Indian Geographical Indications System
India is a land of treasure, endowed with rich natural resources of agricultural products and other goods of high economic value. Rural folks in various regions of our country possess unique skill and expertise to produce handcrafted products like handicrafts, jewelleries, textiles other related products and they are involved in the above skill for several generations. Often connected with traditions, practices and culture, geographical indications are tightly interwoven into rural lives which employ traditional methods, practices and know-how to produce these goods associated with geographical indications.

The Registration and Protection of Geographical Indications in India is based on a sui-generis legislation, **Geographical Indications of Goods (Registration and Protection) Act, 1999** upon India becoming a signatory to TRIPS.

Though the Geographical Indications of Goods (Registration and Protection) Act, 1999. Was enacted in 1999, it came into force on September 15, 2003 and Geographical Indications Registry with All India jurisdiction has been set up in Chennai under the Registrar of Geographical Indications, who is also the Controller General of Patents, Designs and Trade Marks.
Registration and protection of Geographical Indications in India is governed by this legislation in India.

The Object of the Geographical Indications of Goods (Registration and Protection) Act, 1999 is three fold:

First, to have a specific law governing the geographical indications of goods in the country which could adequately protect the interest of producers of such goods,

Second, to exclude unauthorized persons from misusing geographical indications and to protect consumers from deception and

Third, to promote goods bearing Indian geographical indications in the export market.

The Office of GI Registry has received 571 GI Applications as on December 09, 2016, 282 GI Applications have been registered in India (260 GI Applications are Indian & 12 are foreign Applications)
Pre–TRIPS scenario

Global:
- Widespread imitation / usurpation of GIs
- Insufficient / ineffective / uneven protection in different countries
- Had to fight for their reputation, even for market access using their names

Indian:
- Indian Courts have recognized GIs (in passing of suits).
- What triggered the enactment of GI statute?
  - TRIPS obligation
- Need to protect Indian Treasures (Darjeeling tea, Basmati Rice, Bikaneer Bujia, Alphanso Mangoes, and many more)
To prevent GI becoming generic

Need for a rule based system that is open, fair and provides for an enforcement mechanism

TRIPS

Unless a geographical indication is protected in the country of its origin, there is no obligation under the TRIPS Agreement for other countries to extend reciprocal protection.

India would, on the other hand, be required to extend protection to goods imported from other countries which provide for such protection.
HOW GI ACT OPERATES IN INDIA?

Some of the main features of Indian GI Act are
- Registration Procedure
- Wider Definition of GI
- Concept of Authorised User
- Higher level of Protection – Additional Protection
- Prohibition of assignment or transfer of GI
- Protection for Foreign GI’s
- Publication of Accepted GI and Authorised Users in GI Journal.
- Civil and criminal remedies for infringement.
- Cancellation and Rectification of Registered GI.
The Register of Geographical Indications is divided into two parts. Part 'A' consists of particulars relating to registered Geographical Indications and Part 'B' consists of particulars of registered authorized users. The registration process is similar to both for registration of a geographical indications and an authorised user.
What is a Geographical Indication?

- As per our Act, Geographical Indication refers to any indication that identifies the goods as originating from a particular place, where a given quality, reputation or other characteristics of the goods is essentially attributable to its geographical origin,. The goods may belong to agricultural, natural or manufactured goods originating or manufactured in the territory of a country, or a region or locality in that territory and in case where such goods are manufactured goods one of the activities of either the production, or processing or preparation of the goods concerned takes place in such territory, region locality as the case be.

- Indian Act provides for registration and protection of Geographical Indications related to Goods. Goods refer to any agricultural, natural, manufactured goods, goods of handicraft or industry and food stuff.
Requirement of GI Registration

- NAME OF GI (WORD OR LOGO OR LABEL)
  To file logo of along with GI for better identification and Protection of GI Rights.

- DETAILS OF APPLICANT: Name and Address of the Applicant
  Documentary evidence relating to legal status of a Association of Producers to be provided such as Memorandum and Articles of Association, Bye-laws, Registration certificates etc.,

- NAME OF THE GOODS AND CLASS:
  - As per Section (2) (1) (f) of G.I. Act 1999.
    Agricultural, Natural, Handicrafts, Industry, Manufactured goods & Food Stuffs
    Classification of Goods as per Schedule 4 mentioned in GI Act, 1999.

- GI AREA: CERTIFIED COPY OF AREA MAP
  The GI area may be indicated by giving details of the longitude and latitude of the production area. The provided certified map (three copies) issued from a competent statutory authority giving details of the longitude and latitude of the production area.

- AN AFFIDAVIT TO REPRESENT THE PRODUCERS
  The Applicant to file a notarized affidavit in original stating how the applicant claims to represent and safeguard/protect the interest of producers of proposed GI; Approximate Annual Turnover. The date, month & year of execution of the affidavit should be mentioned.
• **PROOF OF ORIGIN**
  Brief description about the origin and the evolution of the GI.
  Documentary evidence (such as gazetteers, published books & records) relating to proof of origin (historical proof) of product along with usage of Name of GI.

• **METHOD OF PRODUCTION:**
  The general good practices of Production adopted by the producers in the GI Area to be provided.
  The specific standards of Quality and process of sequence of production along with the characteristics which make the product Unique to be provided.

• **SPECIFICATION & DESCRIPTION**
  Specification of GI product to be provided with detailed and clear characteristic and technical specification.

• **UNIQUENESS:**
  • Peculiar features that makes the GI different from other similar goods.
  • The human skill of producer in making of this unique product to be provided.

• **PARTICULARS OF INSPECTION BODY**
  • The inspection structure should be strengthened with an independent Neutral agency to maintain the quality and regulating the use of Geographical Indications.
Who Can apply for Registration?

Any association of persons or producers or any organization or authority established by or under law representing the interest of producers of the concerned goods

How to Apply?

- Application for registration of a GI should be in the prescribed form (GI–1A to 1D). Accompanied by the prescribed fee – Rs.5000/– Per Class.
- It must be made in triplicate along with three copies of a statement of case accompanied by five copies of Additional Representations, Three certified copies of Map, documents in support of origin.
Signing of the GI Application

- Association: Authorized Signatory
- Body corporate / Organisations / Authority: Chief executive, M.D, President, Secretary, or other Principle Officer.

Payment of Fees

Cheque
Bank Draft
Blank Draft and Cheque shall be in favour of the “Registrar of Geographical Indications and payable at Chennai.”
Where to Apply

The Application for Registration of GI Authorised User shall be filed with the Geographical Indications Registry, Intellectual Property Office Building, G.S.T. Road, Guindy, Chennai – 600 032.
Steps taken by the Registry

- Issue Fee receipt
- Allotment of application number
- Issue Formality check report
- Meeting of consultative group
- Issue of Examination Report.
- Accepted application shall be published in the GI journal,
- Opposition
- Registration certificate
- Renewal
Registration Procedure

Upon Filing of an Application, a preliminary Examination report is issued for compliance of deficiencies in the Applications as per the GI Act & Rules within One Month.

Upon compliance to the Preliminary Examination Report, the Registrar constitutes a Consultative Group of not more than Seven members, chaired by him along with persons well versed in the subject matter to evaluate and ascertain the correctness of the particulars furnished in Applications and its supporting documents. The Applicant is called upon to make a presentation before the Consultative group and based on the recommendation by the Consultative group an Examination Report is issued to the Applicant, to comply within two months. If they comply and the Application is accepted, the Application proceeds for Publication in the Official Journal. It is made available for public to raise their objection.

During this time Any person, on an application to the Registrar along with the requisite fees can oppose the Registration. If the Application is not Opposed and time for Opposition has expired, the GI Application is Registered from the date of making the Application and certificate of Registration is issued. The Registration of a GI shall be for ten years and can be renewed from time to time.
Procedure for registration of Foreign GIs

- No discrimination
- Applicant has to give an address for services in India
- Details of Home country GI Application
- Same protection under the Law
- Same procedure for registration
- Same punishments in case of violation
Online Facilities

- Filing of Online GI Application
- Status of GI Application
- All The Documents & Forms filed by the Applicant
- Journal
- GI Act & Rules
- Details of Registered GI
- Details of Pending Applications
- Monthly Hearing Details
Who can Apply?

- An application for the registration as an authorised user of the registered geographical indication shall be made by a producer and jointly by the registered proprietor of the said GI.

‘Producer’, means, --

- any person who produces the goods in case agricultural goods, and includes the person who processes or packages such goods;
- any person who exploits the goods in case of natural goods;
- any person who makes or manufactures the handicraft or industrial goods,
- any person who trades or deals in such production, exploitation, making or manufacturing of the goods.
How to Apply?

- Application for registration of a GI Authorised User should be in the prescribed form (GI-3A).
- Accompanied by the prescribed fee for filing a GI Authorised User Application Rs. 500/–.
- Statement of case accompanied with an affidavit.
- A copy of the consent letter from the registered proprietor or
- If consent letter is not available, a copy of Application may be endorsed to Registered proprietor for information.

- Fees may be paid by Cash, or Money order, Bank drafts and cheques,
- It shall be addressed to the Registrar of Geographical Indications, Payable at Chennai.
Where to Apply

- The Application for Registration of GI Authorised User shall be filed with the Geographical Indications Registry, Intellectual Property Office Building, G.S.T. Road, Guindy, Chennai – 600 032.
Benefits of GI Authorised User Registration

- GI Authorised user registration provides the authorized user the exclusive right to use the registered GI on the specified goods.
- The Authorised users can initiate infringement actions.
- With the protection assured by GI registration, the market is developed, pirates and counterfeiters cannot encroach that market.
- Consumers are guaranteed of the genuineness of the product and of quality assurance.
- Promotes Brand building.
What is to be done?

- Identify all the potential GIs in the country
- Prepare detailed documentation on each of them
- Organize the producers
- Apply to Register the potential ones
- Take measures for protecting the quality.
- Awareness Programmes to be organized.
MAKE IN INDIA

GEOGRAPHICAL INDICATIONS
Thank You

Contact Details of GI Registry:

Geographical Indications Registry
Intellectual Property India Building,
G.S.T. Road, Guindy, Chennai – 600032.
Email: gir-ipo@nic.in; website: www.ipindia.nic.in
Tele: 91 44 22502091/92 / Fax: 91 44 22502090