

Geographical Indications- Appellation of origin

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What is Geographical Indication ?

- Geographical Indication is a notice which notifies that a product originates from a geographical area which could be an agricultural product or an industrial product. It is a method of IP protection by a decree or by a register.

Why GI ?

@ To inform the consumers the origin and also to protect them from deceptive goods or products.

@To protect the market of the producers

@To Promote the economic prosperity and a fair share of the products and goods of a region which enjoys the reputation.

Appellation of origin

- An appellation is a geographical indication that declares the quality of the goods for which it is used to be derived from essentially or exclusively from the area of production.
- All application of origin are geographical indication, but not all geographical indication are appellation of origin.

Some examples

- Darjeeling tea(India)
- Scotch Whisky (scotland)
- Champagne (France)
- Kancheepuram Saree
(Kancheepuram)

GI and TM -difference

- A geographical indication is used to show that certain products have a regional origin. It must be available for use by all the producers in that region.
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- A trade Mark is a sign that an individual trader or company uses to distinguish its own good or services from the goods or services of its competition.

International position

- Internationally GI can be protected by reciprocal arrangements between countries or in the case of appellation of origin by the Lisbon Agreement.
- TRIPS agreement requires all members of the WTO to protect geographical indication if their unauthorized use would be misleading or would constitute an act of unfair competition.

Geographical Indications of Goods (Registration and Protection) Act 1999

- Geographical Indication, in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods, or manufactured goods as originating, or manufactured in the territory of a country or a locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing to preparation of the goods concerned takes place in such territory, region, or locality as the case may be.



- The office for registration of Geographical indications for the whole of India is located only at Chennai.
- Any Association of persons or producers or any organization or any authority established by or under any law for the time being in force representing the interest of producers of the concerned goods can apply for registration.
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Contd...

- Once the application is accepted, it is advertised in a journal and can be opposed by any interested party within a total period of four months from the date of advertisement

- If the mark is not opposed or the opposition is dismissed, the mark will proceed to registration with effect from date of filing of the application. The certificate of registration would be issued.
- The registration is valid for a period of 10 years and can be renewed from time to time.



Contd....

- The most important feature of this Act is the provision for registered users. If a co-operative Society registers Darjeeling for tea or Coorg for coffee, every plantation owner in Assam or Kodagu can become registered user authorise to use the name indicating the origin of the product with particular quality, characteristic and distinctiveness.

International position

- In Europe Geographical Indications is popular among wine growers to indicate wine from a particular territory or locality. In Germany, there are more than 300 geographical indications registered in respect of wines.

Indian GI

- In India there are several internationally well reputed indications such as Kancheepuram for silk sarees, Mansoon Coffee for the coffee exported from Malabar Coast, Darjeeling Tea, Pochampally Cotton, and may be Tirunelveli Halwa.
- In order to register these internationally well known geographical indications, you should have standards fixed, the geographical areas defined and a proper apex society formed, which should be the owner of the named and the actual users become registered users.

- For Eg. If you take Kancheepuram saree there should be available standards fixed such as quality of zari used, the weight of the silk, the quality of the dye whether eco friendly vegetable dye or chemical dye with certain parameters regarding toxicity, the weave and the waft and the districts of Tamil Nadu wherein only Kancheepuram saree can be woven. May be any of you are not aware that a Kancheepuram saree can be only of lengths 6 yards, 8 yards and 9 yards. You cannot have a saree of the length of your choice – a genuine Kancheepuram Saree.



- The standards should be fixed by Textile experts in consultation with the weavers who are involved in day to day weaving of sarees. The standard should be published and should be easily accessible.
- After the standards are fixed, an Apex body should be formed, which would become the applicant and proprietor of the geographical name, Kancheepuram in respect of silk saree.
- Each co-operative society and may be the individual weavers can become registered users authorised to call their saree, Kancheepuram Saree provided, the standards of quality are followed. Otherwise, in the international market, you cannot maintain monopoly over the word “Kancheepuram”.



MAIN REQUIREMENT FOR FILING A GI APPLICATION

- STATEMENT OF CASE**
- CLASS**
- MAP**
- PARTICULARS OF PRODUCERS**
- AFFIDAVIT**
- STANDARD BENCH MARK AND ELABORATE THE UNIQUENESS**
- HOW QUALITY / INTEGRITY OF PRODUCT IS MAINTAINED?**
- SPECIAL HUMAN SKILL**
- GEOGRAPHICAL ENVIRONMENT**
- INSPECTION STRUCTURE**

AGRICULTURAL GOODS

- RICE - BASMATI, NELLORE, DEHRADUN
- WHEAT- PUNJAB
- FRUIT- ALPHONSO, DASERI, RATNAGIRI, BIHAR
LICHIS, NAGPUR ORANGES
- VEGETABLES, BANGALORE BRINJAL, CALICUT
GINGER
- MILK - ANAND
- SPICES- MALBAR PEPPER

NATURAL GOODS

- COAL - NEW CASTLE
- LIGNITE- NEYVELLI
- GOLD - KOLAR, JOHANNESBURG, S. AFRICA
- PETROLEUM - ARABIAN

MANUFACTURED GOODS

- SARI - BANARAS, KANCHIPURAM
- SLIPPER - KHOLAPUR
- LOCK - ALIGARH
- SHIVAKASHI - MATCHWORKS
- SHOLAPUR - BEDSHEETS
- MYSORE - SANDAL WOOD
- GOA - FENI

FOOD STUFFS

- BENGAL - RASGOLLA**
- BIKANER - BHUJIA**
- ANDHRA - PICKLES**
- VARANASI - SHRIKAND**
- AGRA - PETHA**

IMPORTANT CONCEPT UNDER GI ACT:

REGD. PROPRIETOR S. 2(1) (n)

PRODUCER S2(1)(k)

AUTHORISED USER (s. 17)

COLLECTIVE REFERENCE RULE 32(1)(5)

WHO CAN APPLY (SECTION 11)

RIGHTS CONFERRED BY REGISTRATI ON

GI GENERIC

ADDITIONAL PROTECTION TO NOTIFIED GOODS

HOMOYGENOUS GI

TEN STEP GUIDE FOR REGISTRATION

1. FILING OF APPLICATION
2. PRELIMINARY SCRUTINY
3. CONSTITUTION OF CONSULTATIVE GROUP OF EXPERTS
4. EXAMINATION
5. SHOW CAUSE NOTICE
6. PUBLICATION IN GI JOURNAL
7. OPPOSITION
8. REGISTRATION
9. APPEAL
10. RENEWAL