

**PROTECTION OF THE INTEREST OF ARTISANS OF KASUTI HANDICRAFT WITH
RESPECT TO GEOGRAPHICAL INDICATION: A CRITICAL ANALYSIS**

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ABSTRACT

“Creative, but protectively creative.” Women, since time immemorial, have immersed themselves in various kinds of traditional art, specifically handicrafts for a vast range of purposes, be it for financial stability or, at the most, to preserve and propagate their traditional art form. This paper aims at exploring the handicraft of ‘Kasuti embroidery’ which is extensively practiced by the women of the North Canara district of Karnataka. The raison d’être of choosing this traditional art form is to establish the importance of women in the field of ‘Traditional Handicraft’, thereby summing up the protection in intellectual property rights. Often, it can be noticed that this form of artwork gets appreciated verbally instead of being protected in IPR, which results in an ‘all talk, no work’ scenario. Furthermore, this paper aims at striking a balance between the protection of the traditional handicraft of Kasuti work and the protection that is required to be provided to the women involved in this handicraft. To protect the authenticity of Kasuti and safeguard the interest of the people who practice the same, a geographical indication tag was extended to it in the year 2006. This paper aims to analyse whether geographical indication sufficiently protects the interests of the artisans along with that of the art. It further goes on to identify how intellectual property protection can be extended not only to Kasuti work but also to the makers of the same. This paper shall employ various checks and balances enabled under the Indian intellectual property scenario. Financial and stability-based differentiation shall be established when geographical indication protection is enabled in the field of handicraft when compared to traditional knowledge protection, traditional cultural expression protection and the implication of the same on the creators, herein, the women involved in the creation of ‘Kasuti embroidery’.

I. INTRODUCTION

Draped in a traditional Ilkal saree, the Finance Minister of India, Smt. Nirmala Sitharaman presented the budget for the year 2023.¹ What caught the eyes of fashion lovers was the beautiful and intricate hand-embroidered motifs that added to the richness of the saree. “Kasuti”, a hand embroidery technique that dates to the Chalukya period is a household name in Dharwad, a district in North Karnataka.² Something that used to be a hobby has now turned into a source of livelihood; Kasuti

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¹ Amit Upadhye, *Saree worn by Nirmala Sitharaman on Budget day was hand-woven in Karnataka*, THE NEW INDIAN EXPRESS (Feb. 1, 2023), <https://www.newindianexpress.com/states/karnataka/2023/feb/01/saree-worn-by-nirmala-sitharaman-on-budget-day-was-hand-woven-in-karnataka-2543431.html>.

² Raju Vijapur, *A heritage of craftsmanship*, DECCAN HERALD (24 May, 2016), <https://www.deccanherald.com/content/546828/a-heritage-craftsmanship.html>.

handicraft is empowering women by allowing them to be self-employed. The raw materials required are creativity and patience with some threads and needles. With minimal investment, these women create symmetrical geometric designs on fabrics that can be used for apparel, bedding, bags, cushion covers, etc. Inspired by the local culture and tradition, there are around 700 designs that are practiced by these women.³ All in all, Kasuti handicrafts represent the heritage of Karnataka and the contribution of women to the field of art.

In today's world, where fast fashion rules the market, handwoven clothes have seen a setback. Machine-made goods require less time and labour and are sold at a cheaper price, and this attracts consumers. As brands produce counterfeits of products that require days of effort, the handicraft industry is plodding a way through. In this process, the most affected are the poor artisans who are completely dependent on the art and are yet underpaid.

When an art like Kasuti, which is practiced by an all-women community, does not get its due attention, the consequences are more than merely economic. For these women who come from patriarchal households, Kasuti is a means of liberation. To the community that lacks education and exposure, the art form brings self-reliance.⁴ Recognizing the importance of the art to the community at large, a Geographical Indication tag was awarded to Kasuti in the year 2006.⁵ This paper tries to critically analyze whether geographical indication is an effective intellectual property tool to protect the interests of Kasuti artisans.

In the first part, the paper analyses the Geographical Indication [“GI”] law that protects the art of Kasuti. For this, a brief description of the evolution, purpose, and features of the *Geographical Indication of Goods (Registration and Protection) Act, 1999* is given.⁶ Further, this paper goes on to analyze whether GI sufficiently addresses the problems of the artisans in its first phase.

A. Statement of Problem

The legal issue in the current scenario is that the protection extended to Kasuti handicraft is merely GI, which protects the work ‘per se’. However, there is no protection extended to the artisans

³ Direct Create Community, *Kasuti Embroidery from Karnataka*, DIRECT CREATE (Oct. 8, 2016), <https://www.directcreate.com/craft/kasuti-embroidery>.

⁴ Re Nu et al., *Revival of Kasuti Embroidery Motifs as Hand Painting*, 7 INT.J.CURR.MICROBIOL.APP.SCI 3409 (2018), <https://www.ijcmas.com/abstractview.php?ID=10944&vol=7-11-2018&SN0=391>.

⁵ *Geographical Indications*, INTELLECTUAL PROPERTY INDIA, https://ipindia.gov.in/IPIndiaAdmin/writereaddata/Portal/Images/pdf/Registered_GI_of_India_31-12-2024.pdf.

⁶ Geographical Indications of Goods Act, 1999, No. 48, Acts of Parliament, 1999 (India).

involved in this work which leads to a legal lacuna of intellectual property rights [“IPR”] protection extended to the women involved in this handicraft.

B. Research Questions

The research will try to answer the following questions:

- Whether Geographical Indication Protection extended to Kasuti handicraft sufficiently protects the art and the artisans?
- Whether the artisans of Kasuti Handicraft can be protected under Traditional Knowledge?
- Whether the identity of artisans of Kasuti Handicraft be protected under Traditional Cultural Expression?

C. Objectives of the Study

The objective of this research is as follows:

- To examine the legal framework of GI in Kasuti embroidery
- To analyse the legal structure of traditional knowledge protection in India
- To study the requirements for protection of Traditional Cultural Expression in India.

II. LEGAL FRAMEWORK OF GEOGRAPHICAL INDICATION IN INDIA

An intellectual property law tool that is highly preferred for the protection of traditional art forms and handicrafts is GI. Many experts in the field endorse systematic GI laws for the protection and preservation of the production culture.⁷ This bundle of rights is often called as the “Poor Man’s Intellectual Property Rights” due to its compatibility with traditional knowledge.⁸

GIs identify a “good” as originating from a specific territory, where its quality, reputation and other characteristics are attributable to its geographical origin.⁹ The specialty of GI is that it creates a link between the region and the peculiarity of the good. There have been studies that show how GI results in greater economic returns, protection and promotion of unique goods and equitable benefit sharing for the rural community at large.¹⁰ There are many other advantages of GIs, like

⁷ Tomer Broude, *Taking “Trade and Culture” Seriously: Geographical Indications and Cultural Protection in WTO Law*, 26 UNIVERSITY OF PENNSYLVANIA JOURNAL OF INTERNATIONAL LAW 623 (2005).

⁸ Amit Basole, *Authenticity, Innovation, and the Geographical Indication in an Artisanal Industry: The Case of the Banarasi Sari*, 18 THE JOURNAL OF WORLD INTELLECTUAL PROPERTY 127 (2015).

⁹ Agreement on Trade-Related Aspects of Intellectual Property Rights, art. 22, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

¹⁰ Mohsin Shafi, *Geographical indications and sustainable development of handicraft communities in developing countries*, 25 THE JOURNAL OF WORLD INTELLECTUAL PROPERTY 122 (2022).

protection of consumers from fake products, safeguarding the interests of the producers, and conservation of cultural and biological diversity.¹¹

The Trade-Related Aspects of Intellectual Property Rights [“**TRIPS**”] provides minimum standards of protection for geographical indication, which are supposed to be complied with by World Trade Organization [“**WTO**”] member nations.¹² In lieu of the same, a sui generis legislation for the registration and protection of GI was enacted in India in the year 1999. This law came as a ray of hope for the prevention of piracy and the protection of traditional knowledge.¹³

Once a GI is registered, it will empower the right holder to prevent unauthorized use by filing a civil suit or a criminal complaint. There are two types of registration under the GI Act. Part A provides for the registration of GI, and Part B for the registration of an authorized user.¹⁴ Any person who is a proprietor of the registered GI can become an authorized user under Section 17 of the Act.¹⁵ Both registrations are valid for a period of 10 years and could be renewed thereafter.¹⁶ After making an application to the Registrar of GI in a prescribed format, an initial scrutiny is done.¹⁷ The GI is published in the journal, and in the absence of any opposition, it gets registered.¹⁸

The handicraft category forms more than 55% of the total GIs registered in India and as of March 2022, 231 out of 417 registered GIs are handicrafts.¹⁹ The Karnataka State Handicrafts Development Corporation filed for the registration of Kasuti as a GI in the year 2005.²⁰ After scrutiny, GI was granted in the year 2006.

The registration of Kasuti as a GI has undoubtedly added importance to the art form and yet, the artisans are slogging. This is because of the multiple loopholes in the formation and application of the law of Geographical Indication.

¹¹ Delphine Marie-Vivien, *The Role of the State in the Protection of Geographical Indications: From Disengagement in France/Europe to Significant Involvement in India*, 13 THE JOURNAL OF WORLD INTELLECTUAL PROPERTY 121 (2010).

¹² Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299.

¹³ Sayantani Datta, Padmavati Manchikanti & Niharika S. Bhattacharya, *Enhancing Geographical Indications Protection in India for Community Relevance*, 24 THE JOURNAL OF WORLD INTELLECTUAL PROPERTY 420 (2021), <https://onlinelibrary.wiley.com/doi/abs/10.1111/jwip.12202> (last visited Aug 13, 2022).

¹⁴ Geographical Indications of Goods Act, 1999, § 7, No. 48, Acts of Parliament, 1999 (India).

¹⁵ Geographical Indications of Goods Act, 1999, § 17, No. 48, Acts of Parliament, 1999 (India).

¹⁶ Geographical Indications of Goods Act, 1999, § 18, No. 48, Acts of Parliament, 1999 (India).

¹⁷ Geographical Indications of Goods Act, 1999, § 28, No. 48, Acts of Parliament, 1999 (India).

¹⁸ *Id.*

¹⁹ Meghna Chaudhary, Bhawna Agarwal & Meena Bhatia, *Geographical indications in India: A case of Handicraft industry in Uttar Pradesh*, 25 THE JOURNAL OF WORLD INTELLECTUAL PROPERTY 617 (2022).

²⁰ Re nu et al., *supra* note 4, at 2.

A. Shortcomings of the Law

The Geographical Indications Law plays an important role in popularizing and authenticating original goods that belong to a definite place. Nonetheless, it is insufficient to safeguard the interests of the artisans who are involved in producing the good.

First of all, the registration process is tedious and expensive. Many artisans refrain from getting a registration as they are either unaware of the process or find it extremely complex. According to a World Intellectual Property Organization [“WIPO”] report, handicraft producers find it difficult to afford the registration and maintenance of intellectual property.²¹

Most of the time, it is the state or state agency that applies for the registration of GI. This shows that the involvement of artisans in the registration process is negligent. A governmental body may file for the GI for the betterment of the artisans, but the ownership being in the hands of the government seems unfair. Even when we look at Kasuti, the application was filed by the Karnataka Handicrafts Development Corporation,²² a governmental body. There is no record to show whether the artisans were consulted before setting the standard through the application. The GI should not only safeguard the knowledge of the weavers but also allow space for innovation. When the artisans don't primarily participate in the registration process, a particular production method gets frozen in the name of preservation. Any artisan who involves innovation will be punished. Another important question to be answered is whether the artisans have benefitted from GI registration. A well-implemented GI can up the market but will not guarantee the upliftment of the artisans involved. A study regarding the handloom sector of India says that there exists a ratio of 1:70 between the wages of the artisans and retail prices.²³ The traders and agents end up taking maximum benefit from the registration.²⁴

It is true that there is protection available for authorized users under the Act. But the definition of “authorized user” under Section 2(b) of the Act is vague, and hence the production and use of the GI are in the hands of people who are not appropriately defined under the Act.²⁵ This ambiguity

²¹ Wipo International Trade Centre, *Marketing Crafts and Visual Arts: The Role of Intellectual Property*, WIPO, <https://www.wipo.int/publications/en/details.jsp?id=281>.

²² *Supra* note 5.

²³ Maureen Liebl & Tirthankar Roy, *Handmade in India: Preliminary Analysis of Crafts Producers and Crafts Production*, 38 ECONOMIC AND POLITICAL WEEKLY 5366 (2013).

²⁴ Kasturi Das, *Socioeconomic Implications of Protecting Geographical Indications in India*, SSRN (2009), <https://papers.ssrn.com/abstract=1587352>.

²⁵ Geographical Indications of Goods Act, 1999, § 2, No. 48, Acts of Parliament, 1999 (India).

can not only encourage counterfeiting and false representation but also exclude many eligible users from coming under the purview of the Act.

A geographical indication should be essentially attributable to its geographical origin.²⁶ It makes the scope of the protection restrictive, and if the women artisans happen to relocate, they end up losing the right to benefit from the geographical indication.

Another main disadvantage is that of counterfeits. The registration of an authorized user is not compulsory under the Act but is encouraged. But most people are unaware of the existence of “authorized user” registration under Part B. Kasuti is a registered GI and is practiced by the women of North Karnataka. GI is area-centric and any producer, whether a member of the community or not, can become an authorized user if he produces the art in a specific area. Such a producer may end up using fraudulent methods of production. This results in low-quality goods replacing the handwoven pieces in the market. It is important to note that there is a huge community of women that practices Kasuti but only 68 of them are registered as authorized users.²⁷

The benefit of the GI should flow to the artisan community apart from protecting the art in itself. Unfortunately, the law of Geographical Indication fails to safeguard the interests of the people who are supposed to be the actual knowledge holders. A strong community-centered law is essential to protect the rights of these traditional knowledge holders.

III. INTRODUCTION TO TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSION

Indian Intellectual Property Framework covers various credit worthy framework be it Geographical Indication or Traditional Knowledge (to name a few). This research specifically focuses on Traditional Cultural Expression being protected per se. Additionally, it focuses on Kasuti Embroidery being a part and parcel of the Traditional Cultural Expression, if it fulfills the eligibility norms, post the study. It becomes important to note that in order to delve into the concept of Traditional Cultural Expression, the very purpose of traditional knowledge is to be addressed to get an entire image of the research. Traditional Knowledge refers to the know-how,

²⁶ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994), art. 22.

²⁷ Ranjani Govind, *Usha J Pawar's Stitch in Time Could Revive the Legacy of Kasuti Work*, THE HINDU (Mar. 7, 2024), <https://www.thehindu.com/life-and-style/usha-pawars-stitch-in-time-attempts-to-preserve-the-legacy-of-kasuti-work/article67912484.ece>.

skills and practices that are developed and are passed on from generation to generation.²⁸ The reason why Traditional Knowledge is being considered before addressing Traditional Cultural Expression is because World Intellectual Property Organization, being 'THE' international source for the above said reads Traditional Knowledge on par with Traditional Cultural Expression in most of its studies.²⁹

A. Protection of Handicrafts as Traditional Knowledge

Handicrafts and art are considered to be a boon to a nation's economic growth. Various traditional art forms are passed on from generation to generation. Some pure art forms survive only on a heritage basis, being passed on from the family lineage.

In the Mithila region of Bihar, the art of Madhubani is well known, both in the form of print and in the form of painting.³⁰ This form of art is showcased for the emphasis on the rich cultural heritage of Indian folk and tribal tradition. Originally, Madhubani paintings were done specifically by the women community.³¹ The painting started as a gender-specific activity yet contained various ritualistic practices. However, despite it being a gender-specific activity, the women community of Mithila received no specific traditional knowledge protection as such.

Another example of women-based handicraft is that of Ilkal Saree which is woven by women of the Bagalkot District of Karnataka.³² This is a purely handcrafted saree which holds significant value of Karnataka's native tradition in every stitch. Despite this being a solely women-based handicraft, this community of women weaving Ilkal sarees is not protected as such.

The conclusion from the abovesaid hand-crafted work is that although the work per se is protected via geographical indication, the community involved behind the curation of such craft stands unprotected on a practical note. The community in this regard no doubt receives royalties for the product; however, receives no protective incentive to carry on its native culture. Thus, traditional knowledge protection is not extended to communities involved in producing the said handicrafts.

²⁸ *Traditional Knowledge*, WIPO, <https://www.wipo.int/en/web/traditional-knowledge/tk/index>.

²⁹ *Traditional Knowledge and Traditional Cultural Expression*, WIPO, <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-rn2023-5-9-en-documentation-of-traditional-knowledge-and-traditional-cultural-expressions.pdf>.

³⁰ *Application for Geographical Indication for Madhubani Paintings*, GEOGRAPHICAL INDICATIONS REGISTRY (Feb. 6, 2007), <https://search.ipindia.gov.in/GIRPublic/Application/Details/37>.

³¹ *Madhubani Paintings*, INDIAN CULTURE, <https://indianculture.gov.in/paintings/madhubani-paintings>.

³² *Application for Geographical Indication for Ilkal Sarees*, GEOGRAPHICAL INDICATIONS REGISTRY (June 20, 2007), <https://search.ipindia.gov.in/girpublic/application/details/76>.

B. Protection of Handicrafts and Traditional Cultural Expression

Traditional cultural expressions [“TCEs”], also called “expressions of folklore”, may include music, dance, art, designs, names, signs and symbols, performances, ceremonies, architectural forms, handicrafts and narratives, or many other artistic or cultural expressions.³³ Thus, from this well-known definition of WIPO, it is clear that ‘art’ including this research’s focus of ‘Handicraft’ stands protected as expressions of cultural significance. However, ‘Traditional Cultural Expression’ is slightly narrow when compared to that of ‘Traditional Knowledge, mainly because, in Traditional Knowledge, the indigenous community involved in creating the product of benefit seems to be protected however, in TCE, The Identify of the indigenous community stands protected [which is a part of the whole].

C. International Protection Extended to Traditional Knowledge

WIPO, to which India is a signatory, states that traditional knowledge forms an important part of intellectual property. In furtherance of the same, WIPO has constituted the “Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore”³⁴ which majorly focuses on

- Genetic resources as Traditional Knowledge
- Cultural Expressions as Traditional Knowledge
- Inclusivity of Folklore as Traditional Knowledge.

Furthermore, the TRIPS Agreement, to which India is a signatory, states that every individual who is the owner of the IPR is required to be credited and provided monetary benefit for the created work containing Intellectual Property.³⁵ CBD, to which India is a signatory, aims at protecting the traditional genetic resources native to the nation.³⁶ Compiling the abovementioned conventions and committees, it is evident that India is in consensus with the world perspective on the protection of traditional knowledge and the communities responsible for creating this traditional knowledge. Additionally, India is known to have created Traditional Knowledge Digital Library which provides public awareness concerning Traditional Knowledge.³⁷

³³ Traditional Cultural Expression, WIPO, <https://www.wipo.int/en/web/traditional-knowledge/traditional-cultural-expressions/index>.

³⁴ *Intergovernmental Committee (IGC)*, WIPO, https://www.wipo.int/pressroom/en/briefs/tk_ip.html.

³⁵ Ranjani Govind, *supra* note 27.

³⁶ Convention on Biodiversity, June 5, 1992, 31 ILM 818.

³⁷ *Traditional Knowledge Digital Library*, WIPO, https://www.wipo.int/meetings/en/2011/wipo_tkdl_del_11/about_tkdl.html.

D. International Protection Extended to Traditional Cultural Expression

WIPO, to which India is a signatory, states that traditional cultural expression forms an important part of intellectual property. The requirement of a product (here, handicraft) to be protected as a traditional cultural expression is that:³⁸

- may be considered as the forms in which traditional culture is expressed.
- form part of the identity and heritage of a traditional or indigenous community.
- are passed down from generation to generation.

From this, it can be seen that although, WIPO focuses on the abovementioned, India nowhere specifically mentions the protection for Traditional Cultural Expression. However, with India's support to creation of a global database such as TKDL,³⁹ shows its support towards traditional cultural expression (derived from India's take on Traditional Knowledge) covertly although not expressed in an overt manner.

E. Relationship between Kasuti Work with respect to Traditional Knowledge and Traditional Cultural Expression.

Kasuti embroidery, as stated earlier, is woven according to the region's flora and fauna. This not only exhibits the geographical identity of the embroidery but also exhibits and explores the 'cultural expression' of multicolored woven embroidery symbolizing objects of daily use in the culture of Karnataka. Furthermore, this form of embroidery is not just practiced by everyone and anyone; it is specifically practiced by the 'Women of Uttar Karnataka', who have been trained in this handicraft since time immemorial and pass it on to generations not just via an ancestral basis but also via spreading awareness regarding the art form and its significance.

Considering the abovementioned aspects, it can be noticed that the following criterion required for an artwork to be considered traditional knowledge is fulfilled by Kasuti embroidery.

- TRIPS, read with CBD, supports traditional knowledge by stating that genetic resources shall be protected as traditional knowledge, thereby emphasising the protection of nativity. Although Kasuti embroidery does not protect 'genetic resources' per se, it does protect the native culture and the artisans/the indigenous community who earn their square meal from this traditional handicraft of Kasuti work. Thereby, the ulterior motive and aim with which traditional knowledge is spoken of are fulfilled by the nativity of Kasuti embroidery as such.

³⁸ Traditional Knowledge, *supra* note 33.

³⁹ Traditional Knowledge Digital Library, *supra* note 37.

In furtherance of the same, after comparing the national domestic laws of India with respect to traditional knowledge and the protection of women artisans to that of the international legal structure, there exists the possibility of protection being extended to Kasuti embroidery not merely on technical grounds but also based on the aims and agendas of the legal norms that Kasuti embroidery fulfils. That way, not only does the art stand protected but the women artisans also get their due share, as the community involved in Kasuti work shall receive protection under Traditional Knowledge.

Further, with respect to Traditional Cultural Expression and Kasuti Embroidery, it can be seen that

- Kasuti being woven by women of Uttar Karnataka can be considered as community *per se*
- Kasuti embroidery is a part and parcel of the 'Identity' of the native women of Uttar Karnataka
- As established earlier, this handicraft has been handed over from generation to generation as a part of their rich cultural heritage.

This signifies that Kasuti embroidery being done by the natives are to be protected *per se* for making Kasuti as a part and parcel of their identity. This amounts to Kasuti being protected under Traditional Cultural Expression too.

IV. CONCLUSIONS AND SUGGESTIONS

To summarize, it can be seen that Kasuti embroidery here was addressed to understand whether 'the art' and the 'artisan' can be sufficiently protected and catered to under the Indian Intellectual Property Framework.

From the above-mentioned analysis, the following conclusions can be drawn

- Geographical Indication in India protects the 'geographical location' / place of origin of the product.
- Traditional Knowledge is supported by India as it protects indigenous communities *per se*.
- Traditional Cultural Expression protects the 'identity of the indigenous community *per se*'

Having differentiated the legal frameworks available for protection of native goods, it can be seen that the area of address here being Kasuti Embroidery too can fall under the said category in the following ways:

- Kasuti is in itself protected as a Geographical Indication of Karnataka

- Artisans of Kasuti Handicraft alternatively be granted protection under Traditional Knowledge as it governs protection for artisans.
- Artisans Identity (pursuing Kasuti Handicraft) be protected under Traditional Cultural Expression.

Kasuti embroidery here is taken as a face for handicrafts in India when the aspect of geographical indication and traditional knowledge is concerned. Here, the focus is not merely on the protection of the 'work of traditional knowledge' but on the protection of the 'community' or the 'indigenous community' or 'the creators of the art' who are the reason for the existence of the art per se.

As explored and stated earlier, there exists a requirement for strengthening the Geographical Indication Law in India with a specific focus on protection with respect to 'artisans' producing the handicraft of Kasuti and not merely the work per se.

Furthermore, the alternate solution to protect women artisans involved in Kasuti embroidery (or any handicraft for that matter) and the area of protection as suggested will be that of traditional knowledge protection. The Indian legal framework of traditional knowledge stands scattered and untamed in this regard. There is no specific legality addressing Traditional Knowledge in India except the fact that India provided TKDL to WIPO.

Furthermore, considering the international conventions and committees of WIPO, TRIPS, and CBD as stated earlier, Kasuti embroidery/handicraft clearly fits into the aspect of 'traditional cultural expression' because of its nativity and because of the women artisans who are involved in the creation of this traditional work. Thus, the artisans performing Kasuti embroidery are required to be protected under 'Traditional Knowledge' per se.

Further, with respect to Traditional Cultural Expression, it was seen that India being a signatory to WIPO is the connection provided as a bridge between TCE and Indian Handicrafts (here, Kasuti work). As explained earlier, the artisans of Kasuti require not only protection in the form of Traditional Knowledge as a community but also as their identity. This identity protection to the said community that weaves Kasuti/is a part of the embroidery in Uttar Karnataka Region require protection under Traditional Cultural Expression as a whole.

This inclusion of Traditional Cultural Expression nowhere prohibits the protection of Geographical Indication but is only an alternative protection suggested in order to strengthen the

artisans in any means possible. This kind of protection boosts the identity of the Kasuti weavers and their community which inherently boosts their productivity in the said handicraft ensuring its global outreach. This is suggested on the Utilitarian approach of ‘greatest happiness of greatest number’⁴⁰ which states that the more benefit and credit provided to the creators, the more they produce, which inherently increases the productivity. However, this is not the only reason TCE is included and suggested. Instead, TCE is suggested here to include an overall protection to the ‘artisans’ i.e. the indigenous community involved in weaving Kasuti and not merely the art of Kasuti. Further, TCE protection strengthens the protection of ‘interest’ and ‘identity’ of the native artisans involved in the weaving of Kasuti.

Summing the abovesaid and narrowing down to the concept of ‘Kasuti embroidery’, it is stated that mere protection of this form of handicraft of Kasuti embroidery as Geographical Indication in India is insufficient and there is a strong requirement of protection of the ‘community of women artisans’ who are involved in the creation of this Kasuti handicraft which thereby requires and calls for stringent protective legal framework concerning the art and the artisan i.e. the work of Kasuti and the workers involved in creating Kasuti Embroidery. Further, this research concludes on the note of understanding that more than one Intellectual Property protection cannot be extended to one form of work of IPR. However, the suggestion here is to ensure that Kasuti be protected as a Geographical Indication and further include the protection of ‘Artisans’ under Geographical Indication of India. Alternatively, the handicraft of Kasuti be protected under ‘Traditional Knowledge’ primarily, in order to ensure that ‘indigenous community’ stands protected with that of the primary protection of Kasuti Handicraft. Additionally, Traditional Cultural Expression co-exists and can protect the ‘identity’ of the artisans of Kasuti Handicraft providing them further opportunity to create. Traditional Knowledge and Traditional Cultural Expression is suggested to co-exist in the said research.

Lastly, it is not suggested to bring in a new legal framework to protect Kasuti Handicraft alone. Instead, this research suggests a inclusive approach for India to adapt TK and TCE in its protection or to expand the legality of GI to protect its artisans which therefore provides a wholesome way of protecting Kasuti Handicraft in India.

⁴⁰ William Fisher, *Theories Of Intellectual Property*, PRESSBOOKS, IOWA <https://pressbooks.uiowa.edu/intro-ip/chapter/theories-of-intellectual-property/>.