

Geographical Indication

Introduction

- Generally, Geographical indications (GIs) are related with the culture, geography, traditions, heritage and traditional practices of peoples and countries.
- The quality and genuine products having distinct characteristics originating from a particular region, have over centuries created an impact on human civilization.
- These identifications became so important that these regions started specializing in producing these unique products, which led to identifying such goods as originating from a particular region.
- The concept of GIs as “collective intellectual property” and granted legal recognition as ‘**appellation of origin**’ and ‘**indication of source.**’

Appellation of Origin

- “**Appellation of Origin**” refers to a sign that indicates that a product originates in a specific geographic region only when the characteristic qualities of the product are due to the geographical environment, including natural and human factors.
- **Example:** if a good manufactured in India having goodwill that appellation protects such goodwill. If somebody else manufacturing goods in Canada and adds the appellation to call it ‘Made in India’; then it would be simply misuse of the Indian appellation.

Indication of Source

- **“Indication of Source”**, refers to an indication of the origin of the product from a place or country, such as “Made in India” or “Product of France” etc.
 - Such indications do not reflect the quality of the product, rather it merely shows its origin.
 - In other words, indication of source is considered as any expression or sign used to indicate that the goods and services originated in country, **region or locality** does not guarantee the character, quality and reputation related with such geographical indications.

Geographical Indications

- “**Geographical Indications**” as being used currently includes both the above concepts and it refers to "... indications which identify a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin."

Geographical Indications

- It defines “**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 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.

Geographical Indications

- “**Indication**” includes:
 - any name,
 - geographical or figurative representation
 - or any combination of them conveying or
 - suggesting the geographical origin of goods to which it applies.
- “**Goods**” means:
 - any agricultural,
 - natural or manufactured goods or
 - any goods of handicraft or
 - of industry and includes foodstuff.

Geographical Indications

- “**Producer**” in relation to goods, means any person who:
 - if such goods are agricultural goods, produces the goods and includes the person who processes or packages such goods;
 - if such goods are natural goods, exploits the goods;
 - if such goods are handicraft or industrial goods, makes or manufactures the goods,
 - and includes any person who trades or deals in such production, exploitation, making or manufacturing, as the case may be, of the goods.
- However, GIs are given to the producers or association of persons.

Why GI ?

- Intellectual property rights protecting products with qualities or reputation stemming from their place of origin.
- **Purpose:** To recognize and preserve unique product characteristics linked to geographic regions.
- **Example:** Darjeeling Tea, India - known globally for its distinctive aroma and taste, attributed to the Darjeeling region's specific geographic and climatic conditions.
- **Definition:** 'Indications, which identify goods as originating in the territory of a member country, or locality in that territory, where a given quality, reputation or other characteristics of the goods are essentially attributable to their geographical origin'.

Significance of GI

- **Cultural Heritage Preservation**

- GIs protect and promote regional craftsmanship and traditions, ensuring they're passed down through generations.
- **Example:** 'Assam Silk' embodies centuries-old weaving practices unique to Assam, India.

- **Economic Benefits for Local Communities**

- By commanding premium prices, GIs significantly contribute to the economic well-being of local communities.
- **Example:** 'Kolhapuri Chappal' not only supports artisans in Kolhapur but also elevates the region's economic status.

- **Consumer Trust and Quality Assurance**

- GIs serve as a mark of authenticity and quality, helping consumers make informed choices.
- **Example:** 'Champagne' guarantees the product's origin and adherence to stringent production standards

Example

- Agricultural Good



DARJEELING and ASSAM TEA

Example

- Agricultural Good



Alphonso / Dasheri / Langra Mango

Example

- Agricultural Good



Horticulture Products

Example

- Natural Goods



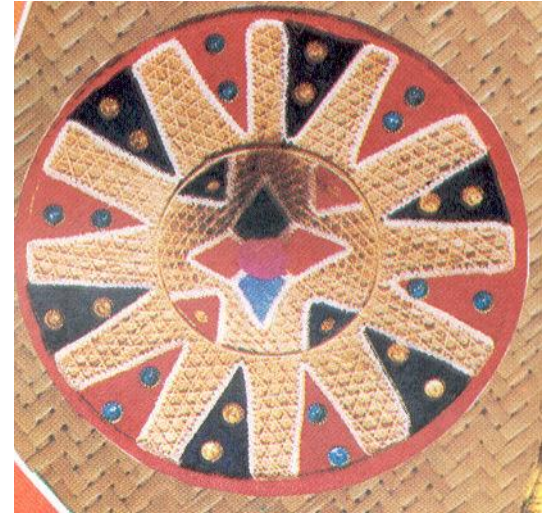
GOA IRON ORE

Example

- Handicrafts (Assam)



Asomiya Gamocha aru Jaapi



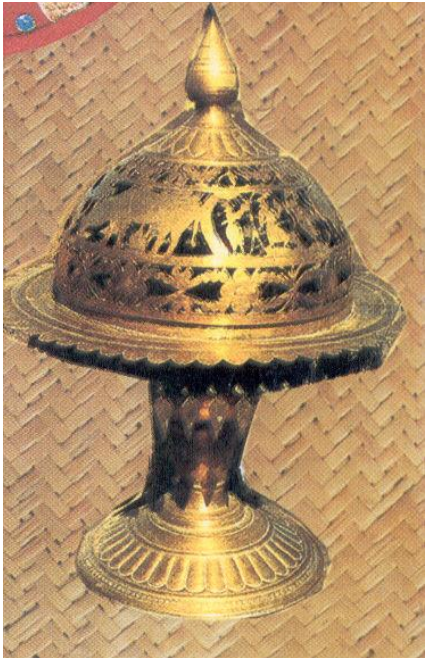
Japi



Assomiya Gohana

Example

- Handicrafts (Assam)



Sarai



Bamboo



Terracotta Work

Example



Paator Mekhela



Miri Dress



Muga

GI in Brief

- 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

Mechanism of GI

- Registration is not compulsory
- Valid for a period of 10 years
- Can be renewed continuously for further period of 10 years at each subsequent renewals
- If not renewed it is liable to be removed from the register
- Can not be assigned, transmitted, licensed, pledged, mortgaged.

GI Registration in India

- For the purpose of this Act, there shall be established a Registry which shall be known as the 'Geographical Indications Registry'.
- Accordingly, the Geographical Indications (GI) Registry was established in Chennai (Tamilnadu).
- The Controller-General of Patents, Design and Trademark is designated as the 'Registrar of Geographical Indications.'

GI Registration in India

- A copy of register of GI and other documents are kept under the control and management of the Registrar.
- A GI may be registered in respect of any or all of the goods, comprised in such class of goods as may be classified by the Registrar and in respect of a definite territory of a country, or a region or locality in that territory.
- The Registrar shall further classify the goods in accordance with the International Classification of Goods for the purpose of registration of geographical indications.

GI Registration in India

- The GI must fall within the scope of the definition of the expression “geographical indication”.
- In addition such a GI should not fall within the purview of prohibitions given as:
 - use of which would be likely to deceive or cause confusion, or contrary to any law for the time being in force;
 - comprises or contains scandalous or obscene matter;
 - comprises or contains any matter likely to hurt the religious susceptibilities;
 - determined to be generic names or indications of goods.
- A homonymous geographical Indications may be registered under this Act, if the Registrar is satisfied.

GI Registration in India

- Application for registration or any other documents may be filed directly in the GI Registry, Chennai,
- **Geographical Indications Registry, Intellectual Property Office Building, G.S.T. Road, Guindy, Chennai – 600032** having all-India Jurisdiction.
- Any association of persons or producers or any organization or authority established by or under any law representing the interest of the producers of the concerned goods may apply for registration of a Geographical Indication.

GI Registration in India

- Any such organization or association being not that of the producers may have to prove that they represent the interest of producers.
- An Indian application for the registration of a geographical indications can be made for single or multiple class.
- The Registrar may accept the GI Application absolutely or subject to such amendments, modification, conditions or limitations as he thinks fit.

GI Registration in India

- The Registrar of GI publishes all the GI Applications and authorized user applications in the Official GI Journal.
- The GI Journal is being published and is made available to the Public ordinarily in the first week of every month, through the Official Website.
- After advertisement of a Geographical Indication in the Geographical Indications Journal, any person may within three months oppose the registration of an application for GI.

GI Registration in India

- This period may be extended by a period, not exceeding one month, by making an application to the Registrar along with the prescribed fee.
- The entry of a geographical indication in the register shall specify the
 - date of filing of application,
 - the actual date of the registration,
 - the goods and the class in respect of which it is registered.

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