regime prioritises economic sustainability, given the relatively small-scale nature of production. This is an oversight, since commercial pressures can lead to adaptations being introduced that are justified in economic terms but have significantly detrimental environmental consequences. The EU experiment therefore offers practical methods to lock in sustainability commitments for traditional textiles while also reminding policymakers that synergies between different aspects of sustainability should not be taken for granted.

[121] Craft and textile specific support in India is described in T C James, 'Successful vs. Unsuccessful Stories of Indian GIs', IPC-EUI Training Workshop on GIs for Producers, Attorneys and Advisors (2017) <https://ipc-eui.com/ipc-eui/sites/default/files/events/files/T.C.J_Indian%20Geographical%20Indications%20successful%20vs%20unsuccessful.pdf>; Buch and Trivedi, *Indian Handlooms*, above n 25, 115–145; Sharma and Kulhari, *Marketing of GI Products*, above n 71, 52–70 (describing the range of support mechanisms for Chanderi sari producers). For a more comprehensive, comparative review of GI support policies, see Barbara Pick, *Intellectual Property and Development: Geographical Indications in Practice* (Routledge, 2022).

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