

GEOGRAPHICAL INDICATIONS FOR MSME

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WHAT IS A GI?

A geographical indication (GI) is a sign/mark used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that origin. A name that conveys an assurance of quality and distinctiveness which is essentially attributable to the fact of its origin in that defined geographical locality, region or country.

GI will have an emotional association of the consumers to the products. Example:
SCOTH WISHKEY

WHY PROTECTION OF GEOGRAPHICAL INDICATIONS?

A geographical indication is used to demonstrate a link between the origin of the product to which it is applied and a given quality, reputation or other characteristic that the product derives from that origin. Thus, a geographical indication informs consumers of the uniqueness of the products derived from this link; but it will also represent the collective goodwill derived from this uniqueness.

The quality or characteristics of a product that make the product unique and which allow the product to be identified geographically and the degree of recognition by consumers of such quality or characteristics of products and the collective goodwill that they represent on the market needs to be protected through Geographical Indications.

If Geographical Indications are not protected the consumer may suffer from quality uncertainty and misrepresented information. High and low quality of products will be sold in the same market with the same name/brand. By protection of Geographical Indications quality products of the region can be traced easily thus helps in rewarding the

original manufacturers with high quality of the product with premium price. Imitators and non-original producers can be prosecuted and kept away from the market. The remote regions with high quality products will be elevated and thus paving the paths to economic development of remote locations.

Protection of Geographical Indication does not allow unjust enrichment of non-original manufacturers on the reputation and goodwill of the original manufacturers or producers.

INTERNATIONAL TREATIES REGULATING GEOGRAPHICAL INDICATIONS

Articles 1 (2) and 10 of the Paris Convention for the Protection of Industrial Property, geographical indications are covered as an element of IPRs. They are also covered under Articles 22 to 24 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which was part of the Agreements concluding the Uruguay Round of GATT negotiations.

GEOGRAPHICAL INDICATIONS AROUND THE WORLD

When comparing the wide variety of means of protection available in the world to protect geographical indications, three categories can be distinguished. The first category mentioned - “laws focusing on business practices” - covers laws which, while not specifically providing for the protection of GIs, prohibit business practices which can involve the misuse of GIs, such as laws relating to the repression of unfair competition or the protection of consumers, either in general terms or more specifically in regard to such matters as the labeling of products, health protection or food safety.

The Second Category is the Trademark law provides two types of protection for GIs. On the one hand, provisions protecting GIs against the registration and use as trademarks. On the other hand, provisions protecting GIs by means of collective, certification or guarantee marks.

The Third Category is the Special protection for GIs exists in different forms as well. There are laws providing *sui generis* protection for GIs that relate to products with

specifically defined characteristics or methods of production and requiring prior recognition of a GI as a condition of protection. There are also laws providing special protection for GIs without specific definitions or prior recognition requirements.

EARLY EVOLUTION OF GEOGRAPHICAL INDICATIONS IN FRANCE SYSTEM

France is the leader in providing Geographical Indicator protection to wines in champagne region wine i.e., champagne production is regulated by the government regulations. Other wines started using the name champagne even though they were not produced in that region. When a Spanish company marketed its brand “Spanish Champagne” in U.K. then France took the matter to the court and won the case in 1950’s. it is popularly called “Spanish Champagne” case.

“Spanish Champagne” case (1961) RPC 116 J. Bollinger & Ors. V. the Costa Brava Wine Co. Ltd. The “Spanish Champagne” case where plaintiffs who have champagne houses of France established that only the wine produced in the Champagne District of France by the Champagne House was known as “champagne”. The wine house had acquired a high reputation; and the use of Spanish Champagne would deceive by causing persons to believe that the wine so described was champagne. Mr. Justice Danckwerts at page 127 observed as follows:

“It appears to me when the plaintiffs have shown that the description used by the defendants contains an untruthful statement that a wine which is not Champagne is Champagne, they have gone some way to establishing their case, and the Court might require to be satisfied that such an untrue statement was so clearly qualified as to be not likely to mislead.”

To prevent further misuse of the Champagne, France has to sign bilateral agreements and treaties with many nations. Now, the word Champagne has treated as a brand. In Germany the Court did not allow the use of name “Champagne” for mineral water.

France by registration of Geographical Indication provided information on various verities of Champagne, its growers, their roles, annual sales and turn over.

EVOLUTION OF GEOGRAPHICAL INDICATION PROTECTION SYSTEM INTERNATIONALLY

Slowly one after other country have started recognizing the importance of the Geographical Indication and adopted similar protection and reciprocal enforcement of Geographical Indication in their respective countries.

TRIPs Agreement provided provisions for the protection the Geographical Indications. This incorporation of Geographical Indications in TRIPs Agreement has brought out a sort of uniformity in the laws related to the Geographical Indications in all WTO member countries very effectively.

The TRIPs Agreement paved way for better understanding between various nations towards protection of Geographical Indications and reciprocation between the member countries.

Within the framework of WIPO, two international registration systems exists that make it easier for the protection abroad of Geographical Indications for products deriving value-added from their geographical origin, namely:

- 1) the Lisbon System - specifically designed to facilitate the protection of appellations of origin for products with unique characteristics recognized as resulting from their geographical origin and forming the basis of the collective goodwill that their producers enjoy as a result of the reputation of their appellations of origin in their own country; and
- 2) the Madrid System - which provides the same facility for trademarks and which is also available in respect of collective and certification marks consisting of or containing a geographical indication.

Lisbon and Madrid, which both predate the TRIPS Agreement, have each been advanced as a possible model for the notification and registration system to be established under Article 23.4 of the TRIPS Agreement, but either appears to pose fundamental difficulties for a number of delegations. However, since these delegations would appear to belong to

mutually exclusive groups, the question has come up to what extent perhaps the establishment of a link between Lisbon and Madrid could serve as a viable model in respect of geographical indications meeting the definition of Article 22.1 of the TRIPS Agreement. It looks worthwhile to consider this question a little more, in view of the use that is already being made today of the systems and in the light of the similarity of the formal requirements and other procedures that apply under these systems.

NATIONAL LAW FOR GEOGRAPHICAL INDICATIONS IN INDIA

India is a historical evolution of cultural and traditions and it has history to its civilization. Prior to the adoption of separate law on Geographical Indication Registration, collective marks protected under common law and are registered through Trade Marks Act of 1958. The Geographical Indications of Goods (Registration & Protection) Act, 1999 has come into force with effect from 15th September 2003 allowing registration, protection and management of Geographical Indications. Since then over 200 products are registered under Geographical Indication Act.

Section 2 (1) (e) of the Act defines the Geographical Indication as ““geographical indication” as 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 region or 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 or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.

As per section 2 (1) (f) Goods are primarily classified into three classes:-

1. Agricultural Goods
2. Natural Goods
3. Manufactured Goods

Section 3 of the G.I Act provides for the Registrar of Geographical Indications and Section 9 proscribes the registration of Geographical Indications. The term of protection is initially for 10 years and can be renewed there after for every ten years.

Jurisdiction for Registration of Geographical Indication for entire INDIA is:-

Geographical Indications Registry,
Intellectual Property Office Building,
G.S.T. Road, Guindy,
Chennai 600032,
Phone : 044-22321992-93, 22321996,
Fax: 044-22321991

Indian courts are also active in protecting Geographical Indications. It can be demonstrated through the Scotch Whisky Case. In the *Scotch Whisky Association v. Pravara Sahakar, AIR 1992 Bom. 294*, where defendants were selling Whiskey under the description "Blended with scotch" the word "with" was printed in small types. The label had the device of a Scottish drummer wearing a tartan kilt with a word mark Drum Beater. It also had the expression "Blended with six year old vatted Malt scotch". The Bombay High Court held that defendants were passing off their whisky as Scotch whisky and interim injunction was granted.

WHAT NEXT AFTER REGISTRATION OF GEOGRAPHICAL INDICATION: HOW DO WE MANAGE AFTER GETTING A GEOGRAPHICAL INDICATION REGISTERED.

As an association of producers and manufacturers of a region after having applied for Geographical indication for the said product, we require take the following steps to boost the advantage of getting registered as Geographical indication product:-

1. Conduct membership drive in the region and add members in Part – B of Geographical Indication Register

2. While adding members ensure that the same quality or characteristic features are been used or adopted by the producers or manufacturers of the region.

3. Provide essential training required for adoption of the same quality or characteristic features of the product in the next generation.

4. Conduct product festivals in local, regional, national and international level frequently.
5. Organize seminar and workshop to create awareness on Geographical Indication and emphasize the Product from your region.
6. Request publicity by local, regional, national and International media
7. Issue advertisements and make wide publicity for the promotion of the brand
8. Create awareness by speaking special qualities associated to the product and location exposure.
9. Form an association and establish funds management system for activities.
10. Market watch and monitor – engage lawyers to send cease and desist notices who wrongfully associate the marks at various levels local, regional, national and international markets.
11. Trade Marks Watch – file regularly oppositions for registration of the trademarks of Geographical indication in all countries including international registration systems.
12. Finally file for registration of Geographical Indication in all those countries which provides for registration.

The following pages will provide a list of Geographical Indication Application filed in INDIA.

G.I. App.No.	Geographical Indication	Class	Goods
1	Darjeeling Tea (word)	30	Agricultural
2	Darjeeling Tea (Logo)	30	Agricultural
3	Aranmula Kannadi	20	Handicraft
4	Pochampalli Ikat	24, 25 & 27	Textile
5	Salem Fabric	24	Textile
6	Payyannur Pavithra Ring	14	Handicraft
7	Chanderi Fabric	24	Textile
8	Solapur Chaddar	24	Textile
9	Solapur Terry Towel	24	Textile
10	Kotpad Handloom fabric	24	Textile
11	Mysore Silk	24, 25 & 26	Textile
12	Kota Doria	24 & 25	Textile
13	Mysore Agarbathi	3	Manufactured
14	Basmati Rice	30	Agricultural
15	Kancheepuram Silk	24 & 25	Textile
16	Bhavani Jamakkalam	24	Textile
17	Navara - The grain of Kerala	30	Agricultural
18	Mysore Agarbathi "Logo"	3	Manufactured
19	Kullu Shawl	24	Textile
20	Bidriware	6, 21 & 34	Handicraft
21	Madurai Sungudi Saree	24 & 25	Textile
22	Orissa Ikat	23, 24 & 25	Textile
23	Channapatna Toys & Dolls	28	Handicraft
24	Mysore Rosewood Inlay	19, 20, 27 & 28	Handicraft
25	Kangra Tea	30	Agricultural
26	Coimbatore Wet Grinder	7	Manufactured
27	Phulkari	26	Textile
28	Kalamkari	24, 25 & 27	Handicraft
29	Mysore Sandalwood Oil	3	Manufactured
30	Mysore Sandal Soap	3	Manufactured
31	Kasuti Embroidery - Karnataka	26	Textile
32	Mysore Traditional Paintings	16	Handicraft
33	Coorg Orange	31	Agricultural
34	Mysore Betel Leaf	31	Agricultural
35	Nanjanagud Banana	31	Agricultural
36	Palakkadan Matta Rice	30	Agricultural
37	Madhubani Paintings	16	Handicraft

38	Jamnagar - MS	4	Natural
39	Jamnagar - ATF	4	Natural
40	Krishna Godavari Gas	4	Natural
41	Jamnagar - LPG	4	Natural
42	Jamnagar - HSD	4	Natural
43	PISCO	33	Alcoholic Beverages
44	Kondapalli Bommallu (Toys)	16, 20	Handicraft
45	Poddar Diamond	14	Handicraft
46	Kashmir Pashmina	24	Textile
47	Thanjavur Paintings	16	Handicraft
48	Kashmir Sozani Craft	26	Textile
49	Malabar Pepper	30	Agricultural
50	Allahabad Surkha	31	Agricultural
51	Kani Shawl	25	Textile
52	Nakshi Kantha	19, 20, 24 & 25	Textile
53	Silver Filigree	6, 8, 14, 18, 20, 26 & 28	Handicraft
54	Alleppey Coir	27	Handicraft
55	Muga Silk	26	Textile
56	Tellicherry Pepper	30	Agricultural
57	Coconut shell crafts of Kerala	20	Handicraft
58	Screw pine crafts of Kerala	27	Handicraft
59	Maddalam of Palakkad (Kerala)	15	Handicraft
60	Ganjifa cards of Mysore (Karnataka)	16	Handicraft
61	Navalgund Durries	24	Handicraft
62	Karnataka Bronze Ware	6	Handicraft
63	Thanjavur Art Plate	14	Handicraft
64	Swamimalai Bronze icons	6	Handicraft
65	Temple jewellery of Nagercoil	14	Handicraft
66	Blue Pottery of Jaipur	21	Handicraft
67	Molela Clay Idols	21	Handicraft
68	Kathputlis of Rajasthan	28	Handicraft
69	Mysore Malligae	31	Agricultural
70	Udupi Malligae	31	Agricultural
71	Hadagali Malligae	31	Agricultural
72	Alleppey Green Cardamom	30	Agricultural
73	Applique (Khatwa) Work of Bihar	26 & 24	Handicraft
74	Sujini Embroidery Work of Muzzaffarpur District in Bihar	24 & 26	Textile
75	Sikki Grass Products of Bihar	20	Handicraft

76	Ilkal Sarees	24	Textile
77	Molakalmuru Sarees	24	Textile
78	Coorg Green Cardamom	30	Agricultural
79	Chamba Rumal	24	Textile
80	Dharwad Pedha	29	Food Stuff
81	Pokkali Rice	30	Agricultural
82	Bastar Iron Craft	6 & 21	Handicraft
83	Bastar Dhokra	6 & 21	Handicraft
84	Bastar Wooden Craft	20	Handicraft
85	Monsooned Malabar Arabica Coffee	30	Agricultural
86	Pipli Applique Work	24	Handicraft
87	Konark Stone Carving	19	Handicraft
88	Puri Pattachitra	24 & 16	Handicraft
89	Budiiti Bell & Brass Craft	6	Handicraft
90	Machlipatnam Kalamkari	24, 25 & 27	Textile
91	Nirmal Toys and Crafts	20 & 28	Handicraft
92	Arani Silk	24 & 25	Textile
93	Kovai Kora Cotton Sarees	24 & 25	Textile
94	Salem Silk	24 & 25	Textile
95	E. I. Leather	18	Manufactured
96	Thanjavur Doll	28	Handicraft
97	Leather Toys of Indore	18	Handicraft
98	Bagh Prints of Dhar	24	Textile
99	Banaras Brocades and Sarees	23, 24, 25 & 26	Textile
100	Sankheda Furniture	20	Handicraft
101	Agates of Cambay	14	Handicraft
102	Datia and Tikamgarh Bell Metal Ware	6	Handicraft
103	Kutch Embroidery	26 & 24	Textile
104	Santiniketan Leather Goods	18	Handicraft
105	Nirmal Furniture	20	Handicraft
106	Nirmal Paintings	16 & 20	Handicraft
107	Andhra Pradesh Leather Puppetry	18, 27 & 28	Handicraft
109	Naga Mircha	31	Agricultural
110	Eathomozhy Tall Coconut	31	Agricultural
111	Laxman Bhog Mango	31	Agricultural
112	Khirsapati Himsagar Mango	31	Agricultural
113	Fazli Mango	31	Agricultural
114	Monsooned Malabar Robusta Coffee	30	Agricultural
115	Assam Tea	30	Agricultural
116	Nilgiri Tea	30	Agricultural

117	Nilgiri (Orthodox) Logo	30	Agricultural
118	Assam (Orthodox) Logo	30	Agricultural
119	Lucknow Chikan Craft	26	Handicraft
120	Feni	33	Alcoholic Beverages
121	Tirupathi Laddu	30	Food Stuff
122	Uppada Jamdani Sarees	24 & 25	Textile
123	Nashik Valley Wine	33	Alcoholic Beverages
124	Virupakshi Hill Banana	31	Agricultural
125	Mango Malihabadi Dusseheri	31	Agricultural
126	Sirumalai Hill Banana	31	Agricultural
127	Tangaliya Shawl	24,25 &27	Textile
128	Puneri Pagadi	25	Handicraft
129	Bydagdi Chilli	30	Agricultural
130	Vazhakkulam Pineapple	31	Agricultural
131	Devanahalli Pomello	31	Agricultural
132	Appemidi Mango	31	Agricultural
133	Kamalapur Red Banana	31	Agricultural
134	Sandur Lambani Embroidery	26	Textile
135	Toda Embroidery	24,25& 26	Textile
136	Khandua Saree and Fabrics of Orissa	23, 24 & 25	Textile
137	Gadwal Sarees	24	Textile
138	Santipore Saree	24	Textile
139	Alphonso Mango	31	Agricultural
140	Champagne	33	Alcoholic Beverages
141	Vazhakkulam Pineapple	31	Agricultural
142	Bikaneri Bujia	30	Food Stuff
143	Guntur Sannam Chilli	30	Agricultural
144	Cannanore Home Furnishings	22, 23, 24 & 27	Handicraft
145	Basmati	30	Agricultural
146	Napa Valley	33	Alcoholic Beverages
147	Sanganeri Print	24 & 25	Textile
148	Hand made Carpet of Bhadohi - Mirzapur Region of UP	27	Textile
149	Kinnauri Shawl	24	Textile
150	Paithani Saree & Fabrics	24 & 25	Textile
151	Scotch Whisky	32 & 33	Alcoholic Beverages

152	Balaramapuram Sarees and Fine Cotton Fabrics	24 & 25	Textile
153	Paithan's Paithani	24 & 25	Textile
154	Mahabaleshwar Strawberry	31	Agricultural
155	Firozabad Glass (Word Mark)	9, 11 & 21	Handicraft
156	Firozabad Glass (Logo Mark)	9, 11 & 21	Handicraft
157	Kannauj Perfume (Word Mark)	3	Manufactured
158	Kannauj Perfume (Logo Mark)	3	Manufactured
159	Kanpur Saddlery (Word Mark)	18	Handicraft
160	Kanpur Saddlery (Logo Mark)	18	Handicraft
161	Moradabad Metal Craft (Word Mark)	6	Handicraft
162	Moradabad Metal Craft (Logo Mark)	6	Handicraft
163	Central Travancore Jaggery	30	Agricultural
164	Prosciutto di Parma "Parma Ham"	29	Food stuff
165	Nashik Grapes	31	Agricultural
166	Banjara Handicrafts and Mirror work	24	Handicraft
167	Gopalpur Tussar Fabrics	23, 24 & 25	Handicraft
168	Hyderabadi Biryani	30	Food Stuff
169	Kolhapuri Chappal (Ethnic Kolhapuri Footwear)	25	Handicraft
170	Kasaragod Saree	25	Textile
171	Surat Zari Craft	23	Textile
172	Kosa Silk Saree and fabric of Janjgir, Champa & Raigarh Region	23,24,25,26	Textile
173	Baluchari Saree	24	Textile
174	Kachchh Dhabda, Shawl and stole	24	Textile
175	Ganjam Goat Ghee	29	Food Stuff
176	Dhaniakhali Saree	24,25 & 26	Handicraft
177	Varanasi Glass Beads	21	Handicraft
178	Khurja Pottery	9,11 &21	Handicraft
179	Kuthampully Sarees	24 & 25	Textile
180	Bhagalpur Silk Fabrics & Sarees	24& 25	Textile
181	Kashmir Paper Machie	16 & 20	Handicraft
182	Kashmir Walnut Wood Carving	20	Handicraft
183	Bagru Hand Block Print	24 & 25	Handicraft
184	Saharanpur Wood Craft (Word Mark with Logo)	20	Handicraft
185	Gir Kesar Mango	31	Agricultural
186	Wayanad Jeerakasala Rice	30	Agricultural
187	Wayanad Gandhakasala Rice	30	Agricultural

188	Siddipet Gollabama	24 & 25	Textile
189	Venkatagiri Sarees	25	Textile
190	Cheriyal Paintings	16	Handicraft
191	Kota Doria (Logo)	24 & 25	Textile
192	Bhalia Wheat	31	Agricultural
193	Hyderabad Haleem	29	Food Stuff
194	Pembarthi Metal Craft	6 & 21	Handicraft
195	Pattamadai Mats popularly known as “Pattamadai Pai”	27	Handicraft
196	Nachiarkoil Lamps popularly known as “Nachiarkoil Kuthuvilakku”	6	Handicraft
197	Maheshwar Sarees & Fabric	24	Textile
198	Mangalagiri Sarees and Fabrics	24 & 25	Textile
199	Udupi Mattu Gulla Brinjal	31	Agricultural
200	Chettinad Kottan	20	Handicraft
201	Villianur Terracotta Works	21	Handicraft
202	Thirukannur Paper Mache	16	Handicraft
203	Bobbili Veena popularly known as “Saraswathi Veena”	15 & 20	Handicraft
204	Khatamband	15 & 20	Handicraft
205	Kalanamak	30	Agricultural
206	‘Rataul’ Mango	31	Agricultural