

## Geographical Indications: Indian Scenario

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### ***Abstract:***

*Every region has its name and fame. Qualities and characteristics of certain goods attributable to some geographical locations and reputable to “as produce of certain region” come under Geographical Indications. Geographical Indications is an emerging trend in Intellectual Property. The present paper takes an overview of the current scenario of Geographical Indications in India. It also provides a list of Geographical Indications in India registered till 31<sup>st</sup> January 2006.*

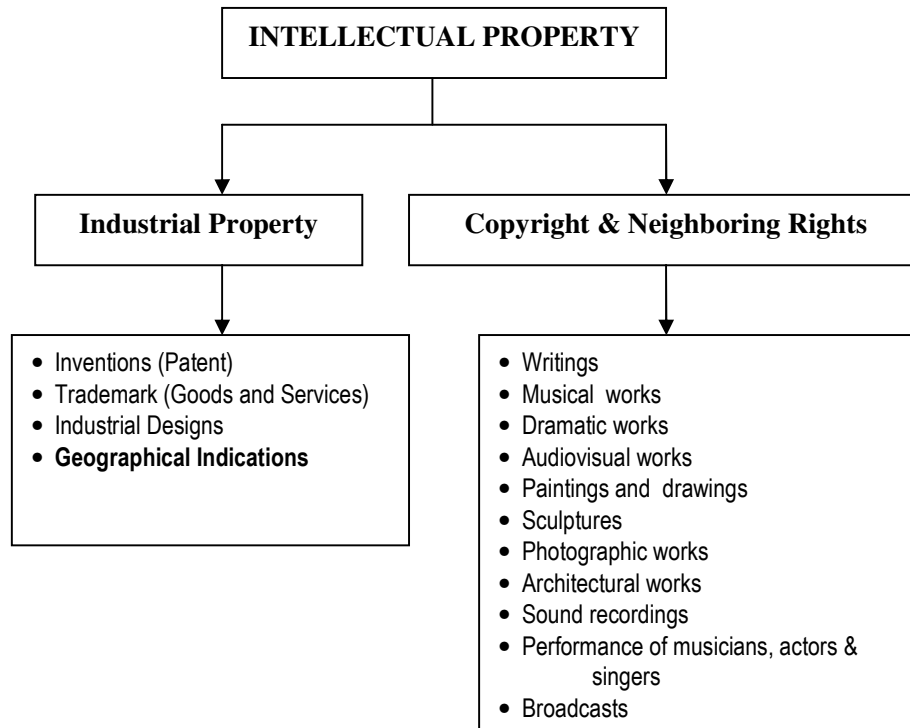
### **1. INTRODUCTION**

Intellectual property is the creation of human mind, human intellect and hence called “Intellectual property”. The intellectual property is created by incorporating information intangible objects capable of multiplying in an unlimited number of times at different locations any where in world. The property is basically in the concept, idea thought and thereafter in the actual product work or process etc.

Intellectual property is usually divided into two branches

- Patents, Designs, Trade Marks and **Geographical Indications** which is also termed as “Industrial Property” and
- Copyright and Neighboring Rights

**Figure No. 1: Intellectual Property and its facets**



## **2. GEOGRAPHICAL INDICATIONS**

Every region has its claim to fame. Christopher Columbus sailed from Europe to chart out a new route to capture the wealth of rich Indian spices. English breeders imported Arabian horses to sire Derby winners. China silk, Dhaka Muslim, Venetian Glass all were much sought after treasures. Each reputation was carefully built up and painstakingly maintained by the masters of that region, combining the best of Nature and Man, traditionally handed over from one generation to the next for centuries. Gradually, a specific link between the goods and place of production evolved resulting in growth of geographical indications.<sup>1</sup>

## **3. TRADE MARK AND GEOGRAPHICAL INDICATION**

A trademark is a sign used by an enterprise to distinguish its goods and services from those of other enterprises. It gives its owner the right to exclude others from using the trademark. A geographical indication tells consumers that a product is produced in a certain place and has certain characteristics that are due to that place of production. It may be used by all producers who make their products in the place designated by a geographical indication and whose products share typical qualities.

## **4. BENEFITS OF REGISTRATION IN INDIA**

- Confers legal protection to geographical indications in India.
- It prevents unauthorized use of a registered geographical Indication by others.
- It boosted exports of Indian geographical indications by providing legal protection.

- It promotes economic prosperity of producers.
- It enables seeking legal protection in other WTO member countries.

## 5. APPLICATION FOR GEOGRAPHICAL INDICATION IN INDIA

Any association of persons, producers, organization or authority established by or under the law can apply:

- The applicant must represent the interest of the producers
- The application should be in writing in the prescribed form
- The application should be addressed to the Registrar of Geographical Indications along with prescribed fee.<sup>2</sup>

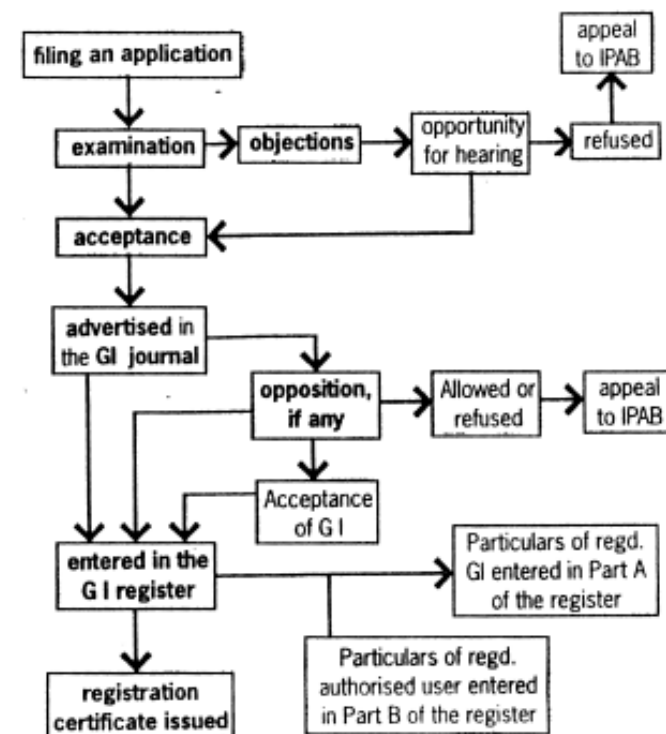
## 6. VALIDITY FOR GEOGRAPHICAL INDICATIONS IN INDIA

The Registration of a Geographical Indication is for a period of ten Years. Renewal is possible for further periods of 10 years each. If a Registered geographical indication is not renewed, it is liable to be removed from the register

## 7. FILING AND GRANT OF GEOGRAPHICAL INDICATIONS IN INDIA<sup>3</sup>

Various stages of filing and grant of Geographical Indications are explained in figure No.2

**Figure No. 2: Granting procedure of Geographical Indications in India**



The Register of Geographical Indication is divided into two parts. Part 'A' consists of particulars relating to registered geographical indications and part 'B' consists of particulars of the registered authorised users.

## **8. INDIA AND GEOGRAPHICAL INDICATIONS ACT**

An effective protection for GIs was of considerable importance for a country like India, which was richly endowed with natural and agricultural products and which already had in its possession renowned geographical names such as 'Darjeeling'(tea), 'Alphonso' (mango), 'Basmati' (rice), etc., there was no separate legislation on GIs until the enactment of 'The Geographical Indications of Goods (Registration and Protection) Act, 1999' (henceforth the GI Act).

The tea from Kenya, Sri Lanka, have often been passed off around the world as 'Darjeeling tea', which originally denotes the fine aromatic produce of the high-altitude areas of North-Bengal, from where it derives the name. Corporations in France and the US have been producing rice based on 'Basmati' varieties in those countries, and registering trademarks that refer to 'Basmati', thereby seeking to gain from this renowned geographical name. The US-patent on 'Basmati Rice Lines and Grains' granted to Texas based Rice Tec Inc, which triggered a lot of controversy in the recent past, is a glaring example of wrongful exploitation of a renowned GI from India. So on and so forth.

It is in such a scenario, that the GI Act was enacted formulated as part of the exercise in the country to set in place national intellectual property laws in compliance with India's obligations under the TRIPS Agreement. Under this Act, which has come into force with effect from 15th September 2003, the Central Government has established the 'Geographical Indications Registry' with all India jurisdictions at Chennai, where the right holders can register their respective GIs. After a GI is registered any person claiming to be the producer of the good designated by the registered GI can file an application for registration as an authorised user. The GI Act is to be administered by the Controller General of Patents, Designs and Trade Marks- who is the Registrar of Geographical Indications.

## **9. GUIDELINES FOR FILING OF GEOGRAPHICAL INDICATION APPLICATION**

The purpose of this guideline is to give elementary information for filing of an application. The guidelines are subject to requirements of the Act and Rules. An application for registration of a geographical indication is to be made in writing using a replica of the official application Form GI-1 for the registration of a Geographical Indication in Part A of the Register by an Indian applicant; Form GI-2 for a convention application; an application for goods falling in different classes by an Indian applicant in Form GI-3 and an application for registration of goods falling in different classes from a convention country in Form GI-4 along with prescribed fee and should be addressed to the "Registrar of Geographical Indications", Chennai. The application should include the various requirements and criteria for processing a geographical application as specified in Rule 32(1).

## **10 REGISTRATION OF GEOGRAPHICAL INDICATIONS IN INDIA <sup>4</sup>**

The registration of GIs in India has been depicted in Table No. 2, State wise distribution in Table No. 3 and type wise distribution in Table No. 4

**Table No. 2: Geographical Indications registered in India during 29.10.04 to 31.01.06**

<b>Sr. No.</b>	<b>Geographical Indications</b>	<b>Products</b>	<b>State</b>	<b>Date of Registration</b>
1	Darjeeling Tea	Tea	West Bengal	29.10.04
2	Pochampally Ikat	Textile	Andhra Pradesh	31.12.04
3	Chanderi saree	Textile	Guna, MP	28.01.05
4	Kotpad Handloom fabric	Textile	Koraput, Orissa	02.06.05
5	Kota Doria	Textiles	Kota, Rajasthan	05.07.05
6	Kancheepuram silk	Textiles	Tamil Nadu	02.06.05
7	Bhavani Jamakkalam	Textile, carpets	Erode, TamilNadu	05.07.05
8	Mysore Agarbathi	Incense sticks	Mysore, Karnataka	02.06.05
9	Aranmula Kannadi	Metal Mirror	Kerala	19.09.05
10	Salem Fabric	Textiles	Tamil Nadu	19.09.05
11	Solapur Chaddar	Textiles	Maharashtra	19.09.05
12	Solapur Terry Towel	Textiles	Maharashtra	19.09.05
13	Mysore Silk	Textiles	Karnataka	28.11.05
14	Kullu Shawl	Textiles	Himachal Pradesh	12.12.05
15	Madurai Sungudi	Textiles	Tamil Nadu	12.12.05
16	Kangra Tea	Tea	Himachal Pradesh	12.12.05
17	Coorg Orange	Horticulture Product	Karnataka	30.01.06
18	Mysore Betel Leaf	Horticulture Product	Karnataka	30.01.06
19	Nanjanagud Banana	Horticulture Product	Karnataka	30.01.06
20	Mysore Sandalwood Oil	Essential Oil	Karnataka	30.01.06
21	Mysore Sandal Soap	Soap	Karnataka	30.01.06
22	Bidriware	Handicrafts	Karnataka	30.01.06
23	Channapatna Toys & Dolls	Handicrafts	Karnataka	30.01.06
24	Coimbatore Wet Grinder	Wet Grinder	Tamil Nadu	30.01.06
25	Mysore Rosewood Inlay	Handicrafts	Karnataka	30.01.06
26	Kasuti Embroidery	Embroidery (Textiles)	Karnataka	30.01.06
27	Mysore Traditional Paintings	Paintings	Karnataka	30.01.06

**Table No. 3: State Wise Distribution of Geographical Indications Registered in India**

Sr. No.	State	No. of GI registered	Percentage
1	West Bengal	1	3.70
2	Andhra Pradesh	1	3.70
3	Madhya Pradesh	1	3.70
4	Orissa	1	3.70
5	Rajasthan	1	3.70
6	Tamil Nadu	5	18.52
7	Karnataka	12	44.44
8	Kerala	1	3.70
9	Maharashtra	2	7.41
10	Himachal Pradesh	2	7.41
Total		27	100

It has been observed from Table No. 3, that in India, the maximum i.e. 12 geographical indications are registered by Karnataka forming 44.44% followed by 5 from Tamil Nadu with 18.52%.

**Table No. 4: Type of Product Wise Distribution of GIs Registered In India**

Sr. No.	Type of product	No. of GI registered	Percentage
1	Tea	02	7.41
2	Textiles	13	48.15
3	Incense Sticks	01	3.7
4	Metal mirror	01	3.7
5	Horticulture Product	03	11.11
6	Essential Oil	01	3.7
7	Soap	01	3.7
8	Handicrafts	03	11.11
9	Wet Grinder	01	3.7
10	Painting	01	3.7
Total		27	100

The maximum GIs registered are from Textiles category i.e. 13 forming 48.15% of the total registration followed by Horticulture and Handicrafts with 11.11% each.

## **11 POSSIBLE GEOGRAPHICAL INDICATIONS IN INDIA**

Examples of possible Indian Geographical Indications are Basmati Rice, Alphanso Mango, Nagpur Orange, Kolhapuri Chappal, Bikaneri Bhujia, Agra Petha, Paithani and Banaras Saree, Feni (Liquor from Goa), Lonavala Chikki, Tirunelveli Halwa, Mysore Rasam, etc.

## **12 CONCLUSION**

Intellectual property rights have never been more economically and politically important or controversial than they are today. Patents, copyrights, trademarks, industrial designs, and geographical indications are frequently mentioned in discussions and debates on such diverse topics as public health, food security, education, trade, industrial policy, traditional knowledge, biodiversity, biotechnology, the Internet, the entertainment and media industries. In a knowledge-based economy, there is no doubt that an understanding of IPRs is indispensable to informed policy making in all areas of human development.

Geographical Indications is an emerging field of Intellectual property. Every region has its claim to fame and it has to be protected.

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