



THE NEED FOR GEOGRAPHICAL INDICATIONS REGULATION: A MISSED OPPORTUNITY IN AFGHANISTAN

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ABSTRACT

Geographical indications (GIs) are distinct markers used to denote the origins of products from specific geographic regions, showcasing unique characteristics, reputation, or inherent qualities closely tied to that origin. Despite Afghanistan's export of distinctive geographical products to other countries, the absence of a legal framework results in the lack of GI tags. To rectify this, this paper advocates for the implementation of a comprehensive 'Geographical Indications Law' to establish a robust legal mechanism for the protection and promotion of Afghan products, enhance market competitiveness, and contribute to regional economic development. Accordingly, this paper proposes a 'MODEL LAW for GI' for

prospective legislation to address the protection and recognition of GI products in Afghanistan appropriately.

Keywords: Afghan Products, Agricultural Products, Geographical Indications, GI Protection.

INTRODUCTION

On August 15, 2021, the Afghanistan regime changed,² and the international community shunned the notion of a 'new economic approach to Afghanistan' on various grounds; this led to the denial of Afghanistan as an existing member of the United Nations³ and its specialised agencies like UNEP,⁴ particularly WTO and WIPO. Hence, such denial, is against the spirit of fostering inclusivity and sustainable development in Afghanistan. The

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- 2 BBC NEWS, <https://www.bbc.com/news/world-asia-57933979> (last visited Jun 12, 2024).
- 3 Thomas Ruttig, *Whose Seat Is It Anyway: The UN's (Non)Decision on Who Represents Afghanistan*, AFGHANISTAN ANALYSTS NETWORK, <https://www.afghanistan-analysts.org/en/reports/international-engagement/whose-seat-is-it-anyway-the-uns-nondecision-on-who-represents-afghanistan/> (last visited Jun 12, 2024).
- 4 Gloria Dickie & Charlotte Greenfield, *Afghanistan Excluded from COP28 as Climate Impacts Hit Home*, REUTERS, <https://www.reuters.com/world/afghanistan-excluded-cop28-climate-impacts-hit-home-2023-12-11/> (last visited Jun 12, 2024).

new regime, i.e., the Islamic Emirate of Islamic Afghanistan (IEA), has triggered several socio-political dimensions and opened new discourse in international law on recognising IEA's claims to be the new government of Afghanistan. But this article deviates from a sparking debate on the new regime or its recognition. To clarify further, the issue of various regimes in Afghanistan has already been addressed and triggered the attention of scholars and stakeholders, and such deliberation is beyond the scope of this article. However, this article highlights that due to the rotation of multiple regimes in Afghanistan, the country lacks a comprehensive legal system to protect farmer rights, geographical goods, inventions and creators of literary and artistic work domestically and internationally. Although Afghanistan is a member of WTO and WIPO, its *status quo* is under abeyance. The subject of sustainable economy, eradication of poverty, creation of employment, protection of farmers rights, and notably, protection of geographical products remains deeply unexplored. The other cardinal facets of law in Afghanistan, viz; Information Technology Law, Intellectual Property Law, Neo Economic Order, International Trade Law and International Investment Law have been further undermined.

The existing paper asserts that Afghanistan has historically been victimized by two main factors. Firstly, international isolation has perpetuated the country's problems and challenges without durable solutions. As opportunities, infrastructure, education, and employment remain scarce, the population is compelled to turn to drug trafficking and other economic crimes. Secondly, internal politics and warfare have decimated the legal system, hindering citizen and academician engagement. Afghanistan lacks research and development (R&D) infrastructure, including Intellectual Property Rights (IPR) centres and education on the subject in universities. Despite the presence of UN offices monitoring the regime's work, Afghanistan is not a *de jure* member of the WTO or WIPO, and invitations from UNEP or

civil society to advocate for its needs are lacking due to its war-torn history.

This paper argues that any malevolent decisions regarding Afghanistan are economically and ethically dubious, violating the rights of Afghans as human beings. The Latin maxim "*Quando aliquid prohibetur ex directo, prohibetur et per obliquum*"⁵ (you cannot do indirectly what you cannot do directly) is pertinent here. Failure to find solutions for Afghanistan within the UN framework cannot be excused by regime or security issues. Political theories and dispute settlements must lead to a cessation of war, transforming Afghanistan into a model of development akin to the Peace of Westphalia. The international community must reassess its approach, halting political showcases and military interventions in favour of trade, economic prosperity, and a ban on further political interference.

The proposed 'GI Model Law' is informed by an examination of various GI systems and international agreements, highlighting the need for tailored legislation in Afghanistan. The model aims to protect the quality and reputation of Afghan products while addressing offenses and penalties to combat misrepresentation and deception. Urgent action is required for Afghanistan to establish a comprehensive GI framework to leverage its rich agricultural heritage. The paper questions who should enact laws in the absence of legislative bodies and calls for an end to Afghanistan's suspension from the WTO and WIPO. The WTO and WIPO should revise their approaches, conducting workshops, seminars, and civilian training to foster an entrepreneurial culture and enable economic resilience and progress in the country.

INTERNATIONAL FRAMEWORK

A Geographical Indication is a legally recognized sign used to designate products originating from a specific geographic region, where such products exhibit distinct qualities or a reputation that can be attributed to their

5 ACADEMIC DICTIONARIES AND ENCYCLOPAEDIAS, [HTTPS://BALLENTINE.EN-ACADEMIC.COM/31269/QUANDO_ALIQUID_PROHIBETUR%2C_PROHIBETUR_ET_OMNE_PER_QUOD_DEVENITUR_AD_ILLUD](https://balleentine.en-academic.com/31269/QUANDO_ALIQUID_PROHIBETUR%2C_PROHIBETUR_ET_OMNE_PER_QUOD_DEVENITUR_AD_ILLUD). (Last visited Jun. 13, 2024).

geographical origin. The Lisbon Agreement 1958 defines an appellation of origin. Article 2(1) encapsulates that: *the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.*

The definition of an “appellation of origin” under the Lisbon Agreement refers to a geographical term. used to designate a product from a specific region, with its qualities linked to the environment, including natural factors like soil and climate, as well as human factors such as traditional production methods. This ensures that the product’s distinctiveness is tied to its place of origin.

In Afghanistan, the protection of agricultural products like saffron, pomegranates, and wool is crucial for their cultural and economic value. This provision would link these products to specific regions of origin, ensuring their reputation and qualities are legally recognized and protected.

The World Intellectual Property Organization (WIPO),⁶ defines the GI as:

“... signs used on goods that have a specific geographical origin and possess qualities or a reputation that are due to that place of origin.”

The WIPO’s definition of GI highlights the connection between a product’s place of origin and its quality or reputation. By protecting intangible economic assets like brand distinction, quality standards, and market uniqueness, GIs serve a crucial economic role. Consumers are becoming extremely picky about the authenticity and quality

of the goods they purchase, especially in recent years. These products’ names refer to the areas in which they were produced because the reputation and quality of these commodities are largely a function of their place of origin. The geographic origin of GI products is determined by factors like soil, climate, temperature, moisture, human elements, concentration of businesses, expertise, and unique quality standards, which contribute to the distinctive attributes, qualities, or reputation of products.⁷ It might be an adjective or a noun. For instance, the country linked to the GI is identified by the words “Colombia” in *Café de Colombia*⁸ and “Switzerland” in Swiss Made timepieces.⁹

ROLE OF TRIPS AGREEMENT

TRIPS balances global IP enforcement with diverse national development needs, supporting WTO’s goals of trade and growth. The implementation of GI law in Afghanistan can have positive effects on equity, environmental preservation, cultural preservation, and the avoidance of unapproved appropriation. Just like all other intellectual property rights, GIs are subject to TRIPS provisions such as the MFN clause, national treatment, and minimum criteria.

TRIPS Section 3, Part II, encompasses three GI-related provisions: Article 22 defines GIs and sets minimum protection levels, including for trademark-bearing GIs. Article 23 protects wine and spirit GIs, regulating their use in trademarks and multilateral negotiations. On the other hand, Article 24 permits the continued use of generic terms (GIs) for non-originating goods if the term has become generic.

Article 22.1 defines ‘Geographical Indications’ for the purpose of the agreements,¹⁰

6 World Intellectual Property Organization, What is a Geographical Indication? http://www.wipo.int/about-ip/en/geographical_ind.html (last visited May 21, 2024).

7 Albrecht Conrad, The Protection of Geographical Indications in the TRIPs Agreement, 11 Trademark Reporter 86 (1996).

8 BBC News *Colombia: Home of the Perfect Cup of Coffee?* (11 April 2015) <https://www.bbc.com/news/magazine-32219604> (last visited on 21 May 2024)

9 ‘Swiss Watch’ <https://www.watch.swiss/eng/swissmade.htm> (last visited on 21 May 2024)

10 Article 22.1 Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, was implemented by the Uruguay Round Agreements (1994).

*Geographical 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.*¹¹

The WTO is a regulatory and institutional body that oversees and improves trade ties between 153 nations.¹² At the global level, it aims to promote trade and investment and raise standards by creating fair and stable conditions for international trade.¹³ TRIPS Agreement has the following role:

- a. *Implementing an effective IPR regime should result in economic prosperity.*
- b. *Increase technology, transfers for fostering regional economic development.*¹⁴
- c. *Increase protection to encourage regional innovation in pertinent areas.*
- d. *The TRIPS agreement offers to its member states autonomy to carry out their obligations according to their socioeconomic circumstances.*¹⁵

The TRIPS agreement, with its legal force, imposes obligations on WTO member states.¹⁶ It offers a grace period for initial WTO members,

adjusting to their developmental status, allowing time for compliance with regulations. Article 22.1 defines GIs as goods that bear a specific quality, reputation, or other attributes that are primarily attributed to the identified origin. In this case, indications of the source are not considered GIs. Made in Switzerland is a source indication, even though “Switzerland Made” is a GI under Swiss national legislation.

THE RELEVANCY OF GI LAW

The concept of GIS finds its genesis in Article 22 of TRIPS Agreement and aims protection of geographical products whose characteristics are inherently linked to their geographical origin.¹⁷ In line with this, among the diverse array of protected GIs globally are Basmati Rice and Kent Mangoes from India,¹⁸ Vidalia Onions, Idaho Potatoes, and Florida Oranges from the United States.¹⁹ These products bear a unique identity and reputation tied to their specific regions. Additionally, GIs extend beyond agricultural produce to encompass textiles such as Harris Tweed from Scotland and Harrisville Designs from the United States,²⁰ as well as manufactured goods like Murano Glass from Italy²¹ and so on. Remarkably, GIs also safeguard non-alcoholic beverages like Colombian

11 CARLOSMARIACORREA, TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS: A COMMENTARY ON THE TRIPS AGREEMENT, 219, (2nd Ed. 2020) <https://doi.org/10.1093/law/9780198707219.001.0001>, (15 Jan. 2024).

12 *Id* at 11.

13 *Id* at 12

14 ‘WTO Members Agree to Extend TRIPS Transition Period for LDCs until 1 July 2034’ https://www.wto.org/english/news_e/news21_e/trip_30jun21_e.htm (3 Sept. 2023)

15 Luan Carlos and others, ‘Geographical Indications Contributions for Brazilian Agribusiness Development’ (2013) 8 African Journal of Agricultural Research 2080.

16 WTO | Intellectual Property - Overview of TRIPS Agreement https://www.wto.org/english/tratop_e/trips_e/intel2_e.htm (5 June 2022)

17 Suresh C. Srivastava, *Geographical Indications and Legal Framework in India*, 38, EPW, 4022-4033, (2003).

18 Suman Sahai, *Of Basmati and Champagne: Protection under TRIPS*, 31, EPW, 513-514, (1996).

19 Plastina, Alejandro S. & Giannakas, Konstantinos & Pick, Daniel H., *Market and Welfare Effects of Mandatory Country-of-Origin Labeling in the U.S. Specialty Crops Sector: An Application to Fresh Market Apples*, 77(4), SOUTHERN ECONOMIC JOURNAL, 1044-1069, (2011).

20 V.K. Ahuja, *Protection of Geographical Indications: National and International Perspective*, 46 JOURNAL OF THE INDIAN LAW INSTITUTE, 269-287, (2004).

21 Marsha A. Echols, *Geographical Indications for Foods, Trips and the Doha Development Agenda*, 47 JOURNAL OF AFRICAN LAW 199 (2003). yet they are recognized as a form of intellectual property. A GI may propel a food or beverage product from commodity status (blue cheese

Coffee²² and Darjeeling Tea,²³ renowned for their distinct flavours rooted in their places of origin. Furthermore, cosmetics and toiletries such as Provence Lavender from France²⁴ and Dead Sea Cosmetics from the regions of Israel and Jordan benefit from GI protection, highlighting the cultural significance tied to their production locales. Lastly, crafts and artisan products like Mexican Talavera Pottery, Navajo Weavings from the United States, and Kyoto Ceramics from Japan exemplify the diverse range of goods safeguarded under the umbrella of Geographical Indications, preserving heritage, tradition, and quality standards worldwide. However, it is important to note that despite Afghanistan is privileged unique geo climate products but still is not considered among this category. The Geographical Indications law provide Afghanistan's farmers' with economic benefits and legal protections, allowing them to designate their products from generic ones in the local and international market.²⁵ GIs enhance product value, facilitate premium prices, and promote Afghanistan's agricultural productivities, enhancing access to global markets, export capacities, and revenue streams for Afghan farmers.²⁶ GIs law require strict adherence to high-quality standards, guiding production and processing principles, enhancing product quality and increasing demand domestically and internationally.²⁷ GIs in Afghanistan promote traditional production methods, regional techniques, and cultural heritage, attracting tourists and consumers seeking unique geographical

products for instance, pomegranates from Kandahar²⁸ or saffron from Herat.²⁹

The enactment and enforcement of GI protections in Afghanistan boosts agri-tourism and rural development, promoting local economies and ensuring the proprietary rights of Afghan agrarians. This legal safeguard prevents unauthorised appropriation and replication of registered commodities, create a new economic efficiency. GI protections also enhance agricultural methodologies, infrastructure, and production efficiency, benefiting Afghan farmers.

ECONOMIC SIGNIFICANCE OF GI

In the post globalisation and trade liberalisation, agrifood systems globally have shifted towards a wider array of offerings driven by consumer preferences for quality and heritage. Origin-labelled products have emerged as exemplars of this trend, allowing producers to pivot from commodity markets to more lucrative niche markets, highlighting the pivotal role of territorial origin in market distinction. Geographical indication (GI) protection, though debatable, serves the interests of both consumers and producers by addressing information disparities and safeguarding reputation, supporting key objectives such as consumer protection, producer welfare, and rural development. Legal approaches to GI protection vary widely, with nations adopting diverse strategies, facilitated by the flexibility of the TRIPS Agreement. Geographical indications,

22 Robert Carlyle Beyer, *The Marketing History of Colombian Coffee*, 23(4) AGRICULTURAL HISTORY, 279-285 (1949).

23 C. Niranjana Rao, *Geographical Indications in Indian Context: A Case Study of Darjeeling Tea*, 42 EPW 4545-4550, (2005).

24 Chrissie McClatchie, *Provence's iconic lavender fields may soon look very different*, NATIONAL GEOGRAPHIC, <https://www.nationalgeographic.com/travel/article/how-provinces-lavender-fields-are-transforming-for-survival> (12 Jun, 2024),

25 Ben Shepherd, *Costs and Benefits of Protecting Geographical Indications: Some Lessons from the French Wine Sector*, EUROPEAN CENTRE FOR INTERNATIONAL POLITICAL ECONOMY, (2006).

26 WORLD BANK, <https://www.worldbank.org/en/country/afghanistan/publication/unlocking-potential-of-agriculture-for-afghanistan-growth> (last visited Sep 5, 2023).

27 Giacomo Zanella, Bhavani Shankar & Nigel Poole, *Buy or Make? Agricultural Production Diversity, Markets and Dietary Diversity in Afghanistan*, 87 FOOD POLICY 101731 (2019).

28 TASTEATLAS, <https://www.tasteatlas.com/kandahar-pomegranate> (last visited Sep 5, 2023).

29 Rina Chandran, *From Afghan saffron to Wayanad coffee, geographic labels protect places*, THOMSON REUTERS, <https://www.reuters.com/article/world/from-afghan-saffron-to-wayanad-coffee-geographic-labels-protect-places-idUSKCN1SS2CA/> (last visited Sep 3, 2023).

intrinsically tied to their regions, necessitate unique supply chain structures, with collective efforts crucial for maintaining product integrity and reputation. Economically, GI protection leverages origin-based quality signals and regional resources to foster market differentiation and niche market creation, particularly beneficial for rural development in developing countries, where it can harness local resources and cultural identity. Successful GI-based rural development strategies depend on various factors, including product attributes, production processes, marketing channels, and community involvement, emphasizing the interconnectedness of product, place, and people.

OBSTACLES AND CONCERNS

The challenge of enacting and enforcing GI laws presents a complex scenario that requires consideration from both domestic and international perspectives. In Afghanistan, a history marked by regime changes and the absence of sustained infrastructural development has hindered the establishment of robust legal frameworks for GI protection. In Afghanistan, historical patterns illustrate a trend where each change in government has led to the repeal of existing laws and sometimes the introduction of new constitutions. Moving forward, Afghanistan faces the task of establishing a stable legal framework for GI protection that balances domestic interests with international recognition. This may involve building local capacity for legal implementation and enforcement, engaging with international partners to gain legitimacy, and fostering economic development to support the viability of GI-protected products within the global market. Despite the Taliban government having absolute control domestically and the ability to enforce laws, their legitimacy and capacity to seek international enforcement rely on recognition by the international community and relevant organisations. This recognition is crucial

for establishing their authority as a legitimate entity within the global arena.

According to Prof. Prabhas Ranjan, *Recognition of governments under international law is vital for several reasons. It is important to know who the governing authority of the state is, who has the responsibility for effectually carrying out domestic and international legal obligations ranging from pursuing diplomatic relations to the international trade, and so on.*³⁰

Supporting this viewpoint, Afghanistan cannot go in a benign peripatetic, Afghanistan requires a new approach that should be one size fit all. The *snollygostic* approach of some country to Afghan polity is convoluted. The atavistic circumlocution of not having goodwill to civilian and farmers face Afghans with inexorable poverty and unemployment.

The absence of a dedicated domestic statute in Afghanistan to safeguard unique agricultural products poses a significant challenge. Without a legal framework for GIs, essential for the preservation and promotion of traditional goods, the country faces vulnerabilities. To tackle this issue, customs authorities need thorough training on GI legislations to effectively combat counterfeit products. Furthermore, the establishment of cooperative financial institutions and clear registration protocols is imperative.

A robust domestic legal framework would establish a resilient GI protection system in Afghanistan. This framework would empower producers to register their GIs and seek recourse for infringements. By prioritising the protection of its distinctive agricultural commodities, Afghanistan demonstrates its dedication to preserving cultural heritage and fostering sustainable development. Moreover, such legislation would bolster the global recognition of Afghan products and facilitate economic growth. Additionally, the development of domestic legislation for GI protection necessitates collaboration among

30 Prabhash Ranjan, The legal challenges in recognising the Taliban, THE HINDU, August 25, 2021, <https://www.thehindu.com/opinion/op-ed/the-legal-challenges-in-recognising-the-taliban/article62105589.ece> (last visited June 12, 2024)

various stakeholders including government authorities, producers, industry associations, legal scholars, and academia.³¹ The GI instrument should be transparent, comprehensive, and aligned with international GI protection regimes. Afghans should use case studies and international organisations like WIPO and WTO for guidance. The spirit of article 22 of TRIPS Agreement 1995, is encapsulated the notion of protection of Geographical Indications as follows:

1. *Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.*

2. In respect of geographical indications, Members shall provide the legal means for interested parties to prevent:

(a) 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.

(b) any use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention (1967). [...].

Afghanistan needs to protect its unique products, such as pomegranates, almonds, apples, saffron, handicrafts, and carpets, by enacting a law align with TRIPS agreement. This move would stimulate economic development, protect consumers from deception, and encourage exports

of goods with GI attributes. WIPO's support and resources for GI protection will help negotiate international agreements, and the enactment of a GI law would align with the nation's international commitments.

WHAT TYPE OF GI DOES AFGHANISTAN REQUIRE?

Different states employ diverse legal strategies to safeguard products originating from specific geographical regions, aiming to preserve their reputation, quality, and distinct characteristics. However, comprehensively analysing each of these systems would require additional research beyond the scope of the current paper. Nonetheless, to gain insight into the most prevalent approaches, it is essential to provide a brief overview of the following methods.

Sui Generis System

Geographical indications receive special protection primarily through sui generis³² mechanisms and might also be subject to a distinct safeguarding approach in certain legal jurisdictions.³³ Such systems grant geographical indications a unique set of rights known as *sui generis* rights, which are distinct from trademarks and other types of intellectual property rights. This legal structure safeguards geographical indications through comprehensive regulations for registration, usage, and enforcement, providing tailored protection to address unique requirements and challenges. For instance, within the European Union, employs a specific framework to protect geographical indications that covers foodstuffs, agricultural products, and alcoholic beverages. At the very least, sui generis rights ensure prevention of any misuse of a geographical indication that

31 Marsha A. Echols, *Geographical Indications for Foods, Trips and the Doha Development Agenda*, 47 JOURNAL OF AFRICAN LAW 199 (2003), yet they are recognized as a form of intellectual property. A GI may propel a food or beverage product from commodity status (blue cheese

32 Dev Saif Gangjee, *Sui Generis or Independent Geographical Indications Protection*, (2020), <http://dx.doi.org/10.2139/ssrn.3677873> (last visited Jun 12, 2024), 2024

33 GRAHAM DUTFIELD, *Intellectual Property Tools for Products Based on Biocultural Heritage: A Legal Review of Geographical Indications, Trademarks and Protection from Unfair Competition*, (2011), <http://www.jstor.org/stable/resrep01380> (last visited Aug 13, 2023).

could lead consumers to misunderstand the product's true geographical origin or create unfair competition.

Through the refinement of Afghanistan's approach to geographical indications and the exploration of *sui generis* systems, that may bolster the promotion, protection, and commercial viability of domestic commodities. Within the framework of a model law discussed in the forthcoming page, the author proposes for the implementation of a *sui generis* protection regime specifically crafted to address Afghanistan's distinctive circumstances.

Collective Marks

Collective marks refer to trademarks employed by associations or groups of producers to indicate the shared source and adherence to quality standards of their products. These marks play a crucial role in aiding consumers to recognise products originating from a particular region and meeting specific quality benchmarks.³⁴ On the other hand, any entity meeting the prerequisites for a certification mark can make use of it. The entity, whether public or private, holding the certification mark certifies that the mark is employed in accordance with predetermined standards. Collective marks, used by producers, convey origin and quality information, signifying unity and shared values. They help consumers recognise products with common standards and preserve products linked to specific regions or cultural heritage. Countries like Australia, Canada, China, and the US use trademark laws to protect geographical indications, with some systems allowing only association members to use collective marks.

Certification Marks

Like collective marks, certification marks are used to indicate that products meet certain standards or qualities specified by a certifying organisation.³⁵ This guarantees that products carrying the tags adhere to geographic origins and meet quality benchmarks. Certification marks represent excellence and assure consumers that products meet specific criteria. They entail thorough inspections and adherence to standards. When consumers encounter such marks, they can rely on the product's quality and match it with their preferences. However, the efficacy of certification relies on legislation and enforcement, areas where Afghanistan is deficient. Afghanistan lacks a sophisticated system and food safety mechanism to assess and certify the quality of GI products, which is not feasible given the current situation in the country. Without legal protections, there is a risk of substandard products damaging the reputation of genuine goods and eroding consumer confidence.

Appellation of Origin

This form of protection is intricately connected to the product's place of origin and indicates that the product possesses specific attributes or qualities attributable to its geographical source.³⁶ Typically, it necessitates that the entire production process occurs within a well-defined geographic region. Afghanistan is renowned for its exceptional offerings such as pomegranates, pine nuts, almonds, apples, saffron, handicrafts, and carpets, all of which inherently embody remarkable quality. Unfortunately, these products have suffered due to their export to foreign destinations without the accompanying geographical indications, often resulting in lower-than-deserved prices. Notably, all these goods are exported without any

34 Getachew Mengistie Alemu, *Strategic Use of Branding for Competitiveness: The Rationale for Branding and Marketing Agricultural Products of African Countries*, 1 JOURNAL OF FAIR TRADE 6 (2019).
35 BASSEM AWAD & MARSHA S. CADOGAN, *The Development of Legal Protection for GIs around the World*, 4 (2017), <https://www.jstor.org/stable/resrep15528.9> (last visited Aug 13, 2023).
36 V.K. Ahuja, *Protection of Geographical Indications: National and International Perspective*, 46 JOURNAL OF THE INDIAN LAW INSTITUTE 269 (2004).

geographical indication tags, and they are imitated in other countries without proper acknowledgment of Afghanistan's origin or its farmers' contribution.

Protected Designation of Origin (PDO)

PDO stands for Protected Designation of Origin, which is a distinct category of appellation of origin. It mandates that the product must not only come from a designated geographical region but also undergo production, processing, and preparation within that area, adhering to specific methods and predefined conditions. Several other countries have their individual strategies for safeguarding such products, and these encompass India, Switzerland, the nations within the Andean Community, and the African Intellectual Property Organization (OAPI).³⁷ Various terms are used to describe *sui generis* rights pertaining to geographical indications. Moreover, *sui generis* protection mechanisms generally necessitate the establishment of verification and monitoring systems to ensure that users of geographical indications adhere to prescribed production standards.

Protected Designation of Origin (PDO) is a prestigious label that safeguards and celebrates products deeply connected to specific regions.³⁸ It ensures that a product not only hails from a designated area but also undergoes its entire production within that region, preserving its unique qualities rooted in climate, soil, and local traditions. Stringent regulations define production methods, ingredients, and aging conditions. Consumers can trust PDO-labelled products for authenticity, quality, and a commitment to tradition. PDO also serves as a powerful tool for promoting regional heritage and often commands premium prices in the market. It symbolises the

irreplaceable connection between a product and its place of origin.³⁹

Bilateral and Multilateral Agreements

Nations possess the option to engage in pacts with other countries, acknowledging and safeguarding each other's geographical indications.⁴⁰ These agreements play a role in reinforcing the safeguarding of geographical indications within the realm of international trade. In pursuit of economic growth and export promotion, Afghanistan has initiated bilateral and multilateral trade agreements. Yet, besides the accession to instruments of the WTO and WIPO, Afghanistan has not yet partaken in any specific treaties or accords focused on the protection of its own geographical indications. Bilateral and multilateral agreements are crucial for international trade and diplomacy, allowing nations to protect geographical indications (GIs) tied to their unique products. Bilateral agreements involve two countries recognising and safeguarding each other's GIs, fostering trust and facilitating trade. Multilateral agreements involve multiple nations collectively addressing GI-related issues and promoting harmonised trade rules.

Afghanistan's engagement in such agreements reflects its commitment to economic development and exports. However, it hasn't yet joined treaties specifically aimed at safeguarding its own GIs, missing an opportunity to protect its cultural heritage and unique regional products.

Trade Agreements

Geographical indications (GIs) can additionally receive safeguarding through trade agreements, such as those established within the framework of the World Trade Organization

37 Melvyn J. Simburg et al., *International Intellectual Property Law*, 45 THE INTERNATIONAL LAWYER 205 (2011).

38 Laura Elena Martínez-Salvador & Alejandra Reyes-Jaime, *Sustainability in Protected Designations of Origin (PDO) in the European Union: An Approach from a Systematic Literature Review*, 8 SIEMBRA (2021).

39 Luis Guerrero, *Marketing PDO (Products with Denominations of Origin) and PGI (Products with Geographical Identities)* 281 (2001).

40 Geraldo Vidigal, *From Bilateral to Multilateral Law-Making: Legislation, Practice, Evolution and the Future of Inter Se Agreements in the WTO*, 24 EUROPEAN JOURNAL OF INTERNATIONAL LAW 1027 (2013). Evolution and the Future of Inter Se Agreements in the WTO}, 24 European Journal of International Law} 1027 (2013

(WTO).⁴¹ Provisions concerning the protection of geographical indications are encompassed within the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement. On July 29, 2016, Afghanistan became the 164th member state of the World Trade Organization,⁴² following nearly ten years of negotiation efforts. Afghanistan has also formally ratified the new Trade Facilitation Agreement of the World Trade Organization (TFA). Notably, Afghanistan, classified as the ninth least-developed country (LDC), joined the World Trade Organization in 1995.⁴³ Moreover, Afghanistan has gained membership in the TRIPS agreement.

International Organizations

Afghanistan ratified the WIPO Convention in 2005 and submitted its formal commitment to the Paris Convention for the Protection of Industrial Property in 2017, supporting the establishment or strengthening of geographical indication protection systems.⁴⁴ In a similar vein, Afghanistan committed to becoming a member of the International Union for the Protection of Industrial Property (Paris Union), established by the Paris Convention. Afghanistan finalised its accession to the Madrid Protocol (The 1981 Madrid Agreement) on March 26, 2018, becoming the 101st member of the Madrid System. This Protocol took effect for Afghanistan on June 26, 2018.⁴⁵ For more effective and worldwide GI protection it is appropriate that Afghanistan join the following international instruments:

- v. The Lisbon Agreement for Protection of Appellations of Origin and their International Registration of 1958
- vi. European Union Commission of geographical
- vii. The African Intellectual Property Organisation (OAPI) Agreement of 1977
- viii. The Banjul Protocol on Marks of 1993 of the African Regional Intellectual Property (ARIPO)

National Legislation (Protection under the Commercial Laws)

Nations can establish domestic legal frameworks aimed at safeguarding geographical indications within their borders. These laws encompass various aspects, including protocols for registration, mechanisms for enforcement, and penalties for unauthorised utilisation. To protect geographical indications, specific legislative measures can be implemented under business-related statutes such as “Unfair Competition Laws,” “Consumer Protection,” and “Product Rules.” While these regulations don’t directly establish exclusive intellectual property rights over the geographical indication itself, they indirectly ensure its protection by prohibiting actions that could result in deceptive and unlawful utilisation, thereby safeguarding the interests of the public. As of now, Afghanistan lacks a dedicated legal framework governing the protection of its geographical indications.

Afghanistan’s Constitution, specifically Articles 7, 9, 11, and 14, significantly influences

41 Nicole Coutrelis & Pierre Yves Corre, *The Protection of a Name Registered as a Protected Geographical Indication (PGI) under the Simplified Procedure against a Trademark*, 6 EUROPEAN FOOD AND FEED LAW REVIEW 116 (2011).

42 WTO | 2016 News items - Afghanistan to become 164th WTO member in one month’s time, 16, https://www.wto.org/english/news_e/news16_e/acc_afg_29jun16_e.htm (last visited Aug 13, 2023).

43 WTO - Afghanistan news archive, https://www.wto.org/english/news_e/archive_e/country_arc_e.htm?country1=AFG (last visited Aug 13, 2023).

44 TREATY/PARIS/221: [Paris Convention] Accession by the Islamic Republic of Afghanistan, https://www.wipo.int/treaties/en/notifications/paris/treaty_paris_221.html (last visited Aug 13, 2023).

45 Membership on the Rise: Afghanistan Joins the Madrid System, https://www.wipo.int/madrid/en/news/2018/news_0004.html (last visited Aug 13, 2023).

its aspiration to join the World Trade Organization and adhere to global standards.⁴⁶ Afghanistan's membership in the WTO aligns with Article 7 of the Constitution 2004,⁴⁷ entails commitment to international trade agreements and [...].⁴⁸

Article 9 of the Constitution 2004 encapsulates the government to control natural resource and mines in Afghanistan as the state property. We can expand the definition of "state property" in Article 9 of the Constitution to include mines and other subsurface resources intellectual property rights, as well as which GI squarely falls in this category. Afghanistan's WTO membership establishes its determination to protection of intellectual property,⁴⁹ especially in light of its adherence to TRIPS and other agreements managed by the World Intellectual Property Organization (WIPO).⁵⁰ In light with the above deliberation, the author suggest that Afghanistan make adequate law for it can leverage of the provision of article 11 and 14 of the Constitution 2004. Article 11 of Afghanistan's Constitution emphasises the importance of regulating trade to meet its economic needs and public interests. As Afghanistan integrates into the global trading system, it is committed to exporting natural resources and protecting intellectual property under WTO agreements. Article 14 focuses on agricultural and rural development, aligning with the WTO's

emphasis on liberalisation.⁵¹ The state's role in housing provision and land distribution supports trade-related infrastructure and logistics.⁵²

AFGHANISTAN AND CHINA PINE NUTS DEAL

On June 10, 2018,⁵³ in Qingdao, Afghanistan and China signed an agreement based on the "Agreement on the Application of Sanitary and Phytosanitary Measures" that would allow Afghanistan to safely import pine nuts into China while avoiding the introduction of pests. Under the agreement, rules for exporting pine nuts from Afghanistan to China are outlined, with a primary goal of guaranteeing safe and pest-free exports. The bilateral trade agreement includes provisions regarding pest-free farming, comprehensive inspections, fumigation methods, appropriate packaging, and adherence to phytosanitary regulations, aimed at facilitating trade and investment. Afghanistan must aim to negotiate equitable trade deals with China, emphasising the significance and protection of Afghanistan's GI. Additionally, Afghanistan law should prohibit the exporting of pine nuts and other geographical goods with GI tags. In the end of 2019, deals worth over \$2 billion had been signed by Afghan traders with China for the five-year export of pine nuts.⁵⁴ A vast number of Afghan farmers reached

46 WTO | 2016 News items - Afghanistan to become 164th WTO member in one month's time, https://www.wto.org/english/news_e/news16_e/acc_afg_29jun16_e.htm (last visited Sep 3, 2023).

47 Hafizullah Seddiqi, *Afghanistan Legislative Commitments to the WTO: A Deeper Look at Afghanistan's Compliance with TRIPS*, 27 INDIANA J. GLOBAL LEGAL STUDIES 269 (2020), <https://www.repository.law.indiana.edu/ijgls/vol27/iss2/5>.

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49 WTO, *Afghanistan Became the 164th WTO Member on 29 July 2016. (Accessions: Afghanistan)*, https://www.wto.org/english/thewto_e/acc_e/a1_afghanistan_e.htm (last visited Jun 12, 2024).

50 Hafizullah Seddiqi, *Afghanistan Legislative Commitments to the WTO: A Deeper Look at Afghanistan's Compliance with TRIPS*, 27 INDIANA J. GLOBAL LEGAL STUDIES 269 (2020) (2020), <https://www.repository.law.indiana.edu/ijgls/vol27/iss2/5>.

51 Hafizullah Seddiqi, *Afghanistan Legislative Commitments to the WTO: A Deeper Look at Afghanistan's Compliance with TRIPS*, 27 INDIANA J. GLOBAL LEGAL STUDIES 269 (2020) (2020), <https://www.repository.law.indiana.edu/ijgls/vol27/iss2/5>.

52 *Id.*

53 Ajmal Waziri & Raffaello Pantucci, *Why Is Beijing Going Nuts for Afghan Pine Nuts?*, THE DIPLOMATS, <https://thediplotat.com/2021/12/why-is-beijing-going-nuts-for-afghan-pine-nuts/> (last visited Jun 12, 2024).

54 In the provinces of Laghman, Kunar, Nangarhar, Khost, Paktia, and Paktika, pine nuts are naturally grown in the forests.

quickly through the export of agricultural goods like pine nuts, unlike the complex and big-scale mining agreements.⁵⁵ Although China has helped thousands of pine nut growers escape poverty by facilitating output-type contacts in which the buyer guarantees purchase levels as long as quality is maintained—and removing logistical obstacles, these pine nut growing regions are now entirely dependent on Chinese exports. Regardless of the administration in Kabul, this offers China a unique kind of leverage and economic influence over the people living in this territory.⁵⁶ However, Chinese exporters of pine nuts were always more eager to deal directly with the growers than to go via intermediaries.

AFGHANISTAN AGRICULTURAL PRODUCTS

Afghanistan primarily relies on agriculture, with only a small portion of its land suitable for farming, much of which is utilised for grazing or left fallow.⁵⁷ Approximately half of the cultivated land requires irrigation due to the arid or semi-arid climate.⁵⁸ Historically, the rural economy has been vital, supporting around 85 percent of the population, mainly through farming.⁵⁹ Importantly, imports have consistently surpassed exports. Traditional exports include dried fruits, nuts, carpets, wool, and karakul pelts. Imports consist of vehicles, petroleum products, sugar, textiles, processed animal and vegetable oils, and tea. Following the mid-1990s, Pakistan and

Iran emerged as the primary sources of consumer goods.⁶⁰ Additionally, significant trade partners include India, China, and the United Arab Emirates. Afghanistan, with its affluence of handicrafts and natural resources, possesses significant untapped potential in the global market. Nevertheless, this path to prosperity faces numerous challenges that hinder Afghanistan's ability to fully capitalise on the potential of its agricultural sector. Within its array of agricultural products, including dried and fresh fruits, fine carpets, renowned Herat saffron, delicious pomegranates, and intricate handicrafts, lies a deep opportunity for economic growth and international recognition. One major obstacle is thought to be the lack of research and development (R&D) in the country, in tandem with the lack of appropriate technologies that farmers can use.

The employment of vintage farming methods, such as ineffective irrigation systems and subpar seeds, leads to resource waste and lowers agricultural production. This decrease in productivity makes it difficult to achieve the strict requirements needed to protect important geographic indications. Additionally, Afghanistan lacks advanced agricultural processing facilities, which affects product quality and obstructs post-harvest activities such as grading, cleaning, and storage. This deficiency presents a major barrier to maintaining product quality and meeting the standards required for safeguarding geographical indications. These limitations have a significant impact on Afghan products in international markets,

55 Ajmal Waziri & Raffaello Pantucci, *Why Is Beijing Going Nuts for Afghan Pine Nuts?*, THE DIPLOMATS, <https://thediplomat.com/2021/12/why-is-beijing-going-nuts-for-afghan-pine-nuts/> (last visited Jun 12, 2024).

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57 USAID, *Agriculture and Economic Growth | Afghanistan*, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (2023), <https://www.usaid.gov/afghanistan/our-work/agriculture> (last visited Jun 12, 2024).

58 *Unlocking the Potential of Agriculture for Afghanistan's Growth*, WORLD BANK, <https://www.worldbank.org/en/country/afghanistan/publication/unlocking-potential-of-agriculture-for-afghanistan-growth> (last visited Sep 5, 2023).

59 USAID, *Agriculture and Economic Growth | Afghanistan*, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (2023), <https://www.usaid.gov/afghanistan/our-work/agriculture> (last visited Jun 12, 2024).

60 Ariba Shahid & Asif Shahzad, *Pakistan Outlines Process for Barter Trade with Afghanistan, Iran, Russia* | Reuters, REUTERS, 2023, <https://www.reuters.com/world/pakistan-engage-barter-trade-with-afghanistan-iran-russia-2023-06-02/> (last visited Jun 12, 2024); Bozorgmehr Sharafedin & Julia Payne, *EXCLUSIVE Iran Resumes Fuel Exports to Neighbouring Afghanistan* | Reuters, Aug. 24, 2021, <https://www.reuters.com/world/middle-east/iran-resumes-fuel-exports-afghanistan-after-taliban-request-union-says-2021-08-23/> (last visited Jun 12, 2024).6,12]

such as their renowned carpets, prized wool, and diverse agricultural goods. Despite entering these markets at lower prices, this is more a reflection of the challenges rather than a competitive advantage. The restricted access to quality resources and outdated processing facilities hinders the ability to add significant value to agricultural products and properly prepare them for export. Accordingly, Afghan producers face reduced profitability and struggle to invest in safeguarding geographical indications, which is crucial for preserving their distinctive heritage.

PROPOSED GI MODEL LAW

[T]his model law is ideally to be called Afghanistan Geographical Indications Law (AGI). This model is a comprehensive guide for Afghan producers, covering legal frameworks, registration costs, and protection scopes for their Geographical Indication (GI) products in the country. The model has been designed based on the enacted laws and practices of various WTO members, with the aim to strengthen the farmers’ capacity. Drawing a takeaway from others’ experiences, the model clearly outlines clear boundaries to protect Afghan GI products globally, proposing a sui generis system that recognises GIs as a separate intellectual property right.

	NATIONAL LEGAL FRAMEWORK
PROVISION OF THE ACT	Part – A (Registration and Requirement)
<i>(Section - 1)</i> Relevant Regulatory framework	The Geographical Indications of Goods (Registration and Protection) Act for the year 2024, officially took effect on a specified date in the year YYYY. From this point onward, it will be referred to as “the GI Law.”
<i>(Section - 2)</i> Statement of Purpose	The primary objective of the Geographical Indication Act is to uphold and safeguard the quality and reputation of Afghan products in the marketplace. This legislation is designed to provide protection for registered Geographical Indications, ultimately enhancing the market worth of these goods and fostering equitable competition among market participants. Additionally, it contributes to the economic development of the regions where Geographical Indicated products originate. Furthermore, it serves as a safeguard against deception by ensuring that consumers are not misled by counterfeit products falsely claiming a geographical origin.
<i>(Section - 3)</i> Scope of Protection	Applicability to goods (agricultural and/or industrial) services, and/or handicrafts. (Article 1(3)(A)) and the 1 st Schedule of the Rules 2024 (which provides the classification of goods), but not services). Schedule I: (Saffron of Herat province), Schedule II: Walnut of Ghor Province Almond of Daykundi Province etc... Schedule III: (Carpet of Herat Province) Carpet of Turkman includes Mazar Sharif, Jawzjan) Schedule IV: Kandahar Pomegranates Schedule V: Rules 2022 includes the Registration form and other forms.

<p>(Section - 4)</p> <p>Type of Protection</p>	<p>The protection shall be obtained:</p> <p>Sui generis protection (it would appear that ex officio protection is available, where the state and public authorities are responsible for policing and ensuring GI protection (Section 7)). There shall be two main approaches: <i>ex officio and ex parte</i> system of protection in Afghanistan</p>
<p>FORMAL REQUIREMENTS FOR AN APPLICATION</p>	
<p>(Section -5)</p> <p>(Application Forms)</p>	<p>The application must contain:</p> <ol style="list-style-type: none"> i. A statement outlining how the Geographical Indication (GI) is employed to identify products as originating from the relevant geographical area, emphasising the specific qualities, reputation, or attributes that are solely or predominantly attributed to the geographic environment and the production or processing conducted within that area. ii. the geographical map of the territory in which the goods originate or are being manufactured. iii. the class of goods to which the geographical indication shall apply. iv. the particulars regarding the appearance of the geographical indication as to whether it is comprised of the words or figurative elements or both. v. statement providing, if applicable, the names and addresses of the manufacturers of the goods in question
<p>(Section – 6)</p> <p>Administration Responsible for Registration</p>	<p>The Registrar of Geographical Indication, Director-General of Intellectual Property Rights, Ministry of Commerce and Industry, Address: Kabul, Afghanistan</p>
<p>TIME FRAME</p>	
<p>(Section- 6)</p> <p>Registration</p>	<p>Opposition to registration must be submitted within a four-month window, followed by an additional two-month period for the applicant to respond, as per Section 6.1 of the Law. The registration process itself should be completed within a maximum duration of 12 months, as outlined in Section 6.2. The renewal process for Geographical Indications is governed by Section 6.3.</p>
<p>(Section -7)</p> <p>Protection</p>	<p>The registration of a GI is valid for 10 years, and renewable for further periods of 10 years (S. 6.3 of the Law).</p>

COSTS	
<p>(Section -8)</p> <p>Cost of Registration</p>	<p>Application for the registration for goods included in one class: Rs.5000Afg.</p> <p>a. Notice of opposition to the registration: Rs. 5000Afg.</p> <p>ii. Application for extension of time for filing a notice of opposition: Rs. 3000 Afg.</p> <p>iii. Application for the registration of an authorised user of a registered GI: Rs. 10,000 Afg.</p> <p>iv. Request for issuance of a registration certificate as an authorised user: Rs. 1000 Afg.</p> <p>v. Renewal of the registration of a GI at the expiration of the last registration: 5000 Afg.</p>
<p>(Section -9)</p> <p>Cost of Litigation</p>	<p>Approximately Rs. 20,000Afg.</p>
OFFENSES AND PENALTIES UNDER GEOGRAPHICAL INDICATION ACT	
<p>(Section -10)</p> <p>Falsifying and Falsely Applying Geographical Indications</p>	<p>A person will be held liable for falsifying a Geographical Indication if he accomplishes the following:</p> <p>i. <i>A person will be held liable if he utilises a Geographical Indication or a descriptively comparable geographical indication without the approval of the authorised owner.</i></p> <p>ii. <i>A person will be held liable if he misrepresents an authenticated geographical indication by modifying, adding something to it, or making minor changes to it.</i></p> <p>When a person commits any of the above acts, he will be sentenced to six months to three years in prison or a fine ranging from 20,000 to 50,000.</p>
<p>(Section -11)</p> <p>Penalty for Applying False Geographical Indications</p>	<p>When a person commits the following action, he will be sentenced to six months to three years in prison or a fine ranging from 50,000 to One lakh rupees.</p> <ul style="list-style-type: none"> • If he duplicates a geographical indication • If he wrongly applies the geographical indication to a different product. • If he is fabricating, disposing of, or owning anything that indicates he is misrepresenting a geographical indication, such as dice, blocks, machines, or instruments. • If he exploits any product to create a fictitious geographical indication of a country, area, or the name of a manufacturer
<p>(Section -12)</p> <p>Penalty for falsely representing Registered GI</p>	<p>If a person falsely represents a Geographical Indication as registered, he or she may be sentenced to three years imprisonment, a fine of up to two lakh rupees, or both, depending on the nature of the offense.</p>

PART B (MISCELLANEOUS)	
Additional Information	Any additional remarks or pertinent details pertaining to protection within a specific country, such as whether Afghan producers have previously sought protection for their geographical indications or if certain names have already been registered as geographical indications, should be noted. According to the Geographical Indications of Goods (Registration and Protection) Act of 2024, the Registrar of Geographical Indications in Afghanistan is obligated to issue GI certificates for products listed in Section 3.
Relevant supporting document	The guidelines for applicants are provided by relevant supporting documents, (where available and reference to the Annex).
Summary Of The Operational Provisions	<p>The summary should encompass key information regarding the law, including its adoption date, commencement, legislative nature, and the type of protection it offers (either sui generis or trademark). It should also provide a concise overview of the operational legal provisions, addressing the following inquiries:</p> <p>Can Afghanistan’s geographical indications be registered in the examined country?</p> <p>In this context, the definition of geographical indications closely aligns with that stipulated in the Regulation, with the inclusion of manufactured goods (Section 3 of the Law). Names and signs conforming to this definition are eligible for registration.</p> <p>The Registrar of Geographical Indication, the entity responsible for GI registration, follows a two-step evaluation process: a formal assessment followed by a substantive examination.</p> <p>While registration is not mandatory for protection, it offers several advantages, including enhanced protection, facilitating actions against infringement, and granting exclusive usage rights (Sections 6 and 7 of the Law). The Registrar of Geographical Indications oversees the registration process.</p> <p>Any association, group of producers, organisation, or established authority can apply for registration (Section 6 of the Act).</p> <p>An opposition procedure is available within two months from the date of the registration application’s advertisement (Section 6 of the Act).</p> <p>Decisions made by the Registrar can be appealed to the Appellate Board within three months from the date of communication to the appellant (Article 6 of the Law).</p> <p>Unauthorised use of registered geographical indicators is strictly prohibited by law, mirroring the provisions found in Afghanistan’s GI regulations. This prohibition extends to instances where the true origin is indicated or when the geographical indication is used in conjunction with terms like “type of,” “kind of,” “imitation,” and similar phrases. Additionally, using similar appellations of origin on goods that may confuse consumers regarding the origin and specific attributes of the products is also prohibited.</p>

<p>Specific Provisions (Issue of Generics, Reciprocity)</p>	<p>Certain provisions which would be of crucial importance for Afghan producers of products with geographical indications include:</p> <ul style="list-style-type: none"> • The issue of reciprocity and conditions for reciprocal treatment. • Definition of generic geographical names and criteria for establishing a generic character of a geographical name for a certain type of product. • Whether the protection granted after the registration covers the translation of a registered geographical indication. • Generic names will not be registered (Section 6 of the Law). • However, the Afghan GIs can be registered in other WTO member states, based on compliance with the requirements stated in the law (the same IP rights concerning the registration and protection of geographical indications as according to the own nationals of the country in question).
<p>Source</p>	<p>Indication of where the law has been published and whether it is available in the electronic format.</p> <p>Official publication of the law: “The Gazette of Afghanistan “, No. X, DD MM YYYY. Official publication of the Rules: “The Gazette of Afghanistan.</p> <p>English versions of the Act and Rules are available at</p> <p>https://www.wipo.int/members/en/details.jsp?country_code=AF</p> <p>https://www.wto.org/english/thewto_e/countries_e/afghanistan_e.htm</p>

CONCLUSION

In conclusion, Geographical Indications represent a crucial mechanism for safeguarding products associated with specific regions, protecting their unique qualities and heritage. While the specifics of GI laws may vary from one country to another, they share common goals of protecting producers’ and consumers’ rights, bolstering local economies, and preserving cultural identities. Model GI laws typically include well-defined definitions, comprehensive protection mechanisms, and provisions for enforcement and renewal. These laws also prioritise public awareness and promotion efforts while remaining adaptable to local contexts. As jurisdictions adapt GI laws to suit their unique circumstances, collaboration among stakeholders, producers, and legal experts remains essential in crafting effective frameworks that serve the interests of their communities. Strategic investments are vital

for Afghanistan’s agricultural sector to overcome obstacles and thrive. Prioritising post-harvest infrastructure, improving access to resources, and adopting modern techniques are key. This boosts output and quality, enhancing competitiveness globally. Commanding higher prices enables better resource allocation, safeguarding geographical indications, fostering growth, and elevating Afghanistan’s unique products globally. This journey can transform Afghanistan’s economy and cultural heritage into global markets. Lastly, through this article, the author underpins the current necessity of GI law in Afghanistan, further delves into the significance of GI law and, lastly, suggests a model law for prospective legislation addressing the GI products in Afghanistan appropriately.

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