

## NEPAL'S POSITION ON THE GEOGRAPHICAL INDICATIONS PROTECTION DEBATE OF NORTH AND SOUTH<sup>1</sup>

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### ABSTRACT

The World Trade Organization (WTO) member countries under the Trade-Related Aspects of Intellectual Property Agreement may protect their Geographical Indications (GIs) through either *sui generis* laws, trademark laws, or laws focusing on business practices. The protection of GIs by trademark or *sui generis* laws is considered the United States (US) and European Union (EU) debate, respectively. This article does not contribute a novel perspective to this ongoing debate; instead, it aims to examine the prevailing stand of Nepal and the intriguing juxtaposition of a recognised Collective Mark Registration Related Directory 2010 AD operating outside the bounds of legal recognition within the established Patent Design and Trademark Act, 1968 AD and the concurrent recognition of GIs within the National Intellectual Property Policy, 2017 AD framework. The study's purpose is to assess Nepal's position on protecting GIs. Nepal has registered seven collective marks through the Collective Mark Directive, which implies that it is inclined to the US. In contrast, it has shown interest in protecting the GIs through separate laws denoting its inclination towards the EU. In the context of decolonising the prevailing notion of aligning with either the US or the EU, Nepal necessitates the drafting of *Utpati Mool* or *Maulik (Sui Generis)* laws to safeguard its GIs goods. Nepal is not inclined toward external models (US or EU) and remains impartial; inclination is unintentional rather than deliberate. Nepal is on the path of drafting laws on intellectual property; therefore, this research could contribute to developing a comprehensive *Maulik* law for its GIs protection.

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