

## INDIAN CUISINE AND INTELLECTUAL PROPERTY LAW

### 1. Introduction – Indian cuisine

Indian culture can be explored through food because, as it has been written, modern Indian cuisine is the result of the flavorful adventure that India has gone through, and in this adventure one can trace an interaction between personal and social choices, divine and worldly responsibilities, and karma and its consequences.<sup>1</sup> Although most, if not all, regional or national cuisines have changed over time due to external circumstances, Indian gastronomy seems to be unique not only because of the country's size and population, but also because of its deep entanglement with various factors, such as culture, religion, ethnicity, wealth, social class and access to raw materials. The incredible diversity of society still matters and influences Indian cuisine, which is not homogeneous as the collective name might suggest. It can be assumed that our European, and especially Polish, image of Indian dishes does not reflect what they really are, because first, the Indian diaspora in Poland is small, and second, the food has been adapted to the palate of Europeans who are not accustomed to spicy and spiced dishes.<sup>2</sup>

The first written records of food in the Indus Valley come from the Vedic period,<sup>3</sup> when many texts on medicine, yoga, literature, religion, etc., analysed

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DOI: 10.4467/23538724GS.24.010.19872

<sup>1</sup> V. Antani, S. Mahapatra, „Evolution of Indian cuisine: a socio-historical review”, *Journal of Ethnic Food* 2022, no. 9, <https://journalofethnicfoods.biomedcentral.com/articles/10.1186/s42779-022-00129-4> (accessed: 15.05.2024).

<sup>2</sup> An example of which is the most popular Indian dish in Europe – chicken tikka masala. See point 7 of the article.

<sup>3</sup> The Vedic Period (or Vedic Age), from c. 1500 to c. 500 BC, is the period in Indian history during which the Vedas, the oldest sacred texts of Hinduism, were composed; “Vedic Period”, *New World Encyclopedia*, [https://www.newworldencyclopedia.org/entry/Vedic\\_Period](https://www.newworldencyclopedia.org/entry/Vedic_Period) (accessed: 15.05.2024).

food and its effect on the human body.<sup>4</sup> The Vedas<sup>5</sup> emphasized the connection between spirituality and the choice of food, food was considered a gift from God and a source of strength.

The second significant factor that shaped Indian cuisine was the arrival of the Afghans and then the Mughals in the 16th century.<sup>6</sup> They both left their mark also on the Indian diet, bringing with them new recipes and dishes, such as naan bread and kofta, which are particularly associated with India today.<sup>7</sup> The subsequent dietary changes were related to the times of European colonization by the Portuguese, who took over Goa in 1510, and were the ones who introduced various types of cheese and cottage cheese to Indian cuisine on a larger scale. Mainly thanks to trade, they introduced previously unknown vegetables such as potatoes, chili, pineapples, papaya, cashews, peanuts and corn.<sup>8</sup> Similarly, tomatoes, one of the basic ingredients of Indian dishes, were imported as part of trade by the Spanish.

The last accent related to colonization comes from the British, whose influence is visible primarily in drinks – from tonic, through tea (chai in the Indian version) to coffee.<sup>9</sup>

In addition, it is necessary to point out the circumstances that are particularly conducive to culinary diversity, such as the terrain and the different climatic zones, which allow for a variety of crops. Thanks to the Himalayas in the north, whose melting snows and seasonal rains feed India's river systems, it is possible to grow wheat on the fertile plains. Sugarcane is grown in the well-watered region of Punjab. Dry and desert lands support plants that require less water, such as millet and corn. Finally, rice is grown in monsoon areas with heavy rainfall.<sup>10</sup> Similarly, climate and weather conditions influence the abundance of legumes, fruits and vegetables, important for the region's gastronomy.

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<sup>4</sup> V. Antani, S. Mahapatra, „Evolution of Indian cuisine...”

<sup>5</sup> The Vedas (Devanagari वेद) are a large collection of the oldest biblical texts of Hinduism, originating from ancient India. Their creation probably began in the second millennium BC, but they were initially transmitted orally before being compiled, organized, and written down; see: “Vedas”, *New World Encyclopedia*, <https://www.newworldencyclopedia.org/entry/Vedas> (accessed: 15.05.2024).

<sup>6</sup> T. Srinivas, „Exploring Indian Culture through Food”, *Education about Asia* 2011, vol. 16, no. 3, pp. 38–41.

<sup>7</sup> See extensively on this subject: V. Antani, S. Mahapatra, „Evolution of Indian cuisine...”

<sup>8</sup> E. Nadkarni, „An analysis of Portuguese influence on Goan cuisine”, *The Expression: An International Multidisciplinary e-Journal* 2017, vol. 3, issue 4, pp. 320–322

<sup>9</sup> N. Arora, „Chai as a Colonial Creation: The British Empire's Cultivation of Tea as a Popular Taste and Habit Among South Asians”, *Oregon Undergraduate Research Journal* 2022, vol. 21, issue 1, pp. 9–20.

<sup>10</sup> S.P. Raikar, „Indian cuisine”, *Encyclopedia Britannica*, 20.02.2024, <https://www.britannica.com/topic/Indian-cuisine> (accessed: 30.04.2024).

Mention should also be made of the religious diversity. Although it is common to talk about India as the cradle of Hinduism (which is not a religion as such, but a religious and philosophical system),<sup>11</sup> large communities of Christians and Muslims live there.<sup>12</sup> Religious orders or prohibitions regarding food or the way of serving dishes have always influenced Indian cuisine and it remains so to this day.

As indicated earlier, Indian dishes are available all over the world thanks to population migrations – although for various reasons Indians have been leaving the country for a long time, currently the scale of migration is huge.<sup>13</sup>

Due to the great popularity and recognition of Indian cuisine and its centuries-old history, the question arises about its legal status and possible protection. Until recently, the legal issues of the culinary were considered mainly in the context of food and nutrition safety, but with the change in the approach to food (at least in Europe), ways of protecting various elements of gastronomy began to be sought.<sup>14</sup> The motivation for these activities is two-fold: on the one hand, it is to guarantee exclusivity (which is not always possible in the case of the culinary) and, on the other, it is to preserve traditional methods and ways of producing food products. In both cases, these issues are regulated by intellectual property law.

## 2. Copyright protection

It seems that the most intuitive area of law that could apply to culinary protection is copyright, which protects the results of human creative activity. India acceded to both

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<sup>11</sup> J.J. Mark, „Hinduism”, *World History Encyclopedia*, 8.06.2020, <https://www.worldhistory.org/hinduism/> (accessed: 30.04.2024).

<sup>12</sup> India has been at the center of many spiritual currents for centuries. It is there that the oldest religions in the world were born, such as Hinduism, Jainism, Buddhism, as well as the relatively young Sikhism. Other religions have also found their place on the Indian subcontinent: Islam, Christianity, Judaism, Zoroastrianism and Baha’iism. We should also mention Indian tribal beliefs such as Sarnaism. S. Tokarski, „Ethnic groups and religious minorities in India. Unity of multiplicity in conflict and cooperation”, *Krakowskie Studia Międzynarodowe* 2011, no. 1, pp. 9–26, <https://www.ceeol.com/search/article-detail?id=750453> (accessed: 30.04.2024).

<sup>13</sup> According to a UN report, India has the largest diaspora population in the world – in 2020, 18 million of its citizens will live outside their country. Since India does not allow dual citizenship, accepting citizenship of another country will invalidate your Indian citizenship. The main reason people migrate is economic prosperity. “Why Indians don’t want to be Indian citizens anymore”, *The Economic Times*, 1.07.2023, <https://economictimes.indiatimes.com/nri/migrate/why-indians-dont-want-to-be-indian-citizens-anymore/articleshow/101418122.cms> (accessed: 30.04.2024).

<sup>14</sup> See: P. Ślęzak, *Kulinaria w polskim prawie własności intelektualnej* [Culinaria in Polish intellectual property law], Wolters Kluwer, Warszawa 2022; K. Grzybczyk, *Rozrywki XXI wieku a prawo własności intelektualnej* [21st century entertainment and intellectual property law], Wolters Kluwer, Warszawa 2020, pp. 239–267.

the Berne Convention for the Protection of Literary and Artistic Works of 1886<sup>15</sup> and TRIPS,<sup>16</sup> and its domestic law was regulated in The Copyright Act of 1957.<sup>17</sup> Pursuant to art. 13 of that Act, original works and works recorded on a material medium are protected, but ideas are not protected. The concept of originality is not explained in the Act, its interpretation is left to the case law, which followed the path of most countries, stating that an original work is one that owes its origin to the creator – a natural person, was created thanks to the skills and work of the author and cannot be a copy of any other work.<sup>18</sup> Interestingly, while Polish literature on the subject emphasizes that cooking/preparing dishes is not considered a creative activity but rather a craft activity,<sup>19</sup> in the opinions of Indian lawyers, another argument seems to prevail in favor of not granting protection to recipes. They point out that copyright protection may cover an expressed recipe (e.g. in a cookbook) treated as a verbal work, but not the idea/concept of a dish itself. Therefore, if the recipe is described differently, it can also be protected by copyright.<sup>20</sup> Despite this, there are people who can plagiarize a recipe or even a cookbook – in 2017, Rajkumar Saxena, a former head of the Institute of Hotel Management in Mumbai, stated on social media that fragments of his book *Dastarkhwan-e-Awadh*, about the cuisine of the region Awadh, had been plagiarized by Sunil Soni, a seasoned chef, in his new book titled *Jashn-e-Oudh: Romance of the Cuisine*.<sup>21</sup> The copying was to cover 42 regulations, 24 explanations and 12 chapter notes.<sup>22</sup>

Therefore, an infringement may occur only in the case of exact copying of a culinary recipe, but not in the case of changing the form of its expression, nor in

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<sup>15</sup> Berne Notification No. 59. Berne Convention for the Protection of Literary and Artistic Works Ratification by the Republic of India of the Paris Act (1971) (with the exception of art. 1 to art. 21 and the Appendix).

<sup>16</sup> The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), signed in Marrakesh, Morocco on 15 April 1994, <https://commerce.gov.in/international-trade/india-and-world-trade-organization-wto/the-agreement-on-trade-related-aspects-of-intellectual-property-rights-trips/> (accessed: 30.04.2024).

<sup>17</sup> The Copyright Act, 1957, Act No. 14 of 1957, came into force on 21 January 1958, SRO, No. 269, 21 January 1958, Gazette of India, Extraordinary, Part II, s. 3, p. 167, <https://copyright.gov.in/documents/copyrightrules1957.pdf> (accessed: 30.04.2024).

<sup>18</sup> See: *A Hand Book Of Copyright Law* by Government of India, Department For Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, <https://copyright.gov.in/documents/handbook.html> (accessed: 30.04.2024).

<sup>19</sup> Which is not convincing to me.

<sup>20</sup> V. Bagdai, „Can recipes be copyrighted: all one needs to know”, 14.09.2021, <https://blog.ipleaders.in/can-recipes-copyrighted-one-needs-know/> (accessed: 30.04.2024).

<sup>21</sup> Ch. Khurana, „Plagiarism is rampant in Indian food writing – but finally, bloggers have a way to fight it”, 4.07.2017, <https://scroll.in/magazine/837273/plagiarism-is-rampant-in-indian-food-writing-but-finally-bloggers-have-a-way-to-fight-it> (accessed: 30.04.2024).

<sup>22</sup> The lawsuit was filed in court, but the outcome of the case is unknown.

the case of preparing dishes based on the recipe. Unlike, for example, a stage work, the performance of which requires the author's consent, cooking based on someone else's recipes is not subject to such an obligation.

The second element of the culinary industry at risk of infringement are photos of dishes, which can also be protected by copyright if they meet general statutory requirements. This means that they must have a minimum degree of originality, which is not always obvious from ordinary photos of homemade naan bread. It turns out, however, that despite the little effort required to take a photo of a dish, the phenomenon of plagiarism is common, at least in India,<sup>23</sup> and mainly concerns the culinary blogosphere. An expression of frustration related to this is Rhea-Mitra Dalal, the founder of the Facebook group Food Bloggers' Hall of Shame, trying to fight dishonest bloggers.<sup>24</sup>

However, I have not come across any analyses regarding the protection of the taste of a dish under Indian copyright law, although the conclusions would probably be identical to those reached by the Court of Justice of the European Union in a judgment announced on 13 November 2018.<sup>25</sup> According to the Court, at the current stage of development, the precise and objective science identifying the taste of a food product, which allows it to be distinguished from the taste of other products of this type, is not possible by technical means. Therefore, the taste of a food product cannot be classified as a "work" and cannot enjoy copyright protection.

### 3. Patenting

Interestingly, unlike Western literature, more attention is paid to the possible patent protection of culinary products. The reason for this interest may be that Indian

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<sup>23</sup> Perhaps this is due to such a large population, which means a large number of Internet users, and the belief that the risk of plagiarism being discovered is low.

<sup>24</sup> <https://www.facebook.com/groups/125551834271375/> (accessed: 30.04.2024). The founder points out that the cause of plagiarism in the blogosphere is the laziness of copyists and advertising agencies, but also the consent or indifference of consumers who do not care where the content comes from, as long as they have access to it. This is what plagiarists are counting on – that they will receive likes and views, even though it is known that their content is stolen. Similarly, many brands working with bloggers do not worry about ethics if a blogger has a wide reach and enough followers. A. Verma, "This blogger is leading the fight against plagiarism in food writing and photography", *Hindustan Times*, 27.07.2017, <https://www.hindustantimes.com/more-lifestyle/this-blogger-is-leading-the-fight-against-plagiarism-in-food-writing-and-photography-in-india/story-zOj2JJAG6YwrCOCcnLZsDJ.html> (accessed: 30.04.2024).

<sup>25</sup> See: Judgment of the Court (Grand Chamber) of 13 November 2018 (request for a preliminary ruling from the *Gerechtshof Arnhem-Leeuwarden – Netherlands*) – *Levola Hengelo BV / Smilde Foods BV* (Case C-310/17), <https://eur-lex.europa.eu/legal-content/PL/TXT/PDF/?uri=CELEX:62017CA0310&from=NL> (accessed: 30.04.2024).

patent offices<sup>26</sup> have already granted patents related to food production: for example, in 2020, housewife Shubhangi Patil obtained a patent for a recipe for ragi soup with walnuts (application no. 201621034764).<sup>27</sup>

Patenting food is difficult and non-obvious: primarily because the invention, i.e. the intangible good that is subject to patenting, is a technical solution – new, non-obvious (having an appropriate inventive level) and possible for industrial use.<sup>28</sup> The current Patent Act of 1970<sup>29</sup> was amended in 2005, extending the possibility of patenting inventions covering food, drugs, chemicals and microorganisms.<sup>30</sup> However, it is not easy for food products (or rather for the technological process leading to their production) to meet the indicated conditions. The regulation on food-related inventions can be found in s. 3(a–e) of the Patents Act, under which patents are not granted for substances “obtained by a simple combination of ingredients, the result of which is only the sum of the properties of their ingredients or a process for producing such a substance.” Therefore, the interaction between the ingredients covered by the invention should achieve a cumulative effect that is different from the sum of the effects of the individual substances (an unforeseen synergistic effect and not a simple additive effect).<sup>31</sup> In the case of the said ragi soup with walnuts,

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<sup>26</sup> In India, there are four branches of the patent office where you can apply for a food formulation patent: in Mumbai, in Chennai, in New Delhi and in Kolkata. S. Joshi, Y. Bhindiya, „Protecting recipes: Gaps in Indian laws”, *The Leaflet*, 30.11.2022, <https://theleaflet.in/protecting-recipes-gaps-in-indian-laws/> (accessed: 30.04.2024).

<sup>27</sup> The mixture contains ragi (finger millet) and walnuts, creating a nutrient-rich substitute for non-vegetarian food containing calcium and Omega-3 and Omega-6 fatty acids, which can be used to treat vitamin B12 deficiency. According to the patent owner’s statements, she invented the soup out of necessity, due to her husband’s health condition, which required the consumption of protein-rich foods such as eggs and meat, while he preferred an exclusively vegetarian diet. A. Samal, “The Section 3(e) Soup: What Makes for a Synergistic Effect?”, 23.12.2023, <https://spicyip.com/2020/12/the-section-3e-soup-what-makes-for-synergistic-effect.html> (accessed: 30.04.2024).

<sup>28</sup> These are grounds commonly found in patent law legislation.

<sup>29</sup> The Patents Act, 1970, Act No. 39 of 1970 (19 September 1970), came into force in 1972, [https://ipindia.gov.in/writereaddata/Portal/IPOAct/1\\_31\\_1\\_patent-act-1970-11march2015.pdf](https://ipindia.gov.in/writereaddata/Portal/IPOAct/1_31_1_patent-act-1970-11march2015.pdf) (accessed: 30.04.2024). The Act came into force in 1972, amending the Patents and Designs Act of 1911. The history of patent law in India dates back to 1856, when Act VI was adopted, based on British patent law. Act VI granted inventors certain privileges for a period of 14 years. “History of Indian Patent System”, <https://ipindia.gov.in/history-of-indian-patent-system.htm> (accessed: 30.04.2024).

<sup>30</sup> S. Deb, “Section 3(d) of Indian Patents Act 1970: significance and interpretation”, 7.02.2014, <https://www.lexology.com/library/detail.aspx?g=3f92413f-107c-4886-aca7-24633a341e22> (accessed: 30.04.2024).

<sup>31</sup> This is a challenge for food-related inventions because usually food products are simply the expected sum of their individual ingredients. It is indicated that perhaps the new rice cooking method has not been used before, but if it provides the nutritional value expected from such

the applicant tried to demonstrate to the Patent Office (apparently successfully) that the soup had increased health benefits and had high nutritional values that were not a simple sum of the ingredients used.<sup>32</sup>

This regulation also includes general conditions that constitute patentability, which are difficult to assess in the case of culinary products. It is not easy to come up with a new or previously unknown process of preparing food for consumption, because activities such as frying, cooking and grilling have been associated with humans for a long time. Inventions that involve a technological process that extends the shelf life or provides increased nutritional benefits (as in the case indicated above) have a greater chance of obtaining a patent.<sup>33</sup> However, it should be noted – in the context of this study – that an invention relating to a production process does not necessarily mean that a new foodstuff (new taste) will be produced.

The second condition – having an appropriate inventive step – is similarly difficult, which means that a specific invention is not obvious to an expert in the state of the art. In the past, Indian courts were guided by the criterion set out in the Halsbury Laws of England, under which an invention does not constitute an appropriate inventive step if a specialist would use the solution reported as an invention to achieve a specific purpose, taking into account the state of knowledge at that time.<sup>34</sup> In other words, one should ask whether an average specialist in a given field, and not a “non-inventive mind”, would think about such a solution. If so, the invention cannot be said to be non-obvious.<sup>35</sup>

Currently, the doctrine links the inventive level with technical progress or the economic importance of the invention and with the lack of obviousness of

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a method or using the selected ingredients, then it does not show anything more than an additive effect. A. Samal, “The Section 3(e) Soup: What Makes for Synergistic Effect?” 23.12.2023, <https://spicyip.com/2020/12/the-section-3e-soup-what-makes-for-synergistic-effect.html> (accessed: 30.04.2024).

<sup>32</sup> See reply: To The Controller of Patents, Dr. Sharana Gouda, 9.09.2020, <https://spicyip.com/wp-content/uploads/2020/12/Ragi-walnut-FER-Reply.pdf> (accessed: 30.04.2024).

<sup>33</sup> For example, the procedure of preserving food products to neutralize microorganisms in food products by allowing the presence of an edible phenolic compound in the food, and the result is subjected to high pressure conditions. L. Avala, „India: Patenting Food Recipes In India”, 31.03.2022, <https://www.mondaq.com/india/patent/1177702/patenting-food-recipes-in-india> (accessed: 30.04.2024).

<sup>34</sup> M.R. Mathews, „Patentability”, <https://www.legalservicesindia.com/article/197/Patentability.html> (accessed: 30.04.2024): “was it for practical purposes obvious to the skilled worker, in the field concerned, in the state of knowledge existing at the date of the patent to be found in the literature then available to him, that he should or would make the invention the subject of the claim concerned.”

<sup>35</sup> See the case of *Enercon (India) Limited v. Alloys Wobben (England)*, Intellectual Property Appellate Board, 19.07.2013, <https://www.casemine.com/judgement/in/574990ccadd7b016e0f04960> (accessed: 30.04.2024).

the solution for a specialist in a specific field.<sup>36</sup> In the case of food, this specialist is a food technologist or chef, and the assessment should concern the product/process as a whole, not only its individual elements.<sup>37</sup> Despite these difficulties, the Indian Patent Office granted patents for: a wheat chocolate bar providing long-lasting energy release (IN 229291),<sup>38</sup> a fermentation process for producing delicate coconut wine (IN 209015)<sup>39</sup> and a process for producing fried masala banana chips (IN 198069).<sup>40</sup>

#### 4. Trade secrets

Although know-how, trade secrets or trade secrets are not included in the list of intangible goods protected by industrial property law, much less copyright law, they are often mentioned in the context of culinary protection. This does not mean, however, that protection on this basis, e.g. a recipe, is fully effective, although there are spectacular (but non-Indian) examples of keeping the composition secret, e.g. Coca-Cola.

According to the World Intellectual Property Organization (WIPO), trade secrets are intellectual property rights relating to confidential information that may be sold or licensed.<sup>41</sup>

One of the elements of a trade secret is the knowledge and experience acquired by the entrepreneur (although an employee's know-how can also be protected). These are intangible goods, practical information resulting from experience and research, not subject to patents and not protected by copyright, and must be classified/identified/determined, relevant and useful from the point of view of producing products. No formalities are required to obtain trade secret protection, including recipes and culinary recipes – it arises when information of specific economic

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<sup>36</sup> See more on this topic: J. Sunday, "India: getting a better understanding", 16.03.2014, <https://ipkitten.blogspot.com/2014/03/inventive-step-in-india-getting-better.html> (accessed: 30.04.2024).

<sup>37</sup> S.P. Barooah, „Guest Post: Of Recipes and Patents”, 23.01.2015, <https://spicyip.com/2015/01/guest-post-of-recipes-and-patents.html> (accessed: 30.04.2024).

<sup>38</sup> A Wheat Chocolate Bar For Sustained Energy Release, Indian Patents, <https://www.allindianpatents.com/patents/229291-a-wheat-chocolate-bar-for-sustained-energy-release> (accessed: 30.04.2024).

<sup>39</sup> Coconut Wine Tender, Indian Patents, <https://www.allindianpatents.com/patents/209015> (accessed: 30.04.2024).

<sup>40</sup> The Process Of Making Fried Masala Banana Chips, Indian Patents, <https://www.allindianpatents.com/patents/198069-the-process-of-making-fried-masala-banana-chips> (accessed: 30.04.2024).

<sup>41</sup> See: Trade secrets, WIPO, <https://www.wipo.int/trademarks/en/> (accessed: 30.04.2024).



value is made confidential and lasts throughout the period in which the entrepreneur takes steps to keep the recipe secret.

After liberalization in 1991, India became a member of the World Trade Organization (WTO) and subsequently signed the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1994. Under the TRIPS Agreement, it is the responsibility of all Member States to protect trade secrets/undisclosed information in accordance with art. 39 of the TRIPS Agreement.

India has not yet enacted any specific law for the protection of trade secrets and confidential information, which is based on the principles of equity and common law.<sup>42</sup> It should be noted that, unlike goods protected by intellectual property law, the protection of which is conditional on their novelty, originality or distinctiveness, in the case of trade secrets, confidentiality is protected, which means that the information/knowledge in question cannot be generally known.<sup>43</sup> As a result, chefs should take special precautions to keep the recipe secret. In addition to clearly defining what constitutes secrecy, it is necessary to enter into confidentiality agreements with the staff and anyone who has access to the kitchen.

## 5. Trademarks

Trademarks play an important role in the catering industry, although in some situations they can be seen as a “lifeline” in the absence of copyright protection. Since,

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<sup>42</sup> V.P. Dalmia, A. Mangal, „Protection of Trade Secret in India”, 9.10.2023, <https://www.lexology.com/library/detail.aspx?g=4f23531b-10a4-4b69-a9fe-b7d3a10de67d> (accessed: 30.04.2024).

<sup>43</sup> It turns out that in the case of cooking, it is not easy to separate the elements of the process of creating a dish or its ingredients that are secret from those that are commonly known. This is indicated by rulings – mainly of American courts – when confidentiality was denied: in the case of *Buffets, Inc. v. Klinke*, 73 F.3d 656 (9th Cir. 1996), the court refused to declare trade secret recipes for “American staples” such as grilled chicken and macaroni and cheese, finding that they were well known and others were easy to discover; in *Li v. Shuman*, 2016 WL 7217855 (WD Va. 2016), where a chef sued his former business partner for revealing a “novelty” process for preparing typical Asian dishes, the court found that the recipes were not subject to trade secret protection because nothing new or proprietary was shown in the preparation of dishes commonly known in the industry; in the case of *Vraiment Hospitality, LLC v. Todd Binkowski*, 2012 WL 1493737 (M.D. Fla. 2012), relating to declaring a recipe for a salted caramel brownie a trade secret, the court did not agree with the claim that one of the ingredients was a unique and secret one because it could be found in other available recipes for such cookies. Finally, in the case of *Mallet & Co. Inc. v. Laxayo*, 16 F.4th 364 (3d Cir. 2021), the court held that the plaintiff company failed to define the trade secret “in sufficient detail to separate it from matters generally known in the industry.” See: J.A. Gordon, H.G. Lieberman, “Committee Reports. Secret Ingredients: How to Protect Recipes,” June 2022, <https://www.nycbar.org/reports/secret-ingredients-how-to-protect-recipes/> (accessed: 30.04.2024).

as indicated earlier, the protection of a culinary recipe as such is not possible under copyright law, restaurant owners, chefs and food producers try to obtain exclusive rights to other intangible goods related to gastronomy and thus stand out on the market. You can register the name of a dish, name, logo or appearance of a restaurant, culinary program or cooking workshop if they meet the general conditions required for distinctive signs.

In India, marks are regulated under the Trade Marks Act, 1999.<sup>44</sup> A mark may be a device, design, brand, letterhead, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging and color combination, if applicable, presented graphically and it enables the goods or services covered by them to be distinguished from the goods or services of other entities (s. 2. Definitions and interpretation).<sup>45</sup> It should be noted that there is no obligation to register a mark – unregistered marks are protected in India under common law, of course, after meeting certain conditions.<sup>46</sup>

The indicated regulation is similar to the European one, but a certain difference that may be important for foreign entrepreneurs is worth pointing out. It concerns the special status of well-known trademarks, which seem to have the highest status and the broadest protection in Indian legislation.<sup>47</sup> The definition contained in art. 2 s. 1 letter of the Trade Marks Act, 1999 provides that “A well-known mark in relation to any goods or services means a mark that is known to a significant group of

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<sup>44</sup> The Trade Marks Act, 1999, Act No. 47 of 1999, dated 30 December 1999, [https://www.indiacode.nic.in/handle/123456789/1993?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1993?sam_handle=123456789/1362) (accessed: 30.04.2024).

<sup>45</sup> The following are not recorded under TMA: non-distinctive trademarks that do not distinguish the goods or services of one person from the goods or services of others; descriptive trademarks that indicate the type, quality, quantity, intended purpose, geographical origin or other characteristics of the goods or services claimed; trademarks customarily accepted in the current language and established trade practices; signs that may mislead the public or cause confusion; signs likely to hurt the religious sensibilities of any class or group of Indian citizens; signs containing scandalous or obscene content; marks the use of which is prohibited under the Emblems and Names (Prevention of Misuse) Act 1950; marks consisting of shapes: resulting from the nature of the goods themselves; necessary to obtain a technical result or which give the goods significant value.

<sup>46</sup> The trademark rights can be established through passing-off actions by substantiating the trademark's use in India. Indian courts consider the following factors in passing-off actions: 1) the unregistered trademark's prior use, goodwill, reputation, acquired distinctiveness and exclusivity; 2) misrepresentation of the origin of the goods and services caused by the conflicting trademark and the likelihood of consumer confusion; and 3) any injury suffered or likelihood of injury to the unregistered trademark's owner as a result of the misrepresentation. See: A. Narayanan, B. Komath, S. Krishna, “At a glance: trademark registration and use in India”, 27.09.2023, <https://www.lexology.com/library/detail.aspx?g=a805a4b7-550b-463c-84e3-427a68eda512> (accessed: 30.04.2024).

<sup>47</sup> This category of marks is also known to Polish law (although they almost do not appear in business transactions) and is characterized by widespread recognition and a lack of registration in the Patent Office.

consumers who use such goods or services and the use of such a mark in relation to other goods or services could be construed as an indication link in the course of trade or the provision of services between those goods or services and the persons using the mark in relation to the goods or services mentioned first.” The Act also lists factors that should be taken into account when assessing whether a given mark qualifies as a “well-known mark”.<sup>48</sup>

From the European perspective, an interesting solution is to create a register of such marks. Article 124 s. 1 of the Trade Marks Act, 1999 introduced a procedure for the establishment/registration of a well-known trademark in the Trademarks Rules, 2017: “(1) Any person may, by means of an application in Form TM-M and upon payment of a fee in accordance with the First Schedule, apply to Registrar to recognize the trademark as generally known. Such a request shall be accompanied by a justification together with all the evidence and documents referred to by the applicant in support of his request.<sup>49</sup> Entry into the list of marks is decided by the Registrar of Trade Marks<sup>50</sup> or higher courts.<sup>51</sup>

One of the most high-profile trademark cases in the Indian food service industry is that of the Bukhara mark. ITC Limited<sup>52</sup> launched the Bukhara restaurant in the late 1970s, registering the logo and wordmarks as a trademark in 1985. The

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<sup>48</sup> Article 11(1) 6 The Trade Marks Act, 1999:

„(i) knowledge or recognition of the trade mark in the relevant section of the public, including knowledge in India acquired as a result of the promotion of the trade mark;  
(ii) the duration, scope and geographical area of any use of the trademark;  
(iii) the duration, extent and geographical area of any promotion of the trademark, including advertising or publicity and presentation, at fairs or exhibitions of goods or services to which the trademark relates;  
(iv) the duration and geographical area of the registration or application for registration of that trade mark under this Act to the extent that they reflect the use or recognition of the trade mark;  
(v) the history of successful enforcement of the trademark, in particular the extent to which the trademark has been recognized as a well-known trademark by any court or registrar pursuant to that register.” [https://www.indiacode.nic.in/handle/123456789/1993?sam\\_handle=123456789/1362](https://www.indiacode.nic.in/handle/123456789/1993?sam_handle=123456789/1362) (accessed: 30.04.2024).

<sup>49</sup> TM-Rules-2017, <https://www.ipindia.gov.in/TM-Rules-2017.htm> (accessed: 30.04.2024).

<sup>50</sup> The Trademark Registry was established in India in 1940 and is now operated under The Trade Marks Act, 1999. It acts as a resource, information center and intermediary on Trademark related matters in the country. The main task of the Register is to register trademarks that meet statutory and regulatory requirements. <http://www.ip.finance/2013/04/piracy-good-thing-for-value-game-of.html>

<sup>51</sup> Seelisting of well-known marks: [https://www.ipindia.gov.in/IPIndiaAdmin/writereaddata/Portal/Images/pdf/List\\_of\\_Well-Known\\_Trade\\_Marks\\_as\\_of\\_18.03.2024.pdf](https://www.ipindia.gov.in/IPIndiaAdmin/writereaddata/Portal/Images/pdf/List_of_Well-Known_Trade_Marks_as_of_18.03.2024.pdf) (accessed: 26.05.2024).

<sup>52</sup> Founded in 1910, ITC Limited is an Indian conglomerate headquartered in Kolkata, operating in the areas of hospitality, software, packaging, cardboard, specialty papers and agribusiness. About ITC, <https://www.itcportal.com/about-itc/profile/index.aspx>, <https://www.itcportal.com/> (accessed: 26.05.2024).

restaurant features an interesting decor, wooden menu and specially designed staff uniforms and is consistently recognized as one of the best restaurants in the world and one of the most profitable in Delhi.<sup>53</sup> It serves mainly dishes from the North Western Frontier region, but the unique black lentil dish Dal Bukhara,<sup>54</sup> with which chef Madan Jaiswal attracts celebrities and state leaders, is considered unique.<sup>55</sup>

In the 1980s, ITC Limited opened two branches of this restaurant in the United States, which were closed a few years later. The three former employees then opened two restaurants in New York called Bukhara Grill and Bukhara II. Although several elements of the original restaurant were changed (logo, decor, staff uniforms, menu made of wooden boards),<sup>56</sup> the case went to court and ended with ITC's victory.<sup>57</sup> However, it soon turned out that this was not the only violation: Central Park Estates, established a restaurant called Balkh Bukhara, adopting several elements of the characteristic Bukhara ITC restaurant. As a result, Central Park lost the trademark infringement case. Interestingly, based on the evidence presented by the ITC, the High Court in Delhi classified the sign "BUKHARA" as a well-known trademark and asked the Registrar of Trademarks to add it to the list of such signs.<sup>58</sup>

## 6. Geographical indications

Another intangible asset that should appear in the context of food is geographical indication (GI). These markings refer to a country or a place within it as the place of origin of a specific food product and are a guarantee of its quality and uniqueness, primarily attributed to the geographical origin of the product.<sup>59</sup> India, as a member

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<sup>53</sup> S. Kothari, „Dal Bukhara – a brief history & recipe”, LinkedIn, 29.08.2017, <https://www.linkedin.com/pulse/dal-bukhara-brief-history-recipe-shivam-kothari/> (accessed: 30.04.2024).

<sup>54</sup> The dish itself is a richer and more refined version of the home-made Punjabi dish Dal Makhni or Maa Ki Dal. See: *ibidem*.

<sup>55</sup> “Restaurants and well-known trademarks: the case of Bukhara,” 30.11.2022, <https://www.bananaip.com/ip-news-center/restaurants-and-well-known-trademarks-the-case-of-bukhara/> (accessed: 30.04.2024).

<sup>56</sup> R. Khera, “‘Food, glorious food’: cooking up trademark rights in India”, *WTR*, 10.11.2022, <https://www.worldtrademarkreview.com/article/food-glorious-food-cooking-trademark-rights-in-india> (accessed: 30.04.2024).

<sup>57</sup> *ITC Ltd. v. Punchgini, Inc.*, 482 F.3d 135 (2d Cir. 2007), <https://casetext.com/case/itc-ltd-v-punchgini-inc-2> (accessed: 30.04.2024).

<sup>58</sup> “Restaurants and well known trademarks...”, <https://www.bananaip.com/ip-news-center/restaurants-and-well-known-trademarks-the-case-of-bukhara/> (accessed: 30.04.2024).

<sup>59</sup> Pursuant to art. 1 s. 2 and art. 10 of the Paris Convention for the Protection of Industrial Property, adopted in Paris on 20 March 1883, geographical indications are covered by intellectual property rights. They are also covered by art. 22–24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which formed part of the agreements concluding the GATT Uruguay Round negotiations.

of the World Trade Organization (WTO), passed the Geographical Indications of Goods (Registration & Protection) Act, 1999, which came into force on 15 September 2003.<sup>60</sup> The first Indian product to receive the GI mark was Darjeeling tea.<sup>61</sup> Currently, over 500 goods can use this marking, including craft products.

The most interesting case of a geographical indication entangled in politics, the discussion of which would exceed the scope of this article, is basmati rice, a variety of long-grain, aromatic rice traditionally grown in India, Pakistan and Nepal. In 2008, India and Pakistan decided to submit a joint application to register basmati as a geographical indication in the European Union, but relations between the countries deteriorated. The Indian Authority for the Development of Exports of Agricultural and Processed Food Products obtained national protection under the Geographical Indications Act in 2016, and two years later India submitted an application for Protected Geographical Indication status for basmati to the EU Council on Quality Schemes for Agricultural Products and Foodstuffs. Then Pakistan, the second largest exporter of basmati, filed an objection in late 2020.<sup>62</sup> The European Commission asked India and Pakistan to find a solution through talks, but no agreement was reached. Moreover, in the same year, Nepal surprised everyone by opposing the registration.<sup>63</sup> Nevertheless, it was the fight over rice that forced all three countries to develop national systems for the protection of geographical indications and the appreciation of intellectual property.

## 7. The most famous Indian dish – chicken tikka masala

Finally, it is necessary to mention the most famous, at least in Europe, “Indian” dish, chicken tikka masala, consisting of marinated pieces of boneless meat, traditionally cooked in a tandoor oven and served in a delicately spiced tomato and cream

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<sup>60</sup> Geographical Indications of Goods (Registration and Protection) Act, 1999, No. 48 of 1999 (30 December 1999), <https://ipindia.gov.in/act-1999.htm> (accessed: 30.04.2024).

<sup>61</sup> S. Chavan, „Geographic Indicator Foods of India”, *Journal of Food and Nutrition* 2022, vol. 1, issue 1, <https://mediresonline.org/article/geographic-indicator-foods-of-india> (accessed: 30.04.2024). This designation has also become the subject of many disputes, as the name Darjeeling was used by many non-Indian entrepreneurs. See more broadly: S.C. Srivastava, “Protecting the Geographical Indication for Darjeeling Tea. Managing The Challenges of WTO Participation: Case Study 16”, World Trade Organization, [https://www.wto.org/english/res\\_e/booksp\\_e/casestudies\\_e/case16\\_e.htm](https://www.wto.org/english/res_e/booksp_e/casestudies_e/case16_e.htm) (accessed: 30.04.2024).

<sup>62</sup> P. Febin, „Basmati Rice: The Tug of War”, 9.05.2023, [www.intepat.com/blog/basmati-rice-the-tug-of-war/](http://www.intepat.com/blog/basmati-rice-the-tug-of-war/) (accessed: 30.04.2024).

<sup>63</sup> See more on Nepal: P.N. Upreti, „The Battle for Geographical Indication Protection of Basmati Rice: A View from Nepal”, *International Review of Intellectual Property and Competition Law* 2023, vol. 54, pp. 710–731, <https://link.springer.com/article/10.1007/s40319-023-01323-w#Sec4> (accessed: 30.04.2024).

sauce.<sup>64</sup> The dish is interesting because of its origin – despite its definitely Indian associations, the recipe was probably invented in Great Britain.<sup>65</sup> Some sources point to South Asian communities that settled on the Isles,<sup>66</sup> others to Glasgow, where Ali Ahmed Aslam is said to have created the dish in his Shish Mahal restaurant.<sup>67</sup> The prototype of chicken tikka masala is said to be butter chicken, truly Indian, while its British version was created somewhat by accident when a customer complained that his chicken dish was dry. The cook then poured condensed tomato soup with spices into the dish, softening its taste with cream.<sup>68</sup>

In 2001, British Foreign Secretary Robin Cook gave a speech in which he called the dish a symbol of modern multicultural Britain and even offered his own, simplified explanation of the evolution of the main dish: “Chicken tikka is an Indian dish. Masala sauce was added to satisfy the British desire for meat to be served in sauce.”<sup>69</sup>

It is therefore not surprising that an attempt has been made to protect the dish and register it as a protected designation of origin. On 16 July 2009, Labor MP Mohammad Sarwar, with the support of the City Council, presented a motion to the House of Commons asking for Glasgow to be designated as the place of origin of chicken. The motion was signed by 19 Members of Parliament, but it was never acted upon.<sup>70</sup>

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<sup>64</sup> L. Siciliano-Rosen, „Chicken tikka masala”, *Encyclopedia Britannica*, 22.01.2024, <https://www.britannica.com/topic/chicken-tikka-masala> (accessed: 30.04.2024).

<sup>65</sup> E. Taylor, „Most people have no clue chicken tikka masala isn’t an Indian dish, according to a top Indian chef”, *Business Insider*, 27.11.2019, <https://www.businessinsider.com/chicken-tikka-masala-not-indian-dishoom-chef-naved-nasir-2019-11?IR=T> (accessed: 30.04.2024).

<sup>66</sup> The first Indian restaurant in Britain was the Hindustani Coffee House, opened in 1809 by Deen Mahomed, an Indian who married an Irish woman. However, the restaurant was closed after a few years, probably due to low customer interest. G. Bedell, „It’s curry, but not as we know it”, *The Guardian*, 12.05.2022, <https://www.theguardian.com/lifeandstyle/2002/may/12/foodanddrink.shopping2> (accessed: 30.04.2024).

<sup>67</sup> T. Chalmers, „A Brief History of Chicken Tikka Masala”, 16.04.2018, <https://theculturetrip.com/europe/united-kingdom/scotland/articles/a-brief-history-of-chicken-tikka-masala> (accessed: 30.04.2024).

<sup>68</sup> P. Sonwalkar, „Food trail: Made in UK, sold to the world”, *Khaleej Times*, 18.11.2021, <https://www.khaleejtimes.com/long-reads/food-trail-made-in-uk-sold-to-the-world> (accessed: 30.04.2024). However, ethnic food historians Colleen and Peter Grove point to Balbir Singh’s recipe for Shahi Masala Chicken, which was published in 1961 in *Indian Cookery*. Cf. C. Grove, P. Grove, “Is it or isn’t it? (The Chicken Tikka Masala Story)”, <https://web.archive.org/web/20161127225804/http://www.menumagazine.co.uk/book/tikkamasala.html> (accessed: 30.04.2024).

<sup>69</sup> L. Siciliano-Rosen, „Chicken...”

<sup>70</sup> The motion asked the House of Commons to express its appreciation for the culinary masterpiece that is chicken tikka masala, highlighting that it is the most popular curry in the UK. It was indicated that it was invented in the city of Glasgow by Ali Ahmed Aslam, owner of

However, if protection could be obtained, the next city in the queue would be Birmingham, which would claim to be the place of origin of another Indian-Pakistani dish, *balti*, whose history is even more confusing. *Balti* is not actually a dish, but a way of preparing and serving curry.<sup>71</sup> The name comes from the thin wok-type vessel in which the food is cooked and served, rather than from any specific ingredient or cooking method.<sup>72</sup> Although food historian Pat Chapman indicates that the word “*balti*” may have originated in Balistan, an area in northern Pakistan where woks known as these were used, he has failed to demonstrate that this is where *balti*-style curry was invented.<sup>73</sup> Meanwhile, almost all sources point to Birmingham as the place where *Balti* curry was invented in the 1970s and where the famous *Balti Triangle* exists, an area with over 30 authentic (whatever that means) *Balti* houses.<sup>74</sup>

On 23 October 2013, the British government submitted an application to the European Union for a Traditional Specialty Guaranteed status,<sup>75</sup> which was rejected because “Some different varieties of *balti* are allowed; those varieties are not definitively identified. The color of the dish changes (either lighter brown or more reddish) depending on which ingredients are added. The additional ingredients and spices may but not have to be added. It is therefore not possible to determine what the final recipe to be followed is.”<sup>76</sup>

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the *Shish Mahal* restaurant in the West End of Glasgow in the 1970s. It was also recalled that Glasgow is a three-time winner of the British Curry Capital award and supports the campaign to award the city of this most popular dish with an EU Protected Designation of Origin. See: “Glasgow Chicken Tikka Masala”, EDM (*Early Day Motion*) 1911, 16.07.2009, <https://edm.parliament.uk/early-day-motion/39136/glasgow-chicken-tikka-masala> (accessed: 30.04.2024).

<sup>71</sup> Definition of ‘*balti*’ see: <https://www.collinsdictionary.com/dictionary/english/balti> (accessed: 30.04.2024).

<sup>72</sup> „The History of Pakistani *Balti* Curry”, 4.05.2015, <https://royalnawaab.com/the-history-of-pakistani-balti-curry/> (accessed: 30.04.2024). Various sources have been proposed for this word: the name of the region between India and Pakistan or a dialectical word meaning bucket. C. Palmer, “It’s curry, but not as we know it”, *The Guardian*, <https://www.theguardian.com/life-andstyle/2002/may/12/foodanddrink.shopping2> (accessed: 30.04.2024).

<sup>73</sup> “The History of Pakistani *Balti* Curry...”

<sup>74</sup> J. Murray, „The culture has changed’: end of the boom for Birmingham’s *Balti Triangle*”, *The Guardian*, 31.05.2023, <https://www.theguardian.com/uk-news/2023/may/31/the-culture-has-changed-end-of-the-boom-for-birminghams-balti-triangle> (accessed: 30.04.2024).

<sup>75</sup> The ‘Traditional Specialty Guaranteed’ (TSG) label highlights the traditional aspects of a product, such as its production method and composition, without any link to a specific geographical area. Registering a product name as GTS protects it against counterfeiting and abuse. See: “Geographical indications and quality schemes explained”, [https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/geographical-indications-and-quality-schemes-explained\\_en](https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/geographical-indications-and-quality-schemes-explained_en) (accessed: 30.04.2024).

<sup>76</sup> S. Probert, „EU blasted for being ‘anti British’ after Birmingham fails to win protection for *balti*”, *BirminghamLive* 23.05.2016, <https://www.birminghammail.co.uk/whats-on/food-drink-news/eu-blasted-being-anti-british-11371244> (accessed: 30.04.2024).

## 8. Conclusions

According to the Indian scriptures, Vedas and Upanishads from which Indian culture originates, hospitality is a sacred and joyful activity that should always be undertaken with passion, compassion, sentiment and care, and is seen as a religious duty towards the visitor/stranger or guest.<sup>77</sup> It results directly from the concept of Atithi Devo Bhava, which means “the guest is God”, and an important element of this practice is feeding the visitor.<sup>78</sup> Consequently, meticulous attention is paid to preparing and eating food in India – it has become one of the elements of the government’s “Amazing India” campaign, promoting the country and encouraging tourists to visit it.<sup>79</sup>

With the growing awareness of the popularity of Indian cuisine and its role in creating India’s reputation, questions arise about how to protect Indian dishes and their uniqueness. One of the possibilities, perhaps even the most important, is protection under intellectual property law.

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<sup>77</sup> K. Singh, „Atithi Devo Bhava”, Sushant University, 23.06.2022, <https://sushantuniversity.edu.in/blog/atithi-devo-bhava/> (accessed: 30.04.2024).

<sup>78</sup> The mantras are from the Taittiriya Upanishad, Shikshavalli I.11.2, which says: „matrudevo bhava, mitradevo bhava, pitrudevo bhava, putradevo bhava, acharyadevo bhava, atithidevo bhava”, which means „be the one for whom the Mother is God, be the one for whose Friend is God, be the one for whom the Father is God, be the one for whom the Child is God, be the one for whom the Teacher is God, and be the one for whom the Guest is God.” “Meaning from Atithi Devo Bhava”, <https://pujyagna.com/blogs/hindu-customs/atithi-devo-bhava> (accessed: 30.04.2024).

<sup>79</sup> Food & Cuisine. The flavors of India, <https://www.incredibleindia.org/content/incredible-india-v2/en/experiences/food-and-cuisine.html> (accessed: 30.04.2024).



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- The Patents Act, 1970, Act No. 39 of 1970 (19 September 1970), came into force in 1972
- Berne Notification No. 59. Berne Convention for the Protection of Literary and Artistic Works Ratification by the Republic of India of the Paris Act (1971) (with the exception of art. 1 to art. 21 and the Appendix)
- The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), signed in Marrakesh, Morocco on 15 April 1994
- The Trade Marks Act, 1999, Act No. 47 of 1999 (30 December 1999)
- Geographical Indications of Goods (Registration and Protection) Act, 1999, No. 48 of 1999 (30 December 1999)

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## SUMMARY

*Katarzyna Grzybczyk*

### INDIAN CUISINE AND INTELLECTUAL PROPERTY LAW

The article concerns the issue of protection of broadly understood Indian cuisine on the basis of intellectual property law. As a rule, the culinary is not covered by such protection because, contrary to the often used term “culinary art”, preparing dishes is not considered

a creative activity. However, this does not discourage chefs or restaurateurs from looking for opportunities to ensure exclusivity of at least some elements of gastronomy. This problem also applies to Indian cuisine – one of the most popular and liked in the world. In the article, I present the possibilities of protection under Indian intellectual property regulations.

Keywords: recipes, trademarks, geographical indications, culinary, trade secret

## STRESZCZENIE

*Katarzyna Grzybczyk*

### KUCHNIA INDYJSKA I PRAWO WŁASNOŚCI INTELEKTUALNEJ

Artykuł dotyczy problematyki ochrony szeroko pojętej kuchni indyjskiej na podstawie przepisów prawa własności intelektualnej. Co do zasady, kulinaria nie są objęte taką ochroną, gdyż wbrew często używanemu określeniu „sztuka kulinarna” przygotowywanie potraw nie jest uznawane za działalność twórczą. Nie zniechęca to jednak kucharzy czy restauratorów do poszukiwania możliwości zapewnienia sobie wyłączności na przynajmniej niektóre elementy gastronomii. Problem ten dotyczy także kuchni indyjskiej – jednej z najpopularniejszych i najbardziej lubianych na świecie. W artykule przedstawiam możliwości ochrony na podstawie indyjskich regulacji dotyczących własności intelektualnej.

Słowa kluczowe: przepisy kulinarne, znaki towarowe, oznaczenie geograficzne, kulinaria, tajemnice handlowe