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Protecting Geographical Indications in Pakistan: Legal Gaps, Infringement Standards, and Comparative Lessons from China and the European Union

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Abstract

Geographical indications (GIs) protect signs that identify goods as originating from a particular territory where the quality, reputation, or other characteristics of the goods are essentially attributable to that place. For Pakistan, GI protection is not merely a technical branch of intellectual property law; it is connected with rural livelihoods, export branding, food quality, cultural heritage, and the collective rights of producer communities. This article critically examines Pakistan's Geographical Indications (Registration and Protection) Act, 2020, with particular attention to two unresolved legal problems: the conflict between GIs and prior trademarks, and the determination of infringement where unauthorized users exploit the reputation of a protected geographical name. The discussion shows that the 2020 Act represents an important legislative achievement, especially after the long absence of a sui generis GI regime. However, the law remains incomplete because it does not provide detailed standards for priority, coexistence, honest concurrent use, consumer confusion, evocation, unfair advantage, or public enforcement. These deficiencies reduce the practical value of GI registration for dispersed farmers, artisans, and producer groups that often lack the financial capacity to monitor markets and litigate infringements. The article uses a doctrinal and comparative method, drawing on the Court of Justice of the European Union's evocation jurisprudence in Scotch Whisky Association v Klotz, China's mixed GI protection model, the EU's consolidated 2024 GI regulation, WIPO's 2025 data on global GI activity, and the still-unresolved India-Pakistan Basmati rice dispute currently pending before the European Commission. Its innovative contribution is the proposal of a Pakistan-specific four-stage infringement test, a structured GI-trademark coexistence matrix, and an institutional enforcement model linking IPO-Pakistan, Customs, provincial regulators, and producer organisations. The article concludes that Pakistan must move beyond registration-focused protection and develop a coordinated system of quality control, market surveillance, border enforcement, and community participation if its GI regime is to protect indigenous products effectively and contribute to sustainable economic development.

Keywords: Geographical indications; Pakistan; intellectual property; GI infringement; trademark conflict; Basmati; evocation; producer organisations; comparative law

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Introduction

Geographical indications occupy a distinctive position within intellectual property law because they protect collective reputation rather than individual innovation. A trademark normally identifies the commercial origin of goods or services in a particular enterprise, while a GI identifies goods as originating in a particular region where their qualities, reputation, or characteristics are linked to natural conditions, human skill, or local tradition. This distinction is especially significant for countries such as Pakistan, where many commercially valuable products are associated with specific localities, including Basmati rice, Sindhri mango, Khewra pink salt, Ajrak, Peshawari chappal, Sialkot surgical instruments, and other agricultural, natural, handicraft, and industrial products.

The economic importance of GIs has increased globally. WIPO's recent global indicators show that GI protection continues to expand across jurisdictions, with more than 62,000 GIs reported in force worldwide in 2024 (WIPO, 2025a). This growth reflects the fact that geographical names are no longer viewed only as cultural labels; they are commercial assets capable of supporting price premiums, rural employment, export differentiation, and product authenticity. For Pakistan, the issue is particularly important because many traditional products are produced by small farmers or artisans who cannot individually build strong international brands. A functioning GI regime can enable them to compete through collective reputation and verified origin instead of price alone.

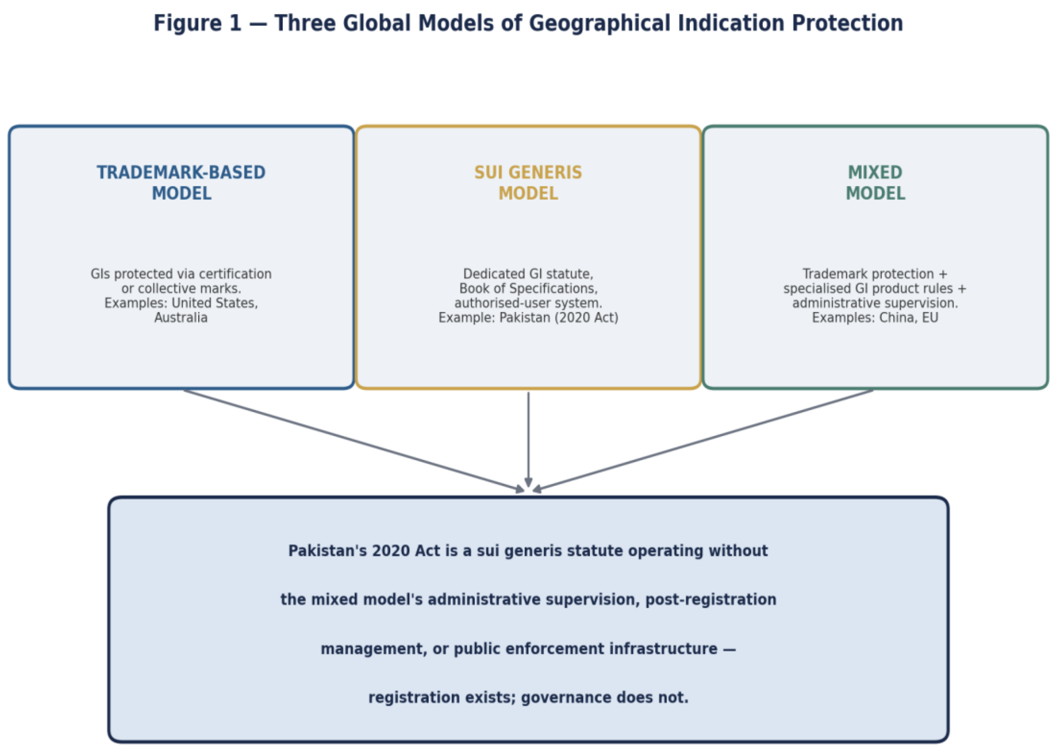

Figure 1: Three global models of geographical indication protection

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Pakistan enacted the Geographical Indications (Registration and Protection) Act, 2020 to create a separate statutory framework for GI registration and protection. Before this legislation, geographical names were mainly protected through trademark law, especially collective marks and certification marks under the Trade Marks Ordinance, 2001. That approach was inadequate because it treated geographical reputation through the logic of private marks rather than the collective logic of community-based rights. The 2020 Act therefore filled an important legislative gap. It created a GI Registry, provided procedures for registration, recognised authorised users, and gave legal protection against unauthorised use of registered GIs.

However, the central problem is that legislative enactment has not automatically produced effective protection. Pakistan's GI system remains underdeveloped in at least four areas. First, the relationship between GIs and existing trademarks remains uncertain. Second, the statute does not contain a clear judicial test for determining infringement. Third, enforcement relies too heavily on rights-holders who may not have the resources to investigate or litigate violations. Fourth, the regulatory system lacks strong coordination between IPO-Pakistan, Customs, provincial food and agriculture departments, and market enforcement bodies. As a result, registration may exist on paper while producers remain unable to prevent misuse in domestic and export markets. Pakistan's own ongoing dispute with India over the Basmati rice GI at the European Commission, examined in detail in Part 7, illustrates each of these four weaknesses simultaneously, and grounds this article's otherwise doctrinal analysis in a live, commercially consequential controversy.

This article addresses these weaknesses by moving beyond a descriptive account of the 2020 Act. It asks how Pakistan should determine conflicts between trademarks and GIs, what legal test should apply to GI infringement, and which comparative lessons can be adapted from China and the European Union without ignoring Pakistan's own institutional realities. The article argues that Pakistan requires a more precise legal and institutional model: one that balances prior private rights with collective regional interests, clarifies the evidentiary requirements for infringement, and creates a proactive enforcement structure capable of protecting vulnerable producer communities.

Research Problem and Methodology

The research problem is that Pakistan's GI framework is registration-oriented but enforcement-deficient. The 2020 Act recognises GIs as protectable legal assets, but it does not sufficiently explain how the boundaries of those assets should be defended in real disputes. A producer group may register a GI, yet still face unauthorised use by traders, exporters, or manufacturers who imitate the geographical name, use similar labels, or rely on disclaimers such as "type," "style," or "method." Similarly, a business may already own a trademark containing a geographical expression before the relevant GI is registered. The Act does not provide a detailed mechanism for resolving such overlaps in a predictable and commercially fair manner.

The article adopts a doctrinal and comparative methodology. The doctrinal part examines the structure and limitations of the Geographical Indications Act, 2020, the Trade Marks Ordinance, 2001, and the wider intellectual property framework in Pakistan. The comparative part draws lessons mainly from China because China uses a mixed model that combines trademark-based GI protection with specialised product protection and administrative supervision. China's experience is relevant because it shows how a state can combine registration, quality control, local government supervision, and market enforcement. The article also draws on the European Union's latest consolidated GI framework and on the Court of Justice of the European Union's jurisprudence on evocation, because EU law remains one of the most developed models for public enforcement, producer group participation, and protection against indirect appropriation of geographical reputation.

The research is normative as well as analytical. It does not merely identify gaps; it proposes a workable reform framework for Pakistan. The proposed framework includes a four-stage infringement test, a coexistence matrix for GI-trademark conflicts, and a dual-track enforcement structure combining private civil remedies with administrative market action. These proposals are designed for Pakistan's legal environment, where producer bodies are often weak, courts may lack technical guidance, and enforcement agencies need clearer statutory mandates.

Conceptual and International Framework of Geographical Indications

A GI performs three related functions. First, it identifies geographical origin. Second, it signals that a product has specific qualities, reputation, or characteristics attributable to that origin. Third, it protects collective reputation against misappropriation. These functions distinguish GIs from ordinary indications of source. A simple indication of source tells consumers where a product comes from; a GI additionally communicates a quality link between the product and the place. This quality link may arise from soil, climate, water, altitude, traditional know-how, processing methods, or a combination of natural and human factors.

The international foundation of modern GI protection is found in the TRIPS Agreement. Article 22 of TRIPS requires members to provide legal means to prevent use of any indication that misleads the public as to the geographical origin of goods or constitutes unfair competition. Article 23 provides a higher level of protection for wines and spirits. This two-tier structure has been criticised because it gives stronger protection to products historically important to developed economies while many agricultural and handicraft products from developing countries remain subject to the more difficult proof of consumer deception. Pakistan's interest lies in a broader model because its potential GI assets are not limited to wines or spirits; they include rice, mangoes, salt, textiles, footwear, and artisanal goods.

Internationally, GI protection is delivered through different legal models, illustrated in Figure 1 above. Some states protect GIs through trademark law, usually certification marks or collective marks. Others use a sui generis system, where the GI is registered and protected through a dedicated statute — the model Pakistan adopted in 2020. A third model combines both approaches. Each model has strengths and weaknesses. Trademark protection is familiar to courts and businesses, but it can privatise geographical expressions. Sui generis protection better reflects collective ownership, but it requires strong public institutions and producer organisations. The mixed model can be flexible, but it must contain clear conflict rules to avoid overlapping rights and regulatory confusion.

Recent developments show a continuing movement toward stronger, more integrated GI governance. The EU adopted Regulation (EU) 2024/1143 to consolidate rules on geographical indications for wine, spirit drinks, and agricultural products. China adopted updated measures for GI products that entered into force on 1 February 2024 and clarify responsibilities for recognition, management, and protection. These developments matter for Pakistan because they show that GI

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law is evolving away from simple registration and toward integrated systems of product specification, quality control, market surveillance, and coordinated enforcement.

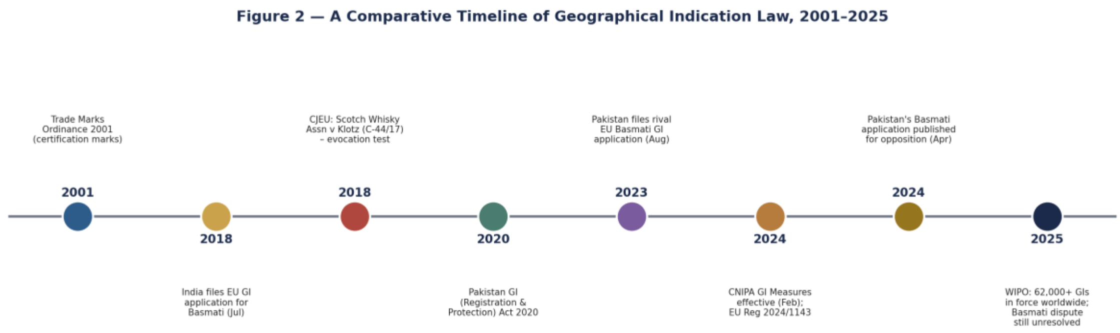

Figure 2: A comparative timeline of geographical indication law, 2001–2025

Pakistan's GI Framework after the 2020 Act

The Geographical Indications (Registration and Protection) Act, 2020 was an important turning point in Pakistan's intellectual property law. It established a sui generis framework for GIs and placed administration under IPO-Pakistan. The Act defines a GI as an indication identifying goods as originating in a particular territory, region, or locality where a given quality, reputation, or other characteristic is essentially attributable to that geographical origin. This definition is broadly consistent with TRIPS and WIPO formulations. The Act covers agricultural goods, natural goods, handicrafts, and industrial goods, which makes it potentially useful for Pakistan's diverse production sectors.

The statutory design contains three core elements: ownership or control of the GI, registration through a Book of Specifications, and recognition of authorised users. The Book of Specifications is particularly important because it should define the geographical area, the product characteristics, the method of production, the quality standards, and the evidence linking the product to the region. In theory, this document is the scientific and legal foundation of the GI. In practice, however, the preparation of a high-quality Book of Specifications requires technical expertise, producer participation, historical evidence, and testing capacity. These requirements can be difficult for small producer communities unless the state provides institutional assistance. As Part 7 shows, the weakness of Pakistan's own Basmati Book of Specifications — extending the claimed growing area from fourteen to forty-eight districts, including non-contiguous regions — has become a specific point of vulnerability in its EU dispute with India.

The Act also recognises authorised users. This is a necessary feature because a GI should not be controlled by a single private entity. Eligible producers within the defined geographical area should be able to use the protected name if they comply with the product specifications. The authorised user system can prevent free-riding by outsiders while ensuring that legitimate local producers are not excluded. However, the value of this system depends on awareness, accessibility, and administrative efficiency. If producers do not know how to register as authorised users, or if registration is costly and slow, the GI may become a formal legal asset without broad community participation.

A recent academic assessment notes that Pakistan has moved from the initial stage of GI legislation to the more difficult stage of implementation, with registered and notified GIs still facing gaps in enforcement, institutional capacity, and stakeholder awareness (Shahzad & Wang, 2025). WIPO's technical assistance activities in Pakistan during 2024 and 2025, including work connected with Sindhri Mango, also indicate that building effective control systems is now a priority. These developments show that the real challenge for Pakistan is not simply to register more geographical names. The more important challenge is to make registration meaningful through quality control, producer organisation, and enforcement.

Critical Weaknesses in the Existing Legal Framework

The first weakness is the absence of detailed rules on the practical governance of collective rights. A GI is legally collective, but producer communities are often economically fragmented. Many small farmers and artisans operate informally, lack legal knowledge, and do not have the resources to establish strong associations. The Act assumes that collective management will emerge around a registered GI, but it does not sufficiently explain how producer bodies will be created, funded, trained, and supervised. Without organised producer groups, the GI cannot perform its intended role because there is no effective body to monitor use, maintain standards, or initiate enforcement.

The second weakness is the limited public enforcement mandate. Pakistan's system relies heavily on private enforcement by rights-holders and authorised users. This approach is problematic because the communities most in need of GI protection are often the least able to pay for investigation, market monitoring, legal notices, and litigation. If the burden of enforcement remains primarily private, stronger commercial actors may continue to exploit geographical reputation while weaker producers remain passive. A GI regime designed for public and community interests should not depend entirely on private litigation.

The third weakness is institutional capacity. The GI Registry must evaluate product specifications, geographical boundaries, quality evidence, historical reputation, and producer eligibility. These are not purely legal questions. They require scientific testing, agricultural expertise, historical research, and knowledge of supply chains. IPO-Pakistan may process applications administratively, but effective GI governance requires a technical wing that can work with universities, agricultural departments, standards bodies, laboratories, and local governments. Without such capacity, weak specifications may be approved, making later infringement determination difficult.

The fourth weakness is weak inter-agency coordination. GI enforcement can involve many institutions: IPO-Pakistan, Customs, provincial food authorities, agriculture departments, local market inspectors, police, export bodies, and courts. If these institutions do not share data, counterfeit or misleading GI goods may pass through markets and borders without detection. A registered GI should be integrated into customs databases and product inspection systems. Otherwise, infringement may only be discovered after damage has already occurred in domestic or foreign markets.

The fifth weakness is the lack of consumer-focused rules. GI infringement often depends on whether the public is misled about origin or whether the defendant unfairly benefits from the protected reputation. The Act does not provide a detailed method for measuring these concepts.

It does not explain whether courts should consider visual similarity, phonetic similarity, conceptual similarity, product proximity, reputation of the GI, consumer surveys, price differences, trade channels, disclaimers, or evidence of actual confusion. This absence of criteria creates uncertainty for producers, traders, lawyers, and judges — an uncertainty Part 6 argues the Court of Justice of the European Union's evocation jurisprudence offers concrete tools to resolve.

Conflict between Geographical Indications and Trademarks

The conflict between GIs and trademarks is one of the most difficult issues in Pakistan's GI regime. Both signs operate in the marketplace, both may contain words or symbols, and both influence consumer perception. However, their legal logic is different. A trademark gives exclusive rights to a private proprietor and identifies a commercial source. A GI protects a collective geographical reputation and should remain available to all eligible producers within the defined area. Conflict arises when a trader or company registers a geographical term as a trademark before the same term is later recognised as a GI.

A strict priority rule would favour the earlier trademark. This may protect business investment and commercial certainty, but it can also produce unfair results. If one company obtains exclusive trademark rights in a geographical name, local producers from the actual region may be prevented from using the name that describes their own products. This would privatise a collective cultural and economic asset. On the other hand, automatically cancelling all prior trademarks after GI registration may also be unfair where a business acted in good faith, invested in branding, and did not mislead consumers at the time of registration. A balanced system must therefore distinguish between bad-faith appropriation, honest prior use, generic use, and misleading use.

Pakistan's law does not provide a sufficiently detailed coexistence framework. The Act should clarify at least four issues. First, it should define how priority is determined when a geographical term appears in an earlier trademark and later GI. Second, it should explain when honest concurrent use may be allowed and under what labelling conditions. Third, it should define when a geographical term has become generic and therefore cannot be monopolised as a GI. Fourth, it should provide procedures for opposition, cancellation, rectification, and disclaimers where trademarks and GIs overlap.

This article proposes a coexistence matrix for Pakistan, illustrated in Figure 4. If a trademark was registered in bad faith to capture the reputation of a known regional product, it should be refused, cancelled, or restricted. If a trademark was registered in good faith before the GI and does not mislead consumers, coexistence may be allowed but only with clear labelling and no suggestion that the goods are certified GI goods. If the trademark uses the geographical term for goods unrelated to the GI, coexistence may be less problematic, provided that dilution and unfair advantage are avoided. If the term is generic, GI protection should not be granted unless the applicant proves a renewed and specific geographical reputation. This structured approach would reduce uncertainty and help IPO-Pakistan and courts reach consistent decisions.

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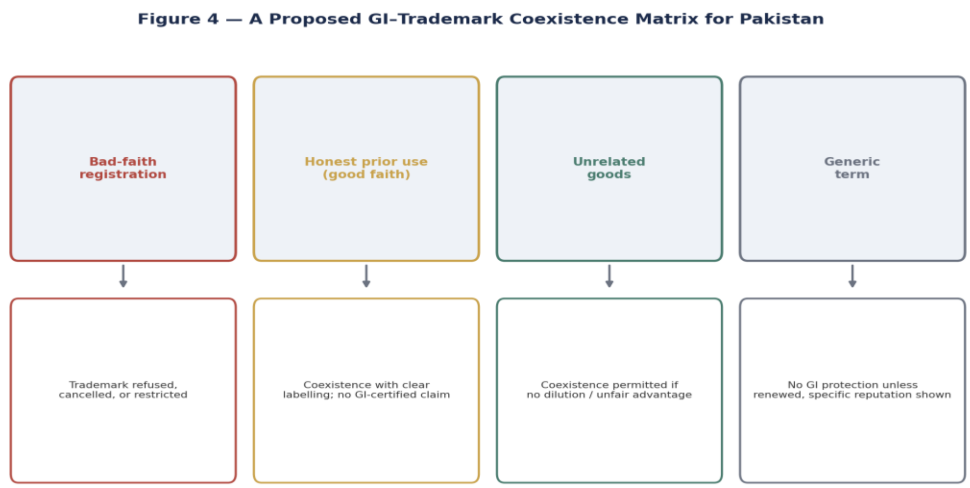

Figure 3: A proposed GI–trademark coexistence matrix for Pakistan

The Basmati Controversy: A Live Test of Pakistan's GI Framework

The Basmati dispute demonstrates why the issues addressed in this article are not merely theoretical. Basmati is not simply a commercial word; it represents a rice tradition linked with geography, reputation, and export value, and the dispute over its GI status has become one of the most closely watched geographical-indication controversies in the world.

India filed an application for protected geographical indication status for Basmati before the European Commission in July 2018, published in the Official Journal of the European Union on 11 September 2020 for potential opposition. India's application describes Basmati as a product of "a particular geographical region of the Indian sub-continent," language that does not exclude Pakistani production but which, if registered without a corresponding Pakistani GI, would leave Pakistani exporters without an equivalent protected designation in the EU market a market in which India and Pakistan have historically supplied roughly sixty-five and thirty-five percent of Basmati imports respectively. Pakistan responded by filing its own rival GI application on 24 August 2023, extending its claimed Basmati-growing area from the fourteen districts originally associated with the crop to forty-eight districts, and controversially including four districts of Pakistan-administered Kashmir a move Indian commentary has characterised as an attempt to use trade law to internationalise a territorial dispute, and which the European Commission itself is reported to regard as politically difficult to endorse. The Rice Exporters Association of Pakistan filed a formal notice of opposition to India's application on 7 December 2023, and the European Commission published Pakistan's own application for potential opposition on 23 February 2024, with a further republication in April 2024. As of late 2025, both applications remained pending before the European Commission, which has reportedly urged the two countries to submit a joint application — a proposal India has rejected on the ground that Pakistan's application implicitly asserts sovereignty over disputed Kashmiri territory.

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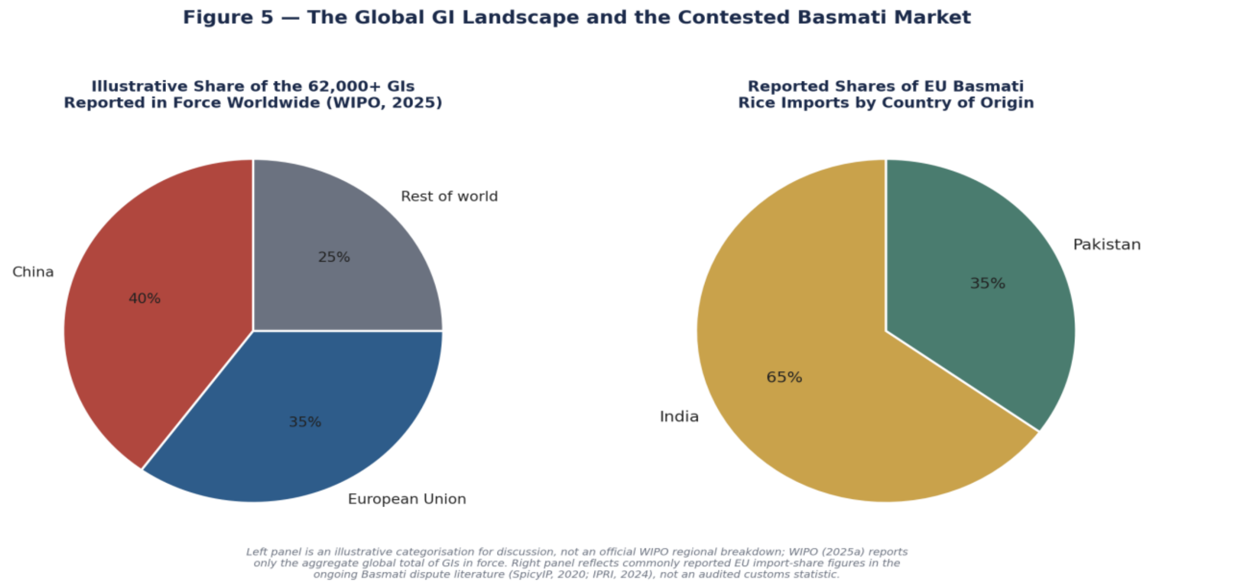

Figure 4: The global GI landscape and the contested Basmati market

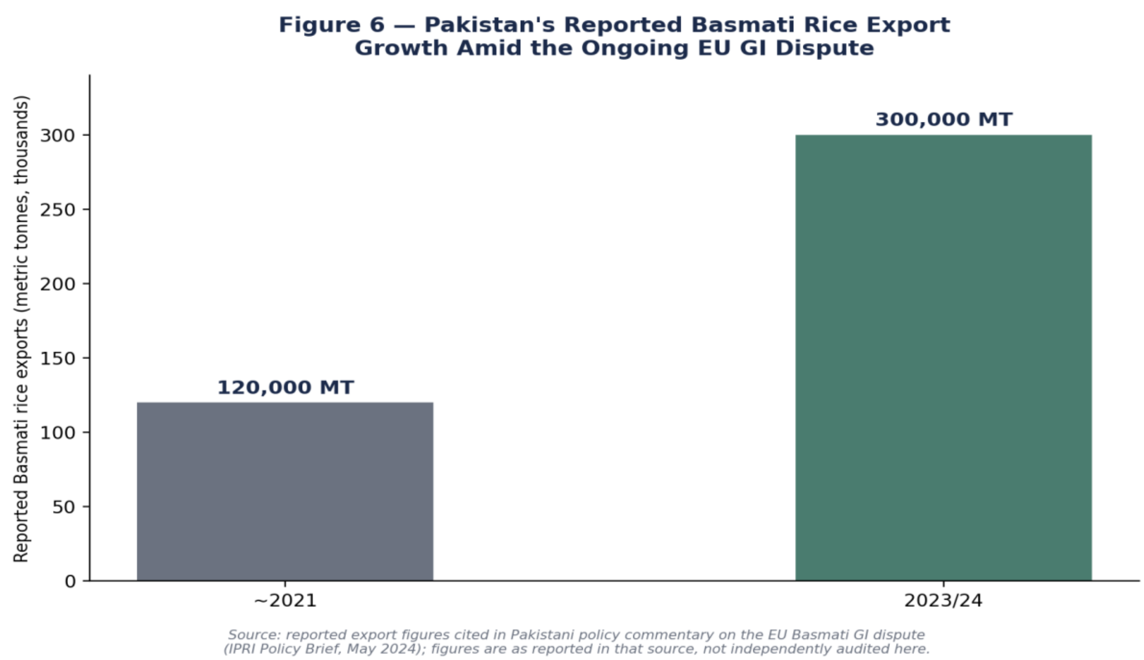

Figure 5: Pakistan's reported Basmati rice export growth amid the ongoing EU GI dispute

The dispute illustrates, in a single live controversy, every weakness this article has identified in Pakistan's domestic GI framework. It shows the practical significance of the Book of Specifications: independent commentary has specifically questioned whether Pakistan can substantiate a forty-eight-district growing area, including a "non-contiguous" Khyber Pakhtunkhwa region, with the scientific and historical evidence a credible specification requires (IPRI, 2024). It shows the importance of institutional coordination, since Pakistan's response has required cooperation between the Ministry of Commerce, IPO-Pakistan, and the Rice Exporters Association of Pakistan, an ad hoc coalition rather than the product of any standing institutional mechanism of the kind Part 10 proposes. And it shows why GI protection cannot be treated as a purely private matter: no individual Pakistani rice exporter could plausibly fund or conduct the sustained diplomatic and legal engagement with the European Commission that defending Pakistan's Basmati interests has required, reinforcing this article's broader argument that a GI regime dependent on private enforcement is poorly suited to defending Pakistan's most economically significant geographical indications on the international stage. Pakistan therefore needs a legal framework that protects regional reputation without ignoring existing commercial realities. The solution is not absolute priority for trademarks or absolute priority for GIs, nor is it a purely domestic legislative fix; it is a principled coexistence model guided by good faith, consumer perception, product specification, and prevention of unfair advantage, backed by the institutional capacity to defend that model internationally.

Determination of GI Infringement

Determining GI infringement is more complex than identifying literal unauthorised use. A defendant may use the exact GI name, a similar spelling, a translated version, a pictorial symbol, or packaging that evokes the protected region. The defendant may also use disclaimers such as "style," "type," "kind," or "method" to suggest that consumers are not being misled. The difficulty is that such expressions may still take unfair advantage of the GI's reputation. A strong infringement test must therefore capture both direct deception and indirect evocation.

Pakistan's Act prohibits misleading use, unauthorised use, and acts that amount to unfair competition, but it does not provide a detailed analytical sequence. Courts may therefore borrow from trademark confusion tests, passing off principles, or general unfair competition concepts. While these doctrines are useful, they are not sufficient. GI infringement is not only about confusion between two traders. It is also about protecting the link between product, place, quality, and collective reputation. A consumer may know that a product is not from the protected area but may still be attracted by the reputation of the geographical name. In such cases, the harm is not simple confusion; it is unfair appropriation of reputation.

The CJEU's Evocation Doctrine: A Concrete Standard Pakistan Currently Lacks

The Court of Justice of the European Union's judgment in Scotch Whisky Association v Michael Klotz supplies exactly the kind of concrete evidentiary standard Pakistan's Act currently lacks. The case concerned a German distillery marketing whisky under the designation "Glen Buchenbach," a name the Scotch Whisky Association argued evoked the protected geographical indication "Scotch Whisky" because "Glen" is widely used in Scotland to mean "valley" and appears in numerous Scotch whisky trademarks, even though the product's label also clearly stated "German product." The CJEU held that evocation must be assessed by asking whether, when confronted with the disputed name, "the image triggered directly in [the average European consumer's] mind is that of the product whose geographical indication is protected" a standard that can be satisfied through conceptual proximity alone, without any requirement of phonetic or visual similarity to the protected name, and without any partial incorporation of the protected term. Critically, the Court held that this determination must be made without regard to the context surrounding the disputed element, and in particular without regard to the fact that the product's true origin is clearly indicated on the label. The Hamburg court, applying this standard on remand, ultimately

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found in the Scotch Whisky Association's favour, a result upheld on appeal, establishing that a truthful disclaimer of actual origin does not cure an otherwise-evocative use of a protected geographical term.

This doctrine directly addresses the gap identified in Part 5's fifth weakness. Pakistan's Act, as currently drafted, gives no guidance on whether a label reading "Basmati style" rice grown outside the protected region, or a "Peshawari-style" sandal manufactured elsewhere, infringes the relevant GI notwithstanding its truthful disclaimer. Klotz demonstrates that a mature GI jurisprudence answers this question by asking whether the ordinary consumer's mind is drawn directly to the protected indication a test this article's proposed four-stage framework, developed in Part 8.2, incorporates directly into its market-effect stage, rather than leaving Pakistani courts to construct an equivalent standard from first principles the next time an evocation dispute reaches litigation.

Figure 6: A proposed four-stage GI infringement test for Pakistan.

A Proposed Four-Stage Test for Pakistan

This article proposes a four-stage GI infringement test for Pakistan, illustrated in Figure 3. Stage one should examine the validity and scope of the GI: the protected name, geographical area, product category, Book of Specifications, and authorised users. Stage two should examine the defendant's use: whether the defendant used an identical sign, similar sign, translation, transliteration, imagery, packaging, or descriptive expression connected with the protected GI. Stage three should examine market effect: whether the use is likely to mislead consumers, create association, evoke the protected region in the sense Klotz describes, or take unfair advantage of the GI's reputation expressly incorporating the CJEU's "image triggered directly in the mind" standard and its rule that a truthful origin disclaimer does not, by itself, defeat a finding of evocation. Stage four should examine defences and remedies: good-faith descriptive use, comparative use, prior trademark rights, disclaimers, proportionality, injunctions, damages, seizure, corrective labelling, and administrative penalties.

This test would be more appropriate than a simple trademark confusion test because it recognises the special character of GIs. It would allow courts to consider direct and indirect forms of misuse. It would also guide enforcement agencies when deciding whether goods should be seized or whether corrective action should be ordered. Most importantly, it would make the Book of Specifications central to infringement analysis. If the product specification is precise, courts can more easily compare the defendant's goods with the protected GI goods. If the specification is vague, infringement becomes harder to prove. This shows why registration quality and enforcement standards must be developed together.

Consumer confusion should be assessed through practical market factors. Courts should consider the ordinary consumer of the relevant goods, not an expert with technical knowledge. They should examine label appearance, price, point of sale, distribution channels, language, regional symbols, export packaging, and the reputation of the protected GI. Disclaimers should not automatically protect defendants, a conclusion the Klotz judgment itself supports directly. A label stating "Basmati style" or "Sindhri type" may still exploit the reputation of the GI if the overall presentation suggests a connection with the protected region. The test should therefore evaluate the total impression created by the goods, consistent with the CJEU's own instruction in Klotz that context and accompanying disclaimers are not to be weighed in the evocation inquiry itself.

Comparative Lessons from China and the European Union

China's Mixed Model

China offers useful comparative lessons because it has developed a mixed GI protection system combining trademark-based protection, specialised GI product protection, and administrative supervision. Although the Chinese system cannot be copied mechanically, it provides practical guidance for Pakistan in three areas: institutional coordination, quality control, and administrative enforcement.

China's updated measures for the protection of products with geographical indications, adopted by CNIPA and effective from 1 February 2024, are significant because they clarify recognition, management, and protection responsibilities. They emphasise not only registration but also post-registration management, use of special signs, obligations of producers, and local supervisory re-

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sponsibilities. This is an important lesson for Pakistan: a GI system must regulate the life of the GI after registration. The product name must be monitored, specifications must be enforced, and misuse of the GI logo or name must be sanctioned.

Another lesson is the value of administrative enforcement. China uses local market regulation authorities to support IP enforcement, while CNIPA provides professional guidance in relation to GI and trademark protection. This administrative track reduces the burden on individual producers. It allows the state to investigate, inspect, seize, and penalise infringing goods without requiring small producer groups to bear the full cost of civil litigation. Pakistan should consider a similar model through a GI Enforcement Cell linked with provincial market inspectors, food authorities, and Customs.

China also demonstrates the value of connecting GI protection with local economic development. GI protection is not treated only as a legal remedy after infringement; it is linked with quality certification, regional branding, rural revitalisation, and international recognition. Pakistan can adapt this idea by connecting GI registration with export promotion, agricultural extension services, product testing laboratories, and tourism branding. A GI for a mango, rice, textile, or handicraft should be supported by a complete ecosystem that helps producers comply with standards and market the product responsibly.

However, Pakistan must be careful in adaptation. China has stronger administrative capacity and a different governance structure. Pakistan's federal-provincial division, limited institutional budgets, and fragmented producer communities require a more decentralised approach. Therefore, the better lesson is not to copy China's institutions exactly, but to adopt the underlying principles: clear responsibilities, technical review, producer obligations, market surveillance, border enforcement, and coordination between trademark and GI authorities.

The European Union's Producer-Group Model and Evocation Jurisprudence

The EU provides another important reference point because its GI regime is highly developed and strongly linked to agricultural policy, food quality, and rural development. Regulation (EU) 2024/1143 consolidated the GI framework for wine, spirit drinks, and agricultural products and reflects a modern approach to registration, product specification, producer groups, controls, and enforcement. The EU model is relevant for Pakistan because it shows that GI protection requires public oversight and collective organisation, not only registration.

A key lesson from the EU is the importance of producer groups. Producer groups are not merely applicants; they help maintain product standards, monitor misuse, and represent collective interests. Pakistan should adopt a stronger legal framework for GI management bodies. Such bodies should be required to maintain membership records, educate producers, monitor compliance, cooperate with regulators, and participate in enforcement actions. At the same time, the state should provide legal and technical support so that poorer communities are not excluded.

The EU also protects against misuse that exploits reputation even where consumers may not be directly confused, a principle the Klotz judgment discussed in Part 8.1 applies with particular clarity. This broader understanding is useful for Pakistan because many infringers may rely on indirect references, evocation, or disclaimers. Pakistan should therefore amend its law to recognise that infringement includes not only false origin claims but also unfair commercial advantage

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derived from the protected geographical reputation, assessed through the direct-mental-association standard Klotz establishes. This would strengthen protection for Pakistani products in both domestic and export markets, including in the Basmati dispute discussed in Part 7, where the ultimate legal standard applied by the European Commission and, if litigated, the EU courts will likely draw on this same evocation jurisprudence.

Innovative Contribution of this Research to Existing Knowledge

The innovative contribution of this research lies in shifting the discussion from the question of whether Pakistan has a GI law to the question of how that law should operate in contested market situations. Much existing discussion on Pakistani GIs focuses on economic potential, registration, and general legal compliance. This article contributes a more precise legal framework for infringement and GI-trademark conflict, two areas that directly determine whether GI protection will work in practice, grounded throughout in the CJEU's evocation jurisprudence and in the live Basmati dispute rather than in abstract doctrinal description alone.

First, the article proposes a Pakistan-specific four-stage GI infringement test that expressly incorporates the CJEU's evocation standard from Klotz. This test brings together statutory validity, defendant use, market effect, and remedies. It is designed to help courts and enforcement agencies distinguish between lawful descriptive use, misleading use, evocation, unfair advantage, and genuine prior rights. This is an original contribution because Pakistan's Act does not currently provide such a structured test, nor does it reference any evocation standard comparable to the one EU jurisprudence has developed.

Second, the article proposes a GI-trademark coexistence matrix. Instead of treating prior trademarks and later GIs as an all-or-nothing conflict, the matrix separates bad-faith registration, honest prior use, unrelated goods, generic terms, and misleading use. This approach balances commercial certainty with collective regional rights. It also provides a practical decision-making tool for IPO-Pakistan, courts, trademark owners, and producer groups.

Third, the article proposes an institutional enforcement model for Pakistan, illustrated in Figure 7 below. The model links IPO-Pakistan with Customs, provincial market regulators, food and agriculture authorities, producer organisations, export bodies, and specialised IP tribunals. It recognises that small producers cannot protect GIs through private litigation alone a lesson the Basmati dispute's reliance on an ad hoc coalition of the Ministry of Commerce, IPO-Pakistan, and the Rice Exporters Association of Pakistan illustrates concretely. This contribution is important because it treats enforcement as a public governance issue rather than a purely private dispute.

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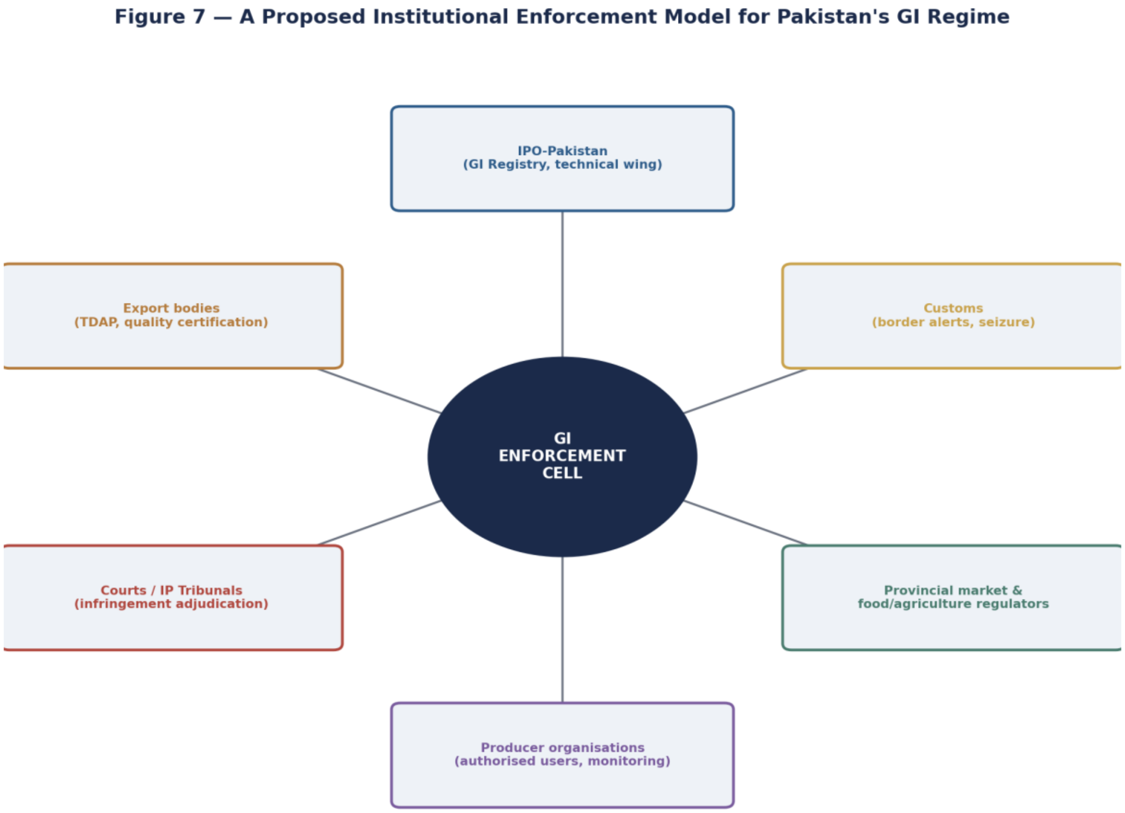

Figure 7: A proposed institutional enforcement model for Pakistan's GI regime.

Fourth, the article connects GI protection with sustainable development and community empowerment. The proposed reforms are not only legal technicalities. They are designed to help rural producers and artisans maintain quality, build collective bargaining power, prevent misappropriation, and participate in export markets. In this way, the research adds an applied development dimension to the doctrinal analysis of GI law.

Recommendations for Legal and Institutional Reform

Pakistan should adopt a reform agenda that addresses legislation, institutions, enforcement, producer capacity, and international strategy together. The following recommendations are designed to make the GI regime practically enforceable rather than merely formal.

Clarify GI-trademark priority rules. The Act should specify how prior trademarks, later GIs, generic terms, bad-faith registrations, and honest concurrent use are to be assessed, applying the coexistence matrix proposed in Part 6. It should allow coexistence only where consumers are not misled and the prior user does not unfairly exploit the GI reputation.

Introduce a statutory infringement test. The law should define infringement to include identical use, confusingly similar use, translation, transliteration, evocation, misleading packaging, and use of expressions such as "style," "type," or "method" where the overall presentation exploits

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the GI reputation, codifying the four-stage test and Klotz-derived evocation standard proposed in Part 8.

Strengthen the Book of Specifications. The Book of Specifications should be treated as the core legal and technical document for each GI. It should include geographical boundaries, product characteristics, production methods, quality controls, inspection mechanisms, and evidence of the origin-quality link a rigour the Basmati dispute's forty-eight-district specification suggests Pakistan has not yet consistently achieved.

Create a technical wing within IPO-Pakistan. IPO-Pakistan should have access to agricultural experts, food scientists, historians, geographers, economists, and legal specialists to evaluate applications and assist courts in complex disputes.

Establish a GI Enforcement Cell. A specialised enforcement cell should coordinate with Customs, provincial market authorities, food regulators, police, and export bodies. Its role should include market inspections, border alerts, seizure assistance, and public complaint handling.

Integrate the GI Registry with Customs databases. Registered GIs and authorised users should be visible to Customs officers through a digital enforcement system. This would help detect falsely labelled goods at export and import points.

Empower producer organisations. The government should support producer associations through legal training, registration assistance, quality-control guidance, and funding for collective enforcement. Producer bodies should be transparent and inclusive so that smaller producers are not excluded.

Develop GI awareness programs. Farmers, artisans, exporters, retailers, and consumers need education on the meaning of GIs, the role of authorised users, and the legal consequences of misuse. Awareness is essential because a GI system cannot function if producers and consumers do not understand it.

Use alternative dispute resolution. GI disputes between local producers, trademark owners, and authorised users should be eligible for mediation or expert determination before litigation. This may reduce delay and cost.

Build international protection strategies. Pakistan should identify priority GIs for foreign registration and bilateral protection, learning directly from the strengths and weaknesses its Basmati application has already exposed. Export-oriented products such as rice, mangoes, salt, textiles, and handicrafts should be supported through coordinated legal and trade strategies, including the kind of sustained diplomatic engagement the ongoing EU dispute has required.

Conclusion

Pakistan's Geographical Indications Act, 2020 is a significant legal development, but it is only the starting point of effective GI protection. The Act gives Pakistan a statutory foundation, yet the system still suffers from unclear trademark conflict rules, weak infringement standards, limited public enforcement, inadequate technical capacity, and underdeveloped producer organisations. These weaknesses are serious because GIs are collective rights. If producer communities cannot register, manage, monitor, and enforce them, the law will not deliver its promised economic and cultural benefits a conclusion the still-unresolved Basmati dispute before the European Commission illustrates with unusual clarity.

The article has argued that Pakistan must move from registration to governance. A meaningful GI regime requires clear legal tests, strong specifications, coordinated institutions, and proactive enforcement. The proposed four-stage infringement test, incorporating the Court of Justice of the European Union's evocation standard from Scotch Whisky Association v Klotz, would guide courts in assessing misleading use, evocation, unfair advantage, and consumer perception. The proposed coexistence matrix would help resolve conflicts between prior trademarks and later GIs in a balanced and predictable manner. The proposed enforcement model would reduce the burden on rural producers by involving public authorities in market surveillance and border control.

Comparative experience from China and the European Union confirms that successful GI protection depends on coordination between law, administration, quality control, and producer participation. Pakistan should adapt these lessons to its own federal and institutional context. If reforms are implemented, GI protection can become a tool for preserving cultural heritage, strengthening rural livelihoods, improving export competitiveness, and protecting Pakistan's regional products from misappropriation. Without these reforms, however, Pakistan risks having a formal GI registry that lacks practical force in the marketplace and, on the evidence of the Basmati dispute, risks entering its most consequential international GI contests without the specification rigour, institutional coordination, or evidentiary standards the contest demands.

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