



Registration of Geographical Indications

[What is a Geographical Indication?](#)

[Registration of Geographical Indications](#)

[FAQs on GI registration](#)

[Registration process](#)

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 muslin, 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 (GIs).

What is a Geographical Indication?

- It is an indication
- It originates from a definite geographical territory.
- It is used to identify agricultural, natural or manufactured goods
- The manufactured goods should be produced or processed or prepared in that territory.
- It should have a special quality or reputation or other characteristics

Examples of possible Indian Geographical Indications.

- Basmati Rice
- Darjeeling Tea
- Kanchipuram silk saree
- Nagpur orange
- Kolhapuri chappal
- Bikaneri bhujia
- Agra petha

The list of state-wise registered GIs can be accessed at <https://ipindia.gov.in/registered-gls.htm>

Registration of Geographical Indications

In December 1999, the Parliament had passed the [Geographical Indications of Goods \(Registration and Protection\) Act, 1999](#). This Act seeks to provide for the registration and better protection of geographical indications relating to goods in India. The Act would be administered

protection of geographical indications relating to goods in India. The Act would be administered by the Controller General of Patents, Designs and Trade Marks- who is the Registrar of Geographical Indications. The Geographical Indications Registry is located at Chennai. The Act has come into force with effect from 15th September 2003.

FAQs on GI registration

What is the benefit of registration of geographical indications?

- It confers legal protection to Geographical Indications in India
- Prevents unauthorised use of a Registered Geographical Indication by others
- It provides legal protection to Indian Geographical Indications which in turn boost exports.
- It promotes economic prosperity of producers of goods produced in a geographical territory.

What Indications are not registrable ?

For registrability, the indications must fall within the scope of section 2(1)e of GI Act, 1999. Being so, it has to also satisfy the provisions of section 9, which prohibits registration of a Geographical Indication.

- the use of which would be likely to deceive or cause confusion; or
- the use of which would be contrary to any law for the time being in force; or
- which comprises or contains scandalous or obscene matter; or
- which comprises or contains any matter likely to hurt the time being in force; religious susceptibilities of any class or section of the citizens of India; or
- which would otherwise be dismantled to protection in a court; or
- which are determined to be generic names or indications of goods and are, therefore, not or ceased to be protected in their country of origin or which have fallen into disuse in that country; or
- which although literally true as to the territory region or locality in which the goods originate, but falsely represent to the persons that the goods originate in another territory, region or locality as the case may be.

Explanation 1 to section 9 says that for the purposes of this section, “generic names of indications” in relation to goods which although relates to the place of the region where the goods was originally produced or manufactured, has lost its original meaning and has become the common name of such goods and serves as a designation for an indication of the kind, nature, type of other property or characteristic of the goods.

Explanation 2 further says a that “in determining whether the name has become generic, account shall be taken of all factors including the existing situation in the region or place in which the name originates and the area of consumption of the goods.”

Who can apply for the registration of a geographical indication?

- Any association of persons, producers, organisation 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.

Who is a registered proprietor of a geographical indication?

- Any association of persons, producers, organisation or authority established by or under the law can be a registered proprietor.
- Their name should be entered in the Register of Geographical Indication as registered proprietor for the Geographical Indication applied for.

Who is an authorised user?

- A producer of goods can apply for registration as an authorised user
- It must be in respect of a registered geographical indication
- He should apply in writing in the prescribed form along with prescribed fee

Who is a producer in relation to a Geographical Indication?

- The persons dealing with three categories of goods are covered under the term Producer:
 - Agricultural Goods includes the production, processing, trading or dealing
 - Natural Goods includes exploiting, trading or dealing
 - Handicrafts or Industrial goods includes making, manufacturing, trading or dealing.

Is a registration of a geographical indication compulsory and how does it help the applicant?

Registration is not compulsory. Registration affords better legal protection to facilitate an action for infringement. The registered proprietor and authorised users can initiate infringement actions. The authorised users can exercise the exclusive right to use the geographical indication.

Who can use the registered geographical indication?

An authorised user has the exclusive rights to the use of geographical indication in relation to goods in respect of which it is registered.

How long the registration of Geographical Indication is valid?

The registration of a geographical indication is valid for a period of 10 years

Can a Geographical Indication be renewed?

It can be renewed from time to time for further period of 10 years each.

What is the effect if a Geographical Indication is not renewed?

If a registered geographical indication is not renewed it is liable to be removed from the register.

When is a registered Geographical Indication said to be infringed?

When an unauthorised user uses a geographical indication that indicates or suggests that such goods originate in a geographical area other than the true place of origin of such goods in a

goods originate in a geographical area other than the true place of origin or such goods in a manner which mislead the public as to the geographical origin of such goods. When the use of geographical indication result in an unfair competition including passing off in respect of registered geographical indication. When the use of another geographical indication results in false representation to the public that goods originate in a territory in respect of which a registered geographical indication relates.

Who can initiate an infringement action?

The registered proprietor or authorised users of a registered geographical indication can initiate an infringement action.

Can a registered geographical indication be assigned, transmitted, etc?

No. A geographical indication is a public property belonging to the producers of the concerned goods. It shall not be the subject matter of assignment, transmission, licensing, pledge, mortgage or such other agreement. However, when an authorised user dies, his right devolves on his successor in title.





Can a registered geographical indication or a registered authorised user be removed from the register?

Yes. The Appellate Board or the Registrar of Geographical Indications has the power to remove the geographical indication or an authorised user from the register. Further, on application by an aggrieved person action can be taken.

How a geographical indication is different from a trade mark?

A trade mark is a sign which is used in the course of trade and it distinguishes goods or services of one enterprise from those of other enterprises. Whereas a geographical indication is an indication used to identify goods having special characteristics originating from a definite geographical territory.

Registration process

1. To access the application form, [click here](#) .
2. The applicants need to first check whether the indication comes within the ambit of the definition of a GI under section 2(1)(e).
3. The applicant must have an address for service in India. Generally, application can be filed by (1) a legal practitioner (2) a registered agent.
4. The fees for GI registration can be accessed at <https://ipindia.gov.in/fees-gi.htm> .
5. To view the detailed guidelines for application, [click here](#) .
6. **Track the status of application:** The status of all GI applications in India can be accessed at <https://search.ipindia.gov.in/GIRPublic/> .
7. Preliminary scrutiny and examination will be done by Examiners.
8. Every application, within three months of acceptance shall be published in the Geographical Indications Journal. Any person can file a notice of opposition within three months (extendable by another month on request which has to be filed before three months) opposing the GI application published in the Journal.

9. Where an application for a GI has been accepted, the registrar shall register the geographical indication. If registered the date of filing of the application shall be deemed to be the date of registration.

Source : Website of Office of the Controller General of Patents, Designs & Trade Marks, DIPP, Government of India 

<https://data.vikaspedia.in/short/lc?k=8eQgK9n8GwSyQcKOFjsrYg>

