



Promotion of Handicrafts and Intellectual Property Rights of the Artisans across the world: The Case for India

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ABSTRACT:

The Handicrafts Industry in India is facing stiff competition from semi-handcrafted and machine made duplicates from countries like China. The past two decades have seen a rising consciousness in India to protect the traditional crafts from piracy and unauthorized duplication. This has led the Government of India to realize the importance of Intellectual Property Rights for the Crafts Sector. A nationwide campaign has been initiated to protect India's traditional handicrafts under the Geographical Indications Act. Though the existing Intellectual Property Rights (IPR) regime in India is inadequate to address all the issues involved in protection of handicrafts. The Geographical Indications Protection and Handicraft Mark, even if they are successfully implemented, can probably be powerful tools for creating value for the handicrafts sector. They are expected to bring Monetary gains in terms of increased sales turnover, higher prices and better profitability. However, the biggest obstacle is the artisans themselves. They are neither educated enough not informed enough to boldly step up and own their craft. They shy away from involving themselves in any form of writing. They may have generation of experience in their area of expertise and yet they are unable to boldly make a place exclusively for themselves in the global markets. They are also expected to bring overall socio-economic development and better lifestyle for the artisan sector. To become commercially valuable assets, Intellectual Property Rights must be transformed from mere legal concepts and enforceable rights into marketing tools that create and develop a brand value for the product. It is the contention of this paper that an effective IP based Marketing strategy will help the artisans increase their competitiveness and market value, while minimizing the risks and uncertainties involved. The IP assets must be used creatively, pro-actively and with imagination to reap their commercial benefits.

Introduction

Globalization has brought about enormous challenges to the handicrafts industry in terms of competition from similar crafts of Pakistan, Bangladesh, Srilanka, Indonesia, China and other areas across the world. The worst sufferers are no doubt the producers of unique craft products who lose their markets due to large-scale infringement of the product. Promulgation of Intellectual Property Rights in India after the TRIPS agreement has created an avenue for the protection of these unique products of the country. The use of the Intellectual Property mechanism specially the "Geographical Indications" (GIs) to protect peculiar

craft products from particular regions is preventing misuse and exploitation of the 'regional brand name' and providing a "common branding" to these products. Apart from Brand Building and Marketing, IPR protection benefits artisan and crafts persons in many ways. Enhancing value of products, protecting them from piracy and thereby improving the socioeconomic status of the artisans through increased sales and profitability. The benefits accrued to Indian Handicrafts and the Handlooms sector as a result of IP protection are discussed further in this paper.



The Indian Handicrafts products have always been in demand in the international market. However, because of the lack of any standardized quality; lack of innovation in terms of products; designs and utilitarian value as per the changing fashion trends; fluctuating customer tastes and acceptable universal norms, overseas market for these craft products is coming to the point of stagnation. Indian Handicrafts need to adapt and innovate according to the changing global demands. Indian artisans need to diversify their product range and adopt new and innovative designs. Some of the benefits accrued as a result of IP protection and their counterpoints are presented below.

Product Diversification for Survival

Traditional textile crafts of India like the Banarasi saree and the Pochampally Ikat Sarees had limited overseas markets. Sarees had a limited demand in international markets as a product. Product diversifications created more internationally acceptable attires like stoles, kurtis and tops; home furnishing products such as table cloths, bed covers, cushion covers and fashion accessories like bags, belts etc.

Most of the craft artisans follow traditional designs and patterns being practiced for years and do not want to experiment much with the designs. Artisans, nevertheless, are adapting their designs to have them become more attractive and competitive in the global markets and meet the rapid changing mood of the consumers. There is a large thrust towards making the crafts more utilitarian than ever before. The articles of the past are almost redundant today in the large part of the world. Earlier ornate kitchen ware, dishes, trays, decorative small stools and even items of personal use like a dressing table, hand mirror or an elaborately worked upon container for betel leaf, cigarette or even a spittoon. Times changed habits changed and these items were lost in oblivion. The larger part of the world has become minimalist. Lifestyles have changed. In India the artisans have attempted to adapt their crafts to the changing times. Bidriware for example is native to Bidar and has obtained Geographical Indications registry. The world famous Bidriware, or the intricately worked upon artistic metallic work, has been on the revival path after the introduction of innovative designs and a variety of new patterns. A couple of years ago, Bidriware was considered to be a dying tradition in its

native place due to the obsolete designs. In recent times, things have started to look up after innovative designs were developed by the National Institute of Fashion Technology (NIFT) and workshops and awareness campaigns were initiated by Karnataka State Handicrafts Development Corporation Limited.

Some artisans have attempted the creation of fusion product of two or more GI protected crafts to create innovations. They believe that the new designs will be more cost effective and would probably have more takers among the younger age groups, who look for trendy designs, and new looks.

The new designs range from Indian to international themes with the latest in home and lifestyle accessories. At present, one can buy beautiful, trendy articles such as trays, bowls, vases, jewellery sets and even hardware such as knobs and handles in Bidri work. The artisans have taken on the challenge of the new emerging needs of their clientele and have changed their products range and design accordingly.

Internationally Approved Conditions for Improved Quality Standards:

Quality is an indispensable aspect in GI products and hence there is no room for compromise on quality at all. The GI proprietor can take a written assurance from registered users that he is willing at any time, for inspection to be conducted by the Quality Control (QC) team at his premises of manufacture of the GI product. Strict adherence to traditional aspects of manufacture and making also form part and parcel of the GI quality control mechanism. Thus the inspection mechanism during the registration process of GI would ensure quality standards of the products. The GI registration will boost its brand and economic value in the market, while also helping enhance its export. The current artisans have to go a long way before they realize that all forms of inspection and authentication are towards enhancing their product value instead of having any exploitative objective. They need to understand that quality control is a major part of the acceptance of their products. Also it needs to be acknowledged by the artisans that the parameters of quality and its measurement can tend to change across space and time. Products that were permissible earlier have been banned today. For example ivory which has commonly used at



one time is totally banned now. Some countries forbid the use of plastic and similarly there are a number of restrictions and impositions exercised the world over. The artisans have been struggling to keep abreast. It is for this reason they would probably face rejection rather than go through prolonged testing and inspection procedures to answer the quality of their products.

Besides GI, Certification Marks ensures that specified quality standards are strictly followed. The proposed HANDICRAFTS MARK of the Ministry of Textiles shall specify the minimum quality standards for different crafts. The problem, however, is that the poor artisans has no alternative means of income for support while he or she can concentrate on the work of art being created by them.

With the intervention of Designers of NIFT and NID in craft clusters, artisans are now experimenting with simpler designs that are faster to produce thereby leading more output and increased productivity. The agents and wholesalers started demanding better finished products in short durations and insisted on strict delivery schedules. Members of the artisan family, who were working leisurely in the production activity, now tend to engage themselves for increased durations of time. They are also now working with more seriousness. As a result, not only the productivity of the head artisan was observed to have increased but also the productivity of the supporting labour from the family has also increased.

The lack of awareness and training of craftspersons and their inability to extract premium prices for their creations on the USP of being 'Hand Crafted' had been one of the constraint in the growth of the handicraft sector. Competition from similar products sold from other regions or countries which unfairly capitalize on the reputation of these unique products further restricted these artisans from charging premium prices. This had resulted in lack of motivation on the part of the artisans, as they see no future in continuing this practice since they cannot sustain their families on their crafts. However with protection of their crafts from piracy through the exercise of optimum IPRs, artisans can afford to charge suitable prices of their products.

Research of UNCTAD has shown that consumers are willing to pay more for products with genuine GI registration. A survey carried out by the UN agency showed that in the case of non-agricultural products like handicrafts, consumers are willing to pay upto a 10 per cent more for GI registered products. This is a fact that most Indian artisans working on small scale grassroots levels do not understand, acknowledge or in a large part are even aware of.

The crafts are increasingly being marketed and promoted through international fairs and exhibitions. Trade Fair participation is a key activity in the Craftmark's commercialization strategy. The registered members of Craftmark are given ample opportunity to showcase their products at international fairs like like New York Gift Fair, the India International Gift & Handicraft Fair and various national level exhibitions and Melas. These participations have generated many opportunities, and created many buyers. Orders and enquiries were placed by buyers from Australia, Turkey, South Africa, Germany and USA. However, the execution of these orders would require the stringent quality controls demanded.

The Textile Committee and Export Promotion Council for Handicrafts (EPCH) also enabled producers of GI protected crafts to participate in Textile and Crafts fairs across the world like Fashionista, China Gifts and Handicrafts Fair, Milan Fair etc. as part of their GI facilitation and promotion program.

Sustained Demand for Indian Handicrafts

Ethnic designs and flourishing patterns of Indian handicrafts are heavily demanded all across the globe, however, the main drawbacks of the Indian Handicrafts industry have been the absence of organized structure as well as focused and coordinated effort for brand promotion of these products. There were hardly any substantial efforts by craft entrepreneurs and Government agencies to promote the 'Made in India' brand internationally. With GI registration of some traditional crafts of India and the associated awareness campaigns, the Indian Craft communities involved in growing or manufacturing such products are realizing the importance of GI in selling their products and making it unique.



The GI tag assigned on product literatures, packaging, advertisements, websites, etc not only identifies the source of the product, it also signals about the qualities or characteristics of the product that are closely linked with the reputation of the craft acquired over the years. This helps in brand building of the product and enhanced competitiveness and profitability.

Some States have taken steps to enforce the GI registration acquired by crafts of their states. The department of handicrafts in Jammu and Kashmir has set up Special Squads to check the sale of non-Kashmiri products under the label of Kashmir crafts. There has been little effort on the part of the artisans, however to acquire the quality certification so that they can sell their products in larger markets and to more discerning customers.

Protecting the Handicrafts and Artisans Sustainably

The GI Tag, Design Registration Number or a Certification Mark assure the consumer that he is spending money on an original product and is not being cheated.

Most producers and artisans of traditional and unique products in India lack the financial resources for internationally promoting their product. However, to assist in resourcing the poor artisans, weavers and farmers to seek GI registration of their unique products, many organizations like UNCTAD and CII-APTDC have aided financial funding to the artisans. The National Bank for Agriculture and Rural Development (NABARD) arranges buyer-seller meets at important cities. The objective of all these organizations is to ensure wider markets for the products of the indigenous artisans.

International Property Right (IPR) protection is leading to more organized structure of handicrafts industry to obtain IPR protection (GIs and Certification Marks), artisans of craft clusters are conglomerating to form associations, Self Help Groups and Federations to take care of GI registrations, obtain Certifications like Craft Mark, Handloom Mark etc. and to handle marketing and other works.

The protection of Indian handicrafts under the Intellectual Property Laws and mainly the Geographical

Indications Act has benefitted the Indian handicrafts industry in many ways. It has not only assured better brand recognition and enhanced demand in the national / international market, it also promises better socio-economic status of the artisans and a much more organized and structured handicraft sector in coming years.

The challenges of growing and supporting artisan enterprises, bringing recognition to the sector and preserving cultural heritage are concerned with the introduction and acceptance of a globally recognized artisan certification system as a starting point to help us address the challenges that exist for everyone working in the sector: from artisans, to governments, to NGO support groups to retailers.

This certification would appear on products that adopt it as belonging to a quality artisanal product, as outlined by UNESCO. The artefacts thus produced by artisans, either completely by hand, or with the help of hand tools or even mechanical means, as long as the direct manual contribution of the artisan remains the most substantial component of the finished product.

The strategy desired at this point should be to collaborate with existing certification and support organizations – such as Craftmark, a handicraft certification system in India operated by the All India Artisans and Craftworkers Association (AIACA). By working with existing in-country organizations like Craftmark, this certification structure could build on prior knowledge and expertise to implement a ‘real-world’ system of global certifiers in multiple countries. The problem for the Indian artisans is that there are very few certificates of quality that are tailor-made for them and their skills or their products.

With over 23 million craftspeople, the crafts sector is the second largest employer in India. The Craftmark initiative helps denote genuine Indian handicrafts, develop sector-wide minimum standards and norms for labeling a product as handcrafted, and increase consumer awareness of distinct handicraft traditions. Under this initiative, AIACA licenses the Craftmark logo for use by craft-based businesses, cooperatives and NGOs. The Craftmark certification has been reported to have increased sales of craft-based businesses by 60%.



However, a key challenge of certification in many of the existing models, including Craftmark's, is that artisans bear the burden of costs. It can be expensive and there are many roadblocks for small artisan organizations who want to be recognized but might not have the money or training for certification. To address this, buyers should pay a percentage of the costs of goods. To illustrate how this could potentially play out, a case study based on certification of their own handcrafted product assortment and the potential scope of consumer marketing.

History and Development of the UNESCO Award of Excellence for Handicrafts

The Award of Excellence for Handicrafts (formerly known as Seal of Excellence for Handicrafts) of Southeast Asia was jointly established by UNESCO and the ASEAN Handicraft Promotion and Development Association (AHPADA) in 2000, in order to establish quality standards and to enhance international awareness of handicrafts from the 10 ASEAN countries.

The UNESCO 'Award of Excellence for Handicrafts' aims to encourage artisans to produce handicrafts using traditional skills, patterns and themes in an innovative way, in order to ensure the continuity and sustainability of these traditions and skills. It is UNESCO's flagship programme for supporting craft producers. The following are its avowed objectives:

Objective 1: Establish rigorous standards of excellence for handicrafts

The UNESCO "Award of Excellence for Handicrafts" aims to promote quality crafts that uphold rigorous standards of excellence. It aims to ensure that when consumers buy awarded handicrafts, they are buying high quality, culturally authentic products that have been manufactured in a socially-responsible manner with respect for the environment.

Objective 2: Encourage innovativeness

While it seeks to promote the continuation of traditional skills, the UNESCO Award also encourages product innovation in order to ensure that handicrafts remain relevant, valuable, and marketable in modern life.

Objective 3: Offer training and support services

The UNESCO programme aims to provide capacity-building and training workshops to assist craft producers in the improvement of their product design and marketing, development of their markets, and protection of their intellectual property rights.

Objective 4: Provide new opportunities to ensure sustainability of handicraft industries

The handicraft sector plays an increasingly significant role in local economic development and poverty eradication. By providing new market opportunities, the programme aims to enable handicraft producers to establish sustainable livelihoods. This will be achieved through developing networks of handicraft producers and buyers, including the higher-end of the market, and through exhibitions and trade fairs.

Market Development for the Handicrafts Sector

Since the programme was initiated in 2001, 725 products have been granted the Award of which there were 253 in the South-East Asia region and 182 were in the South Asia region (since the programme started in 2004. Also there were 212 in West-Central Asia where the programme started in 2004. Lastly there were 78 in the East Asia region where the programme started in 2002).

Yadav U S, Tripathi R, Yadav N and Tripathi M.A. (2022) proposed a separate index for the development of handicraft products. They said that the World Bank data shows that 78% of the world's unorganized workers are in the handicraft sector and the role of the handicraft sector in the world GDP is 27.49%. It is important to note that 87 % of women are engaged in the handicraft sector (World Bank 2020 report submitted to UN). This is a poignant reminder that the artisans and their products needs to be studied closely to ensure correct, definitive, quality enhancing techniques are featured in into the certification process that gains global recognition and ensures authentic and purity of the product at the international level.

Yadav U S, Tripathi R, Yadav N and Tripathi M.A. (2022) propose the model of Azerbaijan which is preserving its rich traditions, developed over many centuries. Each city and region of the country is distinguished by the development of various kinds of crafts and arts. Among them, are the ancient crafts like



pottery, weaving mats, baskets, making painted chests, tambour embroidery, etc. In many regions of Azerbaijan these ancient handicrafts continue to flourish and develop. The same is the case in India. There are several niches where some of the most exquisite crafts of the country are made but no directed efforts have been made towards ensuring some form of certification for the Indian crafts persons.

Iranian handicrafts have the greatest diversity worldwide, overtaking China and India which rank higher than Iran in terms of producing such items. Of

the total 297 types of handicrafts produced in Iran, 199 pertain to Isfahan Province, which shows the high status of the art and creativity among the people of the province. Isfahan Province was recognized by the World Crafts Council (WCC) as the World Crafts City and registered as a UNESCO creative city.

The author proposed certain parameters and indicators (as shown in Table 1).

The following table depicts the various parameters of a craft and what are the indicators that determinate authenticity.

Table 1: Parameters and indicators Signifying Crafts

Sr. No.	Indicator	Parameters
1	Decorative value of craft	Economic
2	Artisan's skills,	Social
3	Marketing of products, consumer behavior	Financial
4	Product demands,	Technological
5	Local culture, Government policy,	Governance
6	Artisans safety	Empowerment
7	Artisans talent and capacity,	Educational
8	The role of meditators.,	Religious
9	Handicraft infrastructure,	AI
10	Electricity supply,	ICT
11	Promotional window at the local level at global level, customer interest, and nationalism of the handicraft demand,	Gender
12	Digital technology,	Promotion
13	Labor strategies,	Policy
14	Competition between sustainability of the handmade product,	Innovation
15	Quality in comparison of machine-made product,	Environmental
16	Women security in handicraft sector,	Cross-Cultural
17	Brandicng of handicraft product at global level,	Entrepreneurial
18	Reiving of handicraft product, conservation of old Skill,	Institutional
19	Use of AI in handicraft product making,	Skill
20	Institution establishment of handicraft sector	Branding
21	Training center of handicraft product,	
22	Global handicraft parks,	
23	awareness of handicraft Product	
24	Environmental value of craft	

Source: Compiled by Author

A major characteristics that may apply to “traditional handicrafts” includes the fact that they are transmitted from generation to generation and that they are linked to

an indigenous or local community. The transmission is more through word of mouth, through example and through years of apprenticeship and practice. There is



no means of coded messages to be decoded or written instructions to be followed. It is usually a close knit network that inherits the craft and then passes it on.

Handicrafts and Intellectual Property

From an IP perspective, handicrafts can have four distinct components:

- Reputation - derived from their style, origin or quality;
- External appearance - their shape and design; and
- Know-how - the skills and knowledge used to create and make them.
- Aesthetic beauty and appeal

Each component can potentially be protected by a distinct form of IP. Know-how, for example, could be protected by patents or as a trade secret, external appearance could be protected by copyright or industrial designs, while reputation could be protected by trademarks, collective or certification marks, geographical indications or unfair competition law. These forms of IP will be examined in turn. As yet there is no single instrument that can guarantee the artisan his or her own seat of authenticity and quality.

Collective Marks and Certification Marks

Collective and certification marks can be used to inform the public of certain characteristics of the products or services marketed under such marks. A collective mark distinguishes the goods and services of members of an association, which is the owner of the mark, from those of other undertakings. There is no requirement for certification; any member of the association is entitled to use the mark. For example, the MGLASS collective mark was registered by the Regional Commission of the Crystal Industry in Portugal, and is used on mouth-blown glass and crystal works of art created by artisans in the Marinha Grande region. A certification mark on the other hand, indicates that the goods or services are certified by the owner of the mark to conform to certain standards or characteristics, such as geographical origin, material, mode of manufacture or quality. For example, in Panama, authenticity labels are used on molas (distinctive textile panels produced by Kuna craftswomen) to guarantee their authenticity and combat the widespread sale of cheap imitations.

Registering and using a collective or certification mark can help indigenous communities to distinguish their crafts from others, and promote them and the artists who made them nationally and internationally. It can help improve their economic position and ensure that they get fair and equitable returns. Collective and certification marks can also raise public awareness and provide reassurance to consumers as to the authenticity of the goods they are buying. While certification marks or authenticity labels cannot prevent the sale of imitations, they can discourage them by distinguishing the genuine traditional handicrafts.

It must be stated, nevertheless, that the exquisite works of the artisans of India do not totally fall under the purview of the

- (i) Trade Mark
- (ii) Copy Rights
- (iii) Design
- (iv) Patent
- (v) Trade secrets

The only one they can probably use is Unfair Competition but for that they would have to apply collectively rather than as individuals. Even the Geographical Indication (GI) is a mere indication of the location and does not do justice to the artisans.

There is, therefore an urgent need to streamline and highlight the authentic Indian crafts. The objective is to gradually phase out competitive forces that may jeopardize the artisans base to totally succumb to the pressure survival.

Artisans face severe challenges such as inaccessibility of funds, low penetration of technology, absence of market intelligence, and poor institutional framework of artisan groups. Over the years, a large number of artisans have moved to urban centres, seeking low-paying and unskilled employment. To address these challenges and to develop and promote the sector, the government's National Handicraft Development Programme is being implemented by the Office of the Development Commissioner (Handicrafts). Presenting the Union Budget 2021, Finance Minister Nirmala Sitharaman also proposed the exemption on import of duty-free items as an incentive to exporters of handicraft items to give a boost to the sector.



Four Government schemes for empowering Indian handicrafts and artisans are:

(i) **Ambedkar Hastshilp Vikas Yojna**

Under the Dastkar Shashktikaran Yojna subsection of this scheme, the programme enables community empowerment to mobilise artisans into self-help groups. Post this, the implementing agency will prepare a diagnostic study report (DSR) for proposing further interventions in the cluster. The implementing agency is responsible for overall project management and implementation of various interventions to facilitate bulk production and sourcing of goods. Towards this end, apart from other things, the implementing agency appoints a cluster manager.

Under the design and technology upgradation subsection, a 25-day workshop is conducted to develop new prototypes to suit the tastes and preferences of contemporary markets, using the traditional skill of artisans, and introduce new techniques and technologies for enhanced production. Besides this, support is provided in the form of an integrated design and technology development project, assistance to exporters and entrepreneurs for design prototypes, and commercial market intelligence. Ambedkar Hastshilp Vikas Yojna also provides support in human resource development, infrastructure and technology support, healthcare, and more. There are very few of the marginalized artisans who have participated in these workshops and benefitted from them. There is need for sustained handholding before it can be expected that the artisans can independently seek quality control and adopt necessary measures to endorse it in all their products.

(ii) **Mega cluster scheme**

The programme follows a mega cluster-based approach in scaling up infrastructural and production chains at handicraft centres that have remained unorganised and have not kept up with modernisation and other developments. The objectives include generating employment and improving living standards for existing artisans. The mega clusters are taken up for development through the Handicrafts Mega Cluster Mission (HMCN) or through central/state corporations as and when announced in the Union Budget, or as per requirements, and as per the diagnostic report. A

maximum of three percent of the project cost is earmarked for establishing baseline data or reports against which performance can be compared at the end of the project. The total fund requirement is as per the report. The maximum duration of the project is four years.

(iii) **Marketing support and services scheme**

This part of the programme provides interventions for domestic marketing events to artisans, such as providing financial assistance for organising or participating in marketing events in India. Assistance is also provided for hiring built-up space for events organised by other institutions. Besides this, craft awareness and demonstration programmes are also conducted. The marketing and support services component helps conduct domestic buyer-seller meets which provide linkages to local artisans to showcase their products to major buyers of India, thus ensuring integrated and inclusive development of Indian handicrafts. Buyer-seller meets, workshops seminars, etc are also occasionally organised abroad. Another component is publicity and brand promotion, which highlights Indian handicrafts in print and electronic media, and on the web.

(iv) **Research and Development Scheme**

The schemes formulated are based on evaluation and research conducted from time to time by a governmental in-house research and development team. The initiative was introduced to generate feedback on economic, social, aesthetic, and promotional aspects of various crafts and artisans in the sector. Surveys and studies are conducted on specific crafts on which enough information is not easily available, on problems related to the availability of raw materials, technology, and more. Research is also conducted on measures to provide financial assistance for the preparation of legal, paralegal, standards, audits, and other documentation leading to labelling and certification for artisans' products, and more.

Conclusion

The following common characteristics can be identified for handicrafts as requiring urgent attention for support towards developing certain controls for authenticity and quality. :



- They are produced by artisans, completely by hand or with the help of hand-tools or even using machinery. The certification provided must ensure that the artisan's direct manual contribution remains the most substantial component of the finished product;
- They are representations or expressions that are symbolic of the artisan's culture;
- They encompass a wide variety of goods made of raw materials that cannot at any juncture be standardized;
- Their distinctive features can be utilitarian, aesthetic, artistic, creative, culturally attached, decorative, functional, traditional, or religiously and socially symbolic and significant how then they be qualified into any form of checks and measures that authenticate the artisans hardwork and ingenuity in his craft and products;
- There are no particular restrictions on production quantity, and no two pieces are exactly alike this is the biggest conundrum that faces the certifying authorities on how best to portray their workmanship

There is, however, need for the private and corporate sectors to extend their patronage to the handicrafts to make them truly World renowned would accepted and cherished as a 'made in India' brand. Handholding of the corporate could be the vital input that can bring the handicrafts to their pristine glory once again against the backgrounder of authentication and quality stamped on each piece of craftsmanship.

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