

Research Article

Geographical Indication Dispute of Nakshi Kantha between Bangladesh and India

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Abstract: Nakshi Kantha is a Bengali embroidery tradition, granted geographical indication (GI) status in both India and Bangladesh and is a case study of cross-border conflicts over traditional cultural products in post-colonial South Asia. The issue became particularly significant after India registered “Nakshi Kantha” as a geographical indication for West Bengal in 2008. Bangladesh enacted its Geographical Indication (Registration and Protection) Act only in 2013 and subsequently registered “Jamalpur Nakshi Kantha” in 2024. The dispute cannot adequately be understood as a simple question of which country “owns” Nakshi Kantha. GI law is fundamentally territorial and protects a geographical indication in a defined territory, rather than conferring exclusive historical ownership of a cultural tradition on a state. Nakshi Kantha serves practical needs (bedding, wraps, baby covers, floor spreads) while functioning as gifts for marriages, departures, or honoring elders due to protective or auspicious symbolism. It is a living testament to Bengal’s material culture, i.e., resourceful, narrative, and resilient. The GI registration in both India and Bangladesh operate within different territorial legal systems. GI protection does not function like a worldwide patent or copyright. TRIPs establishes minimum standards, particularly through Article 22 for products such as handicrafts, but leaves substantial responsibility to national systems. Current research is a qualitative empirical legal study using structured documentary analysis and secondary analysis of published field evidence exploring the history and GI claims of both countries.

Keywords: Nakshi Kantha; geographical indications; intellectual property; Bangladesh; India; empirical legal research; authorized users; shared heritage

1. Introduction

Nakshi Kantha is a layered quilts or coverlets embroidered with running stitches for decorative patterns (*naksha*). The term “kantha” is derived from the Sanskrit *kontha* meaning rags or patched cloth (Zaman 1981, Zaman 2026) or is linked to *kheta* (field) while “nakshi” denotes artistic patterning. Early twentieth-century collectors and later researchers consistently noted this rag-origin explanation (Dutt 1939; Zaman 1981). Gurusaday Dutt, one of the first systematic collectors and commentators on the craft, emphasized the functional, recycled character of the object when he wrote that the name “signifies a poor man’s wrap consisting of old used up cloth patched up and sewn into a single garment” (Dutt 1939). Niaz Zaman, in *The Art of Kantha Embroidery* (1981) emphasizes that the kantha is, at its origin, a product of thrift and domestic necessity rather than of luxury patronage (Zaman 1981). This situates Nakshi Kantha within ordinary household practice rather than within elite or courtly textile production. *kheta* (field) could allude either to the quilt’s practical use as a ground covering or sleeping mat, or metaphorically to the “field” of embroidery that covers its surface once decorative stitching is added (Banglapedia n.d.). Coloured threads drawn from sari borders or, later, commercial embroidery skeins were used to create motifs (Zaman 1981; Mason 2009). In Bihar and certain parts of West Bengal the related term *sujni* (from a root connected with stitching or the needle) is common. *kantha* appears to have crystallized through long oral and practical usage rather than through formal lexical standardization. Its meaning is stable in everyday and scholarly discourse even while its precise historical linguistics remain open to discussion. A typical Nakshi Kantha in the author’s house is shown in Figure 1.

Earlier Buddhist textual traditions contain references to patched cloth garments used by monks. By the sixteenth and seventeenth centuries, Bengal had developed a sophisticated tradition of embroidered layered quilts, some of which were produced for Portuguese and other European markets. These Indo-Portuguese or “Satgaon” quilts, associated with the port of Satgaon (near modern Hugli), share technical features of cotton, fine embroidery, pictorial or narrative motifs,

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with later domestic kanthas (Mason 2009; Ghosh 2009). These “Satgaon quilts” or Indo-Portuguese embroidered textiles share technical and aesthetic features with later kanthas and demonstrate that Bengal already possessed a sophisticated tradition of embroidered layered cloth by the early modern period (Mason 2009; Ghosh 2009). Nineteenth-century East India Company commercial and court records further attest to the presence of kanthas as items of local production and occasional trade interest, for example in Company proceedings dated 25 February 1818 (Zaman 1981). Gurusaday Dutt’s collecting activities in the 1920s and 1930s, concentrated in districts that later became part of East Pakistan/Bangladesh as well as in West Bengal, produced one of the most important surviving assemblages of nineteenth-century examples (Dutt 1990; Gurusaday Museum collections).



Figure 1. A typical Nakshi Kantha

In West Bengal, kantha embroidery is produced in multiple districts, with notable clusters associated with Birbhum (including the Santiniketan area). In West Bengal the broader term “kantha” is common for both plain and embroidered pieces, while “nakshi kantha” gained currency especially in Bangladesh after Jasimuddin’s 1929 poem *Nakshi Kanthar Math (The Field of the Embroidered Quilt)*. By the late twentieth century, *nakshi kantha* had become the standard designation in Bangladesh and was widely understood (though not always preferentially used) in West Bengal. The literary origin of the popular compound term is occasionally invoked in contemporary heritage discourse as evidence of a specifically East Bengali cultural crystallization, although such arguments overstate the degree to which a single poem can determine the historical geography of a long-standing craft practice.

It’s a women’s domestic tradition that transforms discarded saris, dhotis, and lungis into functional and artistic objects. While utilitarian kanthas never disappeared, richly embroidered examples flourished in the 19th century and experienced organized revival in the late 20th century. It’s made from reused cotton cloth and worked principally with running stitch. Motifs and compositions communicate household life, nature, religious and social imagery, memory, and personal experience. In Bangladesh, it is most closely associated with Jamalpur, Rajshahi, Jessore, Kushtia, Faridpur, Bogra, Chittagong and Mymensingh while in India it is made in Birbhum, Murshidabad, Nadia, and South 24 Parganas with Tripura and parts of Assam.

Produced primarily by rural women from layered, discarded cotton garments and decorated with running-stitch motifs drawn from daily life, mythology, and personal narrative, it functions simultaneously as utilitarian household textile, emotional archive, and aesthetic object (Zaman 1981; Mason 2009).

India was among the first developing countries to enact a comprehensive sui generis GI statute, the Geographical Indications of Goods (Registration and Protection) Act, 1999¹, which entered into force in September 2003 together with the GI Rules, 2002;

¹ Geographical Indications of Goods (Registration and Protection) Act, 1999 (India), Act No. 48 of 1999, as amended, <https://www.wipo.int/wipolex/en/legislation/details/22959>

by 2024 India had registered more than 600 GI products (Sunny et al. 2024). India registered Nakshi Kantha earlier. Bangladesh followed considerably later, enacting the Geographical Indications Products (Registration and Protection) Act, 2013² pursuant to its TRIPS obligations³ as a WTO member since 1995, but not commencing effective registrations until several years afterward (Mahmud 2024). In fact, Bangladesh availed grace period of Least Developed Countries permitted in WTO. Both Indian and Bangladeshi GI acts are broadly modelled on the EU/TRIPS sui generis template, but differ meaningfully in registration procedure, evidentiary thresholds, and institutional capacity.

Since Nakshi Kantha originated in undivided Bengal, mainly from areas which are now part of Bangladesh, India's exclusive registration of the broad term "Nakshi Kantha" for West Bengal was viewed in Bangladesh as monopolizing shared history and ignoring stronger traditional centers of the East Bengal.

Geographical indications occupy a distinctive position within intellectual property law because they connect a product with a geographical place. GIs protect a geographical indication associated with goods whose quality, reputation, or other characteristics are essentially attributable to geographical origin. GIs are particularly complex where a traditional product originates from a cultural region that historically existed before the creation of modern national boundaries. Nakshi Kantha is an excellent example of this scenario. Nakshi Kantha belongs to the broader textile culture of Bengal. Despite an important GI dispute, no comprehensive study covers this topic. Existing literature on the Nakshi Kantha dispute is rudimentary and fragmentary. It appears as a passing reference within broader surveys of India–Bangladesh shared GIs (most substantially in Bhattacharya and Trisha 2024b). A significant gap exists to integrate legal doctrine, historical craft scholarship, chronological reconstruction, comparative case analysis, and artisan-level economic data in a single study. Current research has been designed to fulfill this gap, using the Nakshi Kantha GI registration in both India and Bangladesh as an anchor. The central question is how should GI law address a traditional cultural product whose historical and cultural geography extends across a modern international border.

2. History

The earliest textual reference to Bengali *kantha* appears in the 16th century hagiography *Chaitanya Charitamrita* by Krishnadasa Kaviraja, wherein Lord Chaitanya Mahaprabhu in Puri receives a layered homemade stitched quilt sent by his mother, Sachi Devi. Possible connections with embroidered quilts commissioned by the Portuguese from the Satgaon (Saptagram) region in the sixteenth century, also suggests early commercial and cross-cultural dimensions. By the nineteenth century, richly embroidered kanthas, particularly the large rectangular *sujni* or coverlet type, reached a high point of aesthetic elaboration in the districts of Jessore, Faridpur, and Khulna (now largely in Bangladesh), with thicker, less densely decorated variants produced in Rajshahi and Kushtia. These incorporated Hindu mythological scenes (Krishna legends, Ramayana episodes), Islamic geometric and floral vocabularies, and everyday rural imagery. A Kushtia kantha presented to Rabindranath Tagore during his residence at Shelaidaha (1891–1901) is preserved at Santiniketan, illustrating elite recognition of the craft.

The 1929 publication of the poet Jasimuddin's *Nakshi Kanthar Math* ("The Field of the Embroidered Quilt") crystallized the cultural prestige of the embroidered quilt. The poem tells the story of a rural couple, Rupai and Saju, and centers the embroidered quilt as both material object and emotional archive, the repository of a woman's unspoken pain, longing, and memory. By giving the embroidered quilt a literary name and a powerful narrative framing, Jasimuddin fixed the association of the craft with rural Bengali women's expressive capacity and introduced the term to a wider literate audience (Zaman 2026; Banglapedia n.d.). The tragic folk narrative of Rupai and Saju culminates in Saju stitching the story of her suffering onto a kantha that is later placed on her grave; the field thereafter bears the name "Nakshi Kanthar Math." The poem both popularized the terminology and elevated a domestic craft into a literary symbol of rural Bengal's emotional landscape. The poem, structured as a tragic rural love story told partly through the stitched imagery of its heroine's quilt, elevated kantha-making from anonymous domestic handiwork to a nationally resonant literary and artistic subject. Partition in 1947 disrupted artisan communities: many Hindu families migrated westward, carrying skills into West Bengal, while production in East Pakistan (later Bangladesh) suffered under shifting cultural priorities that sometimes-marginalized indigenous folk forms. A decisive revival occurred after Bangladesh's creation in 1971. War, famine, and the displacement of large numbers of women created urgent needs for livelihood generation. The craft's motif vocabulary including but not limited to lotus, tree-of-life, sun, fish, boat, elephant, and palanquin situates Nakshi Kantha in a broader Bengali folk-art idiom shared across the religious and, later, national divide (Ahmad 1999). A Bengali woman in the Sylhet (Srihatta) district narrates the story of her own life, from marriage to old age, in the stitched imagery of a single kantha highlighting the tradition's function as an intimate, autobiographical medium of expression, particularly for women who historically had few other public or durable outlets for personal narrative.

3. Cultural, Social and Religious Significance

East Asia has very temperate weather as none of its six seasons is too harsh. An all-season utility quilt is required for comfort except few months of winter, hence necessitating evolution of Nakshi Kantha. Cotton fabrics were invented around 3000 BC and spread to most parts of the world about 2000 BC. People of subcontinent adopted cotton with their lives. Weavers locally known as "tati" used to make cotton fabrics to make their earnings. At that time, people used to wear clothes without stitches such as sari, dhuti, and lungi. Such clothes when old, are especially suitable for making Nakshi Kantha.

Nakshi Kantha is mostly the art of village women. They are the most deprived part of the society. Women narrate their life stories and express themselves through the art of stitches in Nakshi Kantha. Traditionally, men went for farming and different

² Geographical Indication of Goods (Registration and Protection) Act, 2013 (Bangladesh), Act No. 54 of 2013, <https://bdlaws.minlaw.gov.bd/act-1136.html>.

³ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), April 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299 (entered into force January 1, 1995).

outside work. Women used to stitch Nakshi Kantha after completing their household work. Hence, Nakshi Kantha has a feminine style and aesthetics. The designs and art are reflections of her mind, experience, nature, and the tales she heard from her grandparents. A woman usually spends 3-6 months creating a Nakshi Kantha. Hence, she is also mentally and emotionally connected with the art piece.

Nakshi Kantha has been made all over the years. But there is also a season for making this Kantha. The monsoon of Bengal is long and it rains almost every day. As women have much leisure time, they stitch Nakshi Kantha with the rhythm of the rain. In lazy afternoons, women gather with their Nakshi Kantha and gossip while their hands and needles run through the patterns. Kantha is a semiotic field in which women encoded both collective cultural memory and individual aspiration or grief. Nineteenth-century examples sometimes incorporate colonial-era imagery (railway engines, for instance), registering women's observational engagement with rapid social change. The act of stitching itself has been read as a form of quiet agency within patriarchal domestic constraints—an "encrypted text" of feminine perspective. It contains parts of culture, history, belief, nature, and deeper things that cannot be described in words. Nakshi Kantha feels soft and textured. However, the feel depends on how densely the Nakshi Kantha is stitched. Stitches not only hold the fabrics together, these also create complex and beautiful designs. Compactly stitched Nakshi Kanchas are less soft but durable. Less dense stitches in Nakshi Kanchas are softer. However, the kantha gets softer with use. Nakshi Kantha is traditionally made with old saree, lungi, and dhuti. On the surface, a relatively newer cloth is used. Depending on size, layers, clothes are used in the Kantha. Usually, low-weight kantha is used for moderate weather. Heavier ones are used in chilly seasons. It comes in different colors, designs, and aesthetics. The stitches usually contribute to a bit of texture to it. Nowadays, quilting fabrics used for commercial purposes mainly cotton fabric. But nowadays silk and other similar fabrics are also used for diversification. These are not usually for heavy winters. It is more of an all-season quilt that one can use. The quilt is warm enough to keep you comfortable. But not too warm that may require keeping one leg out to balance.

Motifs encoded regional identity, religious syncretism, and personal narratives. Hinduism having various gods and deities encompassed with numerous tales and myths, is the most ancient religion in Eastern Asia. Accordingly, these elements had a great effect on the Nakshi Kantha art. Later, Buddhism influenced the beliefs and culture massively. Buddha trees, dharma wheels, lotus flowers, and temples can be seen on motifs of Nakshi Kantha. When Islam reached subcontinent, Calligraphy, Mosques and minars, stars moons, and other Islamic symbols became a common motif on Nakshi Kantha. Despite, religion had its effects on the art, cardinal effect was nature & life experience. The rivers, fishes, animals, flowers, and other elements of nature have been dominant in Nakshi Kantha art. Rulers from different parts of the world ruled Bengal as it was one of the most fertile lands. The culture of the rulers, e.g., Mughal, Khilgi, and British, influenced people, architecture, and the arts.

4. Composition and Structure

Traditionally, three to seven layers of soft, worn cotton cloth, preferably old saris for their fineness, are stacked and quilted with fine running stitches (*kantha* stitch). Borders are reinforced; a central medallion (lotus, sun, or tree-of-life form) frequently organizes the composition. Colored embroidery threads (now commercial skeins) articulate pictorial or geometric designs. Regional variations exist. Khulna pieces have large-scale floral and foliate borders and vibrant contrasting colors while Rajshahi–Chapai Nawabganj work tends toward heavier quilting. The density and sophistication of embroidery varied with the skill, leisure time, and social position of the maker; the most elaborate examples required months or years of intermittent work (Mason 2009; Ghosh 2009).

Some of the key motif designs are:

- Natural and cosmic: lotus (purity, enlightenment), sun, moon, trees, fish, birds (peacock, parrot), animals (elephant, horse, tiger).
- Narrative and mythological: Krishna legends, Ramayana episodes, rural labor, boats, palanquins, festivals.
- Geometric and protective: *kalka* (paisley), borders resembling amulets, scorpions, or paddy stalks.
- Personal and dedicatory: occasional inscriptions of makers' or recipients' names, blessings, or captions.

Every regional variant of Nakshi kantha rests on a single foundational stitch. A simple running stitch that Bengali craft terms as the phor, or kantha stitch, formed by passing the needle in and out of the layered cloth at short, even intervals to bind the fabric permanently while leaving room for decorative elaboration (Wikipedia 2026). It is this shared phor technique, rather than any single motif vocabulary, that most fundamentally unites the craft across the districts and communities discussed below. Hindu kantha-makers favored religious motifs, deities and alpina designs representing lotus flowers, conch shells, and animals such as peacocks, parrots, elephants, lions, and tigers while Muslim kantha-makers traditionally favored geometric patterns and floral and plant motifs. This distinction, however, became progressively less rigid over the twentieth century as makers increasingly stitched whatever subject matter reflected their own lived experience (Zaman 2019). Recurrent motifs across both traditions include the lotus (symbolizing beauty, purity, and femininity), birds and peacocks (symbolizing joy and love), fish and boats (symbolizing fertility, sustenance, and the region's riverine geography), and genre scenes of rural festivals, weddings, and agricultural labor. The principal regional stitch and kantha types are summarized in Table 1, the functional types of kantha used in traditional Bengali households in Table 2, and the characteristic border patterns in Table 3.

Highly regarded nineteenth-century pictorial kanchas were concentrated in the southwestern and central districts of the Bengal Presidency that later formed the core of East Pakistan/Bangladesh: Jessore, Faridpur, Khulna, Rajshahi, and Kushtia. These areas produced both utilitarian layered quilts and densely embroidered narrative examples whose surfaces combined lotus medallions, Trees of Life, mythological scenes (especially Krishna legends), rural daily life, and occasional inscriptions. Gurusaday Dutt's collecting in the 1920s–1930s and subsequent museum holdings confirm the prominence of these districts (Dutt 1939; Dutt 1990; Mason 2009). Production also existed in districts that remained in West Bengal after 1947, though the densest surviving fine examples from the classic period are linked to the eastern side of the future border.

Table 1. Principal Regional Stitch Types of the Bengal Nakshi Kantha

Stitch / Kantha Type	Description	Principal Region
Running-stitch (Nakshi) kantha	The indigenous kantha proper; subdivided into figured (motif) and scenic sub-types, worked in a simple running stitch drawn from unpicked sari borders.	Bengal-wide (Bangladesh and West Bengal)
Lohori kantha	Named from the Persian <i>lehr</i> ("wave"); further divided into <i>soja</i> (straight/simple), <i>Kautarkhupi</i> (pigeon-coop/triangle), and <i>borfi</i> /diamond sub-variants.	Rajshahi
Lik / Anarasi ("pineapple") kantha	Includes <i>lik tan</i> , <i>lik tile</i> , <i>lik jhumka</i> , and <i>lik lohori</i> variations.	Chapainawabganj and Jessore
Cross-stitch / carpet kantha	Introduced during the period of British colonial administration; employs cross-stitch rather than running stitch.	Bengal-wide, colonial-era introduction
Sujni kantha	Characterised by an undulating floral-and-vine motif.	Rajshahi area (and, under the same name, parts of Bihar)

Table 2. Functional Types of Kantha in Traditional Bengali Households

Bengali Name	English Description
Lep	A light quilted covering made from old saris, dhotis, lungis, and sometimes sheet cloths.
Nakshi Kantha (large spread)	An embellished quilt embroidered with traditional motifs and innovative styles; the form most associated with the craft internationally.
Ghilaf	An envelope-shaped bag used to cover the Quran.
Jainamaz	Mats used by Muslims for prayer.
Ason	A cloth spread used for sitting at a place of worship or for an honoured guest (Hindu puja floor spread).
Arshilota	A narrow-embroidered wrapper used to roll and store a woman's comb, mirror, eye kohl, vermilion, and sandal paste, tied like a sachet.
Batwa Thoiley	A small envelope-shaped wallet for keeping money and betel leaves.
Galicha	Floor coverings.
Bostani / Guthri	A square cloth wrapper for books and other valuables.
Dhakni	Covering cloths of various shapes and sizes.
Daster Khan	A ceremonial spread for the eating place, used at mealtimes.
Balisher Chapa / Oskar	A flat, single-piece pillow cover.
Rumal	A small, square handkerchief.

In 1947, the Radcliffe Line divided the historical production zone. Large-scale migration of Hindu families from East to West Bengal carried both physical kanthas and embodied skills across the new international boundary. In West Bengal, institutions associated with Santiniketan and later craft-revival organizations adapted kantha techniques for commercial markets and for the economic rehabilitation of refugee women. In East Bengal of East Pakistan (now Bangladesh), the domestic tradition continued under new political and economic conditions.

Highly regarded nineteenth-century pictorial kanthas were concentrated in the southwestern and central districts of the Bengal Presidency that later formed the core of East Pakistan/Bangladesh: Jessore, Faridpur, Khulna, Rajshahi, and Kushtia. These areas produced both utilitarian layered quilts and densely embroidered narrative examples whose surfaces combined lotus medallions, Trees of Life, mythological scenes (especially Krishna legends), rural daily life, and occasional inscriptions. Gurusaday Dutt's collecting in the 1920s–1930s and subsequent museum holdings confirm the prominence of these districts (Dutt 1939; Dutt 1990; Mason 2009). Production also existed in districts that remained in West Bengal after 1947, though the densest surviving fine examples from the classic period are linked to the eastern side of the future border.

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Table 3. Border Patterns in Nakshi Kantha

Bengali Name	English Meaning / Description
Dhaner Shish / Khejur Chari	Paddy stalk or date branch border
Biche Par	Scorpion border
Beki	Wavy or bent border
Barfi	Diamond border
Chok Par	Eye border
Taabiz Par	Amulet border
Mala Par	Necklace border
Moi Taga	Ladder border
Gut Taga / Chick Taga / Nolak Taga	Named thread-border variants (compare Jamalpur's Gut Taga, Chik Taga, and Nolak Taga thread names)
Maach Par	Fish border
Panch Taga / Bisa Taga / Anaj Taga / Shamuk Taga	Further named thread-border variants, the last (Shamuk Taga, "snail thread") also recorded among Jamalpur's distinctive thread names
Grafi Par	Anchor border
Kalam Par	Pen border

Source: Zaman (2019); Billah (2025); Wikipedia (2026)

The finest surviving nineteenth-century kanthas come predominantly from districts that later became part of East Pakistan and then Bangladesh, although production also existed in areas that remained in West Bengal (Zaman 1981; Mason 2009; Dutt 1990). These regions produced both utilitarian quilts and highly elaborate pictorial examples whose surfaces were densely covered with motifs drawn from Hindu mythology (especially Krishna legends), Muslim cultural elements, rural daily life, flora and fauna, and personal or familial inscriptions. Gurusaday Dutt's collecting activities in the 1920s and 1930s systematically documented this tradition. His collection, now largely housed in the Gurusaday Museum near Kolkata, includes outstanding examples from both sides of the future international border and remains one of the most important primary resources for the study of nineteenth-century kantha (Dutt 1939; Dutt 1990). Stella Kramrisch, the art historian, also collected and wrote about kanthas, helping to introduce the form to international scholarly audiences (Mason 2009).

By the early decades of the twentieth century, richly embroidered kanthas had entered a period of decline. Several factors contributed: the increasing availability of manufactured textiles and bedding; changing tastes and the rise of new forms of domestic decoration; the economic and social disruptions of the late colonial period; and the gradual erosion of the leisure time that rural women had previously devoted to elaborate embroidery (Zaman 1981; Zaman 2026). Utilitarian plain kanthas continued to be made, but the highly pictorial tradition receded. The Swadeshi movement's emphasis on indigenous arts and crafts created a favorable climate for the revaluation of rural women's textile practices. Dinesh Chandra Sen's folklore collections and Gurusaday Dutt's writings and collecting work positioned the kantha as an authentic expression of Bengali folk genius (Dutt 1939; Dutt 1990). Jasimuddin's 1929 poem *Nakshi Kantha Math* gave the embroidered quilt a powerful literary identity and fixed the compound term in public consciousness (Zaman 2026). The Partition of Bengal in 1947 divided the historical production zone of kantha between India (West Bengal) and East Pakistan. Large-scale migration of Hindu families from East to West Bengal carried both physical kanthas and the skills of their makers across the new border. In West Bengal, institutions such as Santiniketan developed commercial and educational programs that adapted kantha techniques for new markets and for the rehabilitation of refugee women (Mason 2009; Ghosh 2009).

India registered it as GI much earlier. Bangladeshi stakeholders regard as part of their own cultural and geographical heritage (Bhattacharya and Trisha 2024b; Prothom Alo 2024). Bangladesh, subsequently registered "Jamalpur Nakshi kantha" (or Jamalpur Nakshi Kantha) on 14 February 2024 (Department of Patents, Designs and Trademarks 2024; Bangladesh Post 2024; Dhaka Tribune 2024). Economically, GI status affects branding, premium pricing, and market access for thousands of rural artisans, the great majority of whom are women (Textile Today 2026). Geopolitically, it forms part of a wider set of heritage claims that periodically strain India–Bangladesh relations (Bhattacharya and Trisha 2024b). The GI processing timelines of the two registrations are compared in Table 4.

Table 4. Nakshi Kantha GI processing timeline in India and Bangladesh

#	Item	India	Bangladesh	Remarks
1	Registered as	Nakshi Kantha	Jamalpur's Nakshi Kantha	—
2	Application number	No. 52	GI-35	—
3	Applicant	KAARU-KUL Foundation (NGO), New Delhi	District Administration, Jamalpur	India's applicant is based outside the production area; Bangladesh's applicant is a government body, not an artisan body
4	Registry	GI Registry, Chennai	DPDT	—
5	Filing date	7 April 2006	17 July 2019	India's filing came about 13 years earlier, showing institutional first-mover advantage
6	Territory	West Bengal (register); Birbhum (application map)	Jamalpur	India's territory needs clarification because a GI's legal scope depends on its defined area
7	Goods / classes	Handicrafts; Classes 19, 20, 24, 25 (decorative construction goods, furniture/furnishings, textiles, clothing)	Classes 24, 26	The different classes may mean a different scope of use and enforcement; Bangladesh's Class 26 is not described in the text
8	GI Journal	No. 19, available 3 Oct 2007	No. 33, published 15 Feb 2024	
9	Certificate / registration no.	Certificate No. 49, dated 21 Jan 2008	Certificate No. 30, dated 14 February 2024	
10	Measured interval	654 days (filing to certificate)	1,674 days, about 4 yrs 7 mos (filing to journal)	

Any attempt to assign exclusive historical ownership to one modern nation-state must therefore confront the fact that the most celebrated nineteenth-century centres lay largely in what is now Bangladesh, that skills and objects moved across the border with Partition, and that both successor states have sustained and reinvented the tradition in the postcolonial period. The historical evolution of nakshi kantha is, in short, a shared history that subsequent legal and political processes have sought to nationalize.

Several structural asymmetries characterize the bilateral GI landscape. For India, the filing-to-certificate interval runs from 7 April 2006 to 21 January 2008. For Bangladesh, the publicly verifiable interval runs from filing on 17 July 2019 to publication of GI Journal No. 33 on 15 February 2024 (Intellectual Property India 2008; Department of Patents, Designs and Trademarks 2024). The Bangladeshi GI registration certificate and the cover of GI Journal No. 33 are reproduced in Figure 2.

India possessed a functioning *sui generis* system more than a decade before Bangladesh. The volume of registrations and the institutional experience accumulated by the Indian GI Registry exceed those of the Bangladeshi DPDT. Indian registrations have sometimes used broad designations (e.g., “Nakshi Kantha”) or formulations that incorporate place names located in Bangladesh (e.g., “Tangail Saree of Bengal”), while Bangladeshi registrations have tended to specify particular districts or regions within Bangladesh (e.g., “Jamalpur Nakshi kantha”). Bangladeshi national GI policy is reactive, responding to Indian registrations after the fact—rather than systematically anticipatory (Bhattacharya and Trisha 2024b). These asymmetries do not determine the substantive legitimacy of any particular claim, but they shape the practical and political context in which competing registrations occur and in which subsequent disputes are managed. These asymmetries are a structural disadvantage for Bangladesh for this GI (Bhattacharya and Trisha 2024b; Prothom Alo 2024).

Bangladesh's handicraft sector as a whole export to more than fifty countries, with Europe remaining an important destination (Textile Today 2026, citing Export Promotion Bureau and related sources). Nakshi kantha participates in these flows, both through organized social-enterprise channels and through smaller exporters. The GI recognition is expected by local stakeholders to facilitate premium positioning and direct sourcing by international buyers who value traceability and place-based authenticity (Textile Today 2026).

5. The TRIPS Framework

Article 22.1 of TRIPS⁴ defines GIs as indications identifying goods originating in the territory of a WTO Member, or a region or locality within that territory, where a quality, reputation or other characteristic is essentially attributable to geographical origin. Article 22.2 requires Members to provide legal means to prevent misleading indications concerning geographical origin and uses constituting unfair competition. The provision therefore establishes a baseline level of protection applicable to all goods, including handicrafts such as Nakshi Kantha.

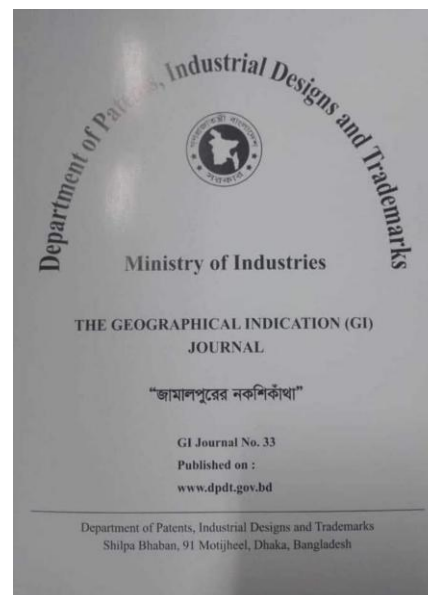


Figure 2. (a) Geographical indication registration certificate No. 30 for Jamalpur's Nakshi Kantha; (b) cover of GI Journal No. 33 issued by the Department of Patents, Designs and Trademarks, Bangladesh. Source: [DPDT Registration No. 30 entry](#)

Article 23 establishes enhanced protection for GIs identifying wines and spirits. Nakshi Kantha, being a handicraft, falls under the ordinary Article 22 framework rather than the special Article 23 regime. This distinction matters. TRIPS does not establish a universal international monopoly over the name of every GI. Article 24 contains exceptions and provides for international negotiations concerning GI protection. It also recognizes circumstances involving prior trademarks, generic terms and other limitations. The TRIPS framework consequently leaves considerable room for national legal systems to determine how GIs are protected.

GI rights are fundamentally territorial. Registration in one country does not automatically create an exclusive right in every other country. Bangladesh's registration of Jamalpur Nakshi Kantha is particularly important because it does not simply duplicate the geographical designation "West Bengal." It associates the protected product with Jamalpur.

A transboundary GI arises where the geographical area associated with a product crosses an international border. Such situations create difficulties because conventional GI systems are largely organized around national territories. A cultural or production region may be continuous in historical, ecological or cultural terms while being divided by an international boundary.⁵

6. Economic Asymmetry, Market Power and the Structural Tilt of GI Laws in Cross-Border Disputes

In theory, the TRIPS Agreement (Articles 22–24) establishes a neutral framework of national treatment and most-favored-nation obligations (TRIPS Agreement, 1994). In practice, however, the operation of GI systems in disputes between countries of unequal economic strength reveals a consistent structural bias toward the economically stronger party. This bias operates through institutional capacity, first-mover advantage, and the commercial reality that economically strong countries constitute large, high-value markets.

The first mechanism of bias is temporal and institutional capacity. Countries with earlier and more mature GI legislation, better-funded intellectual-property offices, and organized producer associations are able to file applications years or decades before weaker neighbors. India enacted the Geographical Indications of Goods (Registration and Protection) Act in 1999 and had already registered hundreds of GIs by the mid-2000s. Bangladesh, despite signing TRIPS in 1995, passed its GI Act only in 2013, i.e., eighteen years later and largely in reactive response to Indian claims on Jamdani (Bhattacharya & Trisha, 2024; The Daily Star, various reports). By the time Bangladesh's registry became operational, India had already secured GI status for Nakshi Kantha (2008), several mango varieties associated with the greater Rajshahi–Malda continuum, and later for Tangail saree of Bengal and Sundarban honey. First-mover advantage under national priority rules translates directly into commercial and reputational dominance (Bhattacharya and Trisha, 2024; Geographical Indications Registry, Intellectual Property India, various years).

A second mechanism is differential enforcement and defensive capacity. Once a GI is registered in a stronger jurisdiction, the weaker party faces high costs in challenging it—either domestically under the stronger country's law or internationally. Bangladesh

⁴ TRIPS Agreement, arts. 22–24.

⁵ See also Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, May 20, 2015, WIPO Publication No. 239 (Geneva: WIPO, 2015).

has contemplated challenges under Section 27 of the Indian GI Act and has prepared legal action regarding Tangail saree, yet the resource asymmetry is stark: India's intellectual-property institutions, producer cooperatives, and legal teams far outmatch Bangladesh's still-developing GI unit (Bhattacharya & Trisha, 2024). The result is that even products with substantial production, historical documentation, and cultural centrality in the weaker country risk being treated as secondary or "shared" only after the stronger country has already locked in branding advantages.

The most powerful driver of this tilt, however, is market size. Economically stronger countries constitute large, high-value consumer bases. Producers, traders and policymakers everywhere orient their strategies toward the biggest and most profitable markets. India's domestic market of more than 1.4 billion people, combined with its growing middle-class demand for premium and heritage products, creates powerful incentives for early and expansive GI registration. Once a product is registered as an Indian GI, Indian retailers, exporters and government promotional bodies can treat it as a national brand. Foreign competitors, including producers from neighboring countries that share the same historical geography, face higher barriers to entry or are forced to rebrand. Bangladesh's producers of Nakshi Kantha, Tangail saree or Rajshahi mangoes must either accept secondary status in the Indian marketplace or incur the cost of challenging registrations in Indian courts and registries—an asymmetrical burden that few smaller economies can sustain (Raustiala and Munzer, 2007; Bhattacharya & Trisha, 2024).

The same dynamic operates at the global level. The European Union's long-standing insistence on strong GI protection is inseparable from the size and purchasing power of the European market. By securing exclusive rights for Champagne, Parma ham, Feta or Roquefort inside the EU and then exporting those standards through bilateral trade agreements, the EU effectively conditions market access on acceptance of its preferred GI rules. Developing-country exporters who wish to sell into Europe frequently find that compliance with European-style GI disciplines is the price of entry. Economically weaker states therefore face dual pressure: they must defend their own cultural products against stronger neighbors while simultaneously aligning their domestic laws with the preferences of the largest import markets (Adebola, 2023; Raustiala and Munzer, 2007).

This market-driven tilt is reinforced by institutional capacity. Larger economies maintain specialized GI offices, well-funded producer associations, and sophisticated legal teams that can monitor foreign applications and file oppositions promptly. Smaller economies, whose internal markets are limited and whose administrative resources are constrained, operate reactively. The result is a self-reinforcing cycle: the bigger market attracts earlier filings, generates stronger commercial stakes, and therefore receives more robust legal protection. Over time, the formal neutrality of TRIPS national-treatment rules is overlaid by the practical hierarchy of market size (TRIPS Agreement, 1994, Arts. 22–24; Marie-Vivien, 2015).

Empirical patterns across South Asian disputes confirm the combined effect of these factors. In the Basmati rice conflict between India and Pakistan, the Darjeeling tea claims involving Nepal, and the multiple Bengal-shared products (Nakshi Kantha, Jamdani variants, mangoes, honey, rasogolla), the party with superior institutional readiness and market power has repeatedly secured earlier or more extensive protection. Parallel or successive registrations do not restore equality; they leave the weaker country's producers facing consumer confusion, higher marketing costs, and reduced ability to command premium prices abroad (Bhattacharya & Trisha, 2024; Geographical Indications Registry, Intellectual Property India & DPDT Bangladesh, various years).

None of this is inevitable. WIPO recognizes the possibility of trans-border GIs and honest concurrent use for products originating in continuous geographical areas that cross modern frontiers (WIPO, various guidance documents). Bilateral or regional agreements could establish joint registration, shared logos, or mutually recognized origin statements. Yet such cooperative solutions require political will and institutional capacity that are themselves unevenly distributed. Until the international GI regime incorporates effective mechanisms that neutralize capacity differentials and the distorting effect of unequal market power, rather than merely formal equality of access, disputes between economically unequal neighbors will continue to reproduce hierarchy. The Nakshi Kantha case is one illustration among many: the law of geographical indications, in its current form, is not neutral with respect to economic power.

7. Conclusion

The Nakshi Kantha dispute is a structural feature of contemporary Geographical Indication governance. Usually, in cross-border contests between countries of unequal economic strength, the legal architecture of GI protection systematically favors the more powerful actor. India's registration of Nakshi Kantha in 2008 occurred while Bangladesh still lacked enabling legislation. By the time Bangladesh established its GI regime and registered Jamalpur Nakshi Kantha in 2024, India had already secured first-mover advantage, extensive domestic registrations, and greater international visibility. Similar patterns appear in the cases of Tangail saree of Bengal, Banglar Rasogolla, Malda mango varieties, and Sundarban honey. The official record does not establish that either country owns Nakshi Kantha everywhere. It establishes two territorial registrations created at different times, with different wording, applicants, classes, and public-record practices. India's Application No. 52 proceeded to Certificate No. 49 in 654 days and developed a visible authorized-user list, though its post-April-2026 renewal position is unclear on the interface. Bangladesh's Application GI-35 took 1,674 days to reach journal publication and is now listed as Registration No. 30, but public certificate timing and producer enrolment require clearer disclosure. TRIPS and both national statutes allow a solution based on territoriality, homonymous indications, differentiation, and protection against misleading use. The durable policy response is therefore not to erase one community's history. It is to use territorial qualifiers, align public records, place artisans inside the authorized-user and control structure, verify provenance, and collect evidence about livelihood outcomes. A GI should function as a governed market institution for genuine producers, not merely as a certificate invoked in cultural argument.

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