

GEOGRAPHICAL INDICATIONS

Sanjiv Singh Bhadauria
Asstt. Prof. Amity University
Gwalior, Madhya Pradesh

ABSTRACT

The protection of Geographical Indications (GIs) has, over the years, emerged as one of the most contentious intellectual property right (IPR) issues in the realm of the World Trade Organisation (WTO). It has gained more interest since its protection has been ensured multilaterally under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement of the World Trade Organisation. In this paper an attempt is made to discuss broader issues pertaining to the concept of Geographical Indication in Indian Legislation.

INTRODUCTION

The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) is an international agreement administered by the World Trade Organization (WTO) that sets down minimum standard for many forms of intellectual property (IP) regulation as applied to nationals of other WTO Members. It was negotiated in the 1986-94 Uruguay Round of the General Agreement on Tariffs and Trade (GATT), introduced intellectual property rules into the multilateral trading system for the first time. The Agreement on TRIPS aims at introducing fair trade by tackling the different standards prevalent worldwide for protection and implementation of Intellectual Property Rights (IPR) in the areas of Copyright, Trademarks, Trade Secrets, Industrial Designs, Integrated Circuits, Patents and Geographical Indications. The term Geographical Indication (GI) was used for the first time in international Intellectual Property laws in the TRIPS Agreement of the WTO, which came into force in 1995. A Geographical Indication (GI) identifies a good as originating in a delimited territory or region where a noted quality, reputation or other characteristic of the good is essentially attributable to its geographical origin and/or the human or natural factors there. GI registration is an indication that links the uniqueness of products towards the origin and thus, reduces the asymmetry of information between producer and consumer, ensuring market transparency, price stability and reduction in information costs. GIs can be used as an effective tool for ensuring the quality of the produce as well as developing brands for local agriculture products. The Geographical Indications of Goods (Registration and Protection) Act, 1999 passed by Indian Parliament in December 1999 seeks to provide for the registration and better protection of GIs relating to goods in India. A total of 295 products got GI registration till May 2017.

These product are:

REGISTRATION DETAILS OF GEOGRAPHICAL INDICATIONS

S. No	Application No.	Geographical Indications	Goods (As per Sec 2 (f) of GI Act 1999)	State
FROM APRIL 2004 – MARCH 2005				
1	1 & 2	Darjeeling Tea (word & logo)	Agricultural	West Bengal
2	3	Aranmula Kannadi	Handicraft	Kerala
3	4	Pochampalli Ikat	Handicraft	Andhra Pradesh
FROM APRIL 2005 – MARCH 2006				
4	5	Salem Fabric	Handicraft	Tamil Nadu
5	7	Chanderi Fabric	Handicraft	Madhya Pradesh

6	8	Solapur Chaddar	Handicraft	Maharashtra
7	9	Solapur Terry Towel	Handicraft	Maharashtra
8	10	Kotpad Handloom fabric	Handicraft	Odisha
9	11	Mysore Silk	Handicraft	Karnataka
10	12	Kota Doria	Handicraft	Rajasthan
11	13 & 18	Mysore Agarbathi	Manufactured	Karnataka
12	15	Kancheepuram Silk	Handicraft	Tamil Nadu
13	16	Bhavani Jamakkalam	Handicraft	Tamil Nadu
14	19	Kullu Shawl	Handicraft	Himachal Pradesh
15	20	Bidriware	Handicraft	Karnataka
16	21	Madurai Sungudi	Handicraft	Tamil Nadu
17	22	Orissa Ikat	Handicraft	Odisha
18	23	Channapatna Toys & Dolls	Handicraft	Karnataka
19	24	Mysore Rosewood Inlay	Handicraft	Karnataka
20	25	Kangra Tea	Agricultural	Himachal Pradesh
21	26	Coimbatore Wet Grinder	Manufactured	Tamil Nadu
22	28	Srikalahasthi Kalamkari	Handicraft	Andhra Pradesh
23	29	Mysore Sandalwood Oil	Manufactured	Karnataka
24	30	Mysore Sandal soap	Manufactured	Karnataka
25	31	Kasuti Embroidery	Handicraft	Karnataka
26	32	Mysore Traditional Paintings	Handicraft	Karnataka
27	33	Coorg Orange	Agricultural	Karnataka

FROM APRIL 2006 – MARCH 2007

28	34	Mysore Betel leaf	Agricultural	Karnataka
29	35	Nanjanagud Banana	Agricultural	Karnataka
30	37	Madhubani Paintings	Handicraft	Bihar

FROM APRIL 2007 – MARCH 2008

31	44	Kondapalli Bommallu	Handicraft	Andhra Pradesh
32	47	Thanjavur Paintings	Handicraft	Tamil Nadu
33	53	Silver Filigree of Karimnagar	Handicraft	Telangana
34	54	Alleppey Coir	Handicraft	Kerala
35	55	Muga Silk	Handicraft	Assam

36	65	Temple Jewellery of Nagercoil	Handicraft	Tamil Nadu
37	69	Mysore Jasmine	Agricultural	Karnataka
38	70	Udupi Jasmine	Agricultural	Karnataka
39	71	Hadagali Jasmine	Agricultural	Karnataka
40	17	Navara Rice	Agricultural	Kerala
41	36	Palakkadan Matta Rice	Agricultural	Kerala
42	63	Thanjavur Art Plate	Handicraft	Tamil Nadu
43	76	Ilkal Sarees	Handicraft	Karnataka
44	73	Applique – Khatwa Patch Work of Bihar	Handicraft	Bihar
45	74	Sujini Embroidery Work of Bihar	Handicraft	Bihar
46	75	Sikki Grass Work of Bihar	Handicraft	Bihar
47	49 & 56	Malabar Pepper	Agricultural	Kerala
48	50	Allahabad Surkha	Agricultural	Uttar Pradesh
49	52	Nakshi Kantha	Handicraft	West Bengal
50	60	Ganjifa cards of Mysore (Karnataka)	Handicraft	Karnataka
51	61	Navalgund Durries	Handicraft	Karnataka
52	62	Karnataka Bronze Ware	Handicraft	Karnataka
53	77	Molakalmuru Sarees	Handicraft	Karnataka
54	85	Monsooned Malabar Arabica Coffee	Agricultural	Karnataka
55	114	Monsooned Malabar Robusta Coffee	Agricultural	Karnataka
56	72	Spices – Alleppey Green Cardamom	Agricultural	Kerala
57	78	Coorg Green Cardamom	Agricultural	Karnataka

58	95	E. I. Leather	Manufactured	Tamil Nadu
59	94	Salem Silk known as Salem Venpattu	Handicraft	Tamil Nadu
60	93	Kovai Cora Cotton	Handicraft	Tamil Nadu
61	92	Arani Silk	Handicraft	Tamil Nadu
FROM APRIL 2008 – MARCH 2009				
62	83	Bastar Dhokra	Handicraft	Chattisgarh
63	84	Bastar Wooden Craft	Handicraft	Chattisgarh
64	91	Nirmal Toys and Craft	Handicraft	Telangana
65	59	Maddalam of Palakkad	Handicraft	Kerala

66	58	Screw Pine Craft of Kerala	Handicraft	Kerala
67	64	Swamimalai Bronze Icons	Handicraft	Tamil Nadu
68	82	Bastar Iron Craft	Handicraft	Chattisgarh
69	87	Konark Stone carving	Handicraft	Odisha
70	88	Orissa Pattachitra	Handicraft	Odisha
71	90	Machilipatnam Kalamkari	Handicraft	Andhra Pradesh
72	110	Eathomozhy Tall Coconut	Agricultural	Tamil Nadu
73	57	Brass Broidered Coconut Shell Crafts of Kerala	Handicraft	Kerala
74	66	Blue Pottery of Jaipur	Handicraft	Rajasthan
75	67	Molela Clay Work	Handicraft	Rajasthan
76	68	Kathputlis of Rajasthan	Handicraft	Rajasthan
77	97	Leather Toys of Indore	Handicraft	Madhya Pradesh
78	98	Bagh Prints of Madhya Pradesh	Handicraft	Madhya Pradesh
79	100	Sankheda Furniture	Handicraft	Gujarat
80	101	Agates of Cambay	Handicraft	Gujarat
81	102	Bell Metal Ware of Datia and Tikamgarh	Handicraft	Madhya Pradesh
82	103	Kutch Embroidery	Handicraft	Gujarat
83	51	Kani Shawl	Handicraft	Jammu & Kashmir
84	79	Chamba Rumal	Handicraft	Himachal Pradesh
85	80	Dharwad Pedha	Foodstuff	Karnataka
86	81	Pokkali Rice	Agricultural	Kerala
87	86 & 108	Pipli Applique Work	Handicraft	Odisha
88	89	Budiiti Bell & Brass Craft	Handicraft	Andhra Pradesh

89	96	Thanjavur Doll	Handicraft	Tamil Nadu
90	104	Santiniketan Leather Goods	Handicraft	West Bengal
91	105	Nirmal Furniture	Handicraft	Telangana
92	106	Nirmal Paintings	Handicraft	Telangana
93	107	Andhra Pradesh Leather Puppetry	Handicraft	Andhra Pradesh
94	111	Laxman Bhog Mango	Agricultural	West Bengal
95	112	Khirsapati (Himsagar) Mango	Agricultural	West Bengal
96	113	Fazli Mango grown in the district of Malda	Agricultural	West Bengal

97	46	Kashmir Pashmina	Handicraft	Jammu & Kashmir
98	48	Kashmir Sozani Craft	Handicraft	Jammu & Kashmir
99	109	Naga Mircha	Agricultural	Nagaland
100	116&117	Nilgiri(Orthodox) Logo	Agricultural	Tamil Nadu
101	115 &118	Assam (Orthodox) Logo	Agricultural	Assam
102	119	Lucknow Chikan Craft	Handicraft	Uttar Pradesh
103	124	Virupakshi Hill Banana	Agricultural	Tamil Nadu
104	126	Sirumalai Hill Banana	Agricultural	Tamil Nadu
105	120	Feni	Manufactured	Goa
106	122	Uppada Jamdani Sarees	Handicraft	Andhra Pradesh
FROM APRIL 2009 – MARCH 2010				
107	121	Tirupathi Laddu	Foodstuff	Andhra Pradesh
108	125	Mango Malihabadi Dusseheri	Agricultural	Uttar Pradesh
109	128	Puneri Pagadi	Handicraft	Maharashtra
110	99	Banaras Brocades and Sarees	Handicraft	Uttar Pradesh
111	127	Tangaliya Shawl	Handicraft	Gujarat
112	130 & 141	Vazhakulam Pineapple	Agricultural	Kerala
113	131	Devanahalli Pomello	Agricultural	Karnataka
114	132	Appemidi Mango	Agricultural	Karnataka
115	133	Kamalapur Red Banana	Agricultural	Karnataka
116	138	Santipore Saree	Handicraft	West Bengal
117	144	Cannanore Home Furnishings	Handicraft	Kerala
118	43	Peruvian Pisco	Manufactured	Peru

119	147	Sanganeri Hand Block Printing	Handicraft	Rajasthan
120	152	Balaramapuram Sarees and Fine Cotton Fabrics	Handicraft	Kerala
FROM APRIL 2010– MARCH 2011				
121	142	Bikaneri Bhujia	Food Stuff	Rajasthan
122	143	Guntur Sannam Chilli	Agricultural	Andhra Pradesh
123	123	Nashik Valley Wine	Manufactured	Maharashtra
124	137	Gadwal Sarees	Handicraft	Telangana

125	149	Kinnauri Shawl	Handicraft	Himachal Pradesh
126	170	Kasaragod Sarees	Handicraft	Kerala
127	179	Kuthampully Sarees	Handicraft	Kerala
128	134	Sandur Lambani Embroidery	Handicraft	Karnataka
129	148	Hand made Carpet of Bhadohi	Handicraft	Uttar Pradesh
130	150 & 153	Paithani Sarees and Fabrics	Handicraft	Maharashtra
131	154	Mahabaleshwar Strawberry	Agricultural	Maharashtra
132	193	Hyderabad Haleem	Food Stuff	Telangana
133	140	Champagne	Manufactured	France
134	146	Napa Valley	Manufactured	USA
135	163	Central Travancore Jaggery	Agricultural	Kerala
136	172	Champa Silk Saree and Fabrics	Handicraft	Chhattisgarh
137	186	Wayanad Jeerakasala Rice	Agricultural	Kerala
138	187	Wayanad Gandhakasala Rice	Agricultural	Kerala
139	191	Kota Doria (Logo)	Handicraft	Rajasthan
140	165	Nashik Grapes	Agricultural	Maharashtra
141	171	Surat Zari Craft	Handicraft	Gujarat
142	190	Cheriyal Paintings	Handicraft	Telangana
143	194	Pembarthi Metal Craft	Handicraft	Telangana
144	6	Payyannur Pavithra Ring	Handicraft	Kerala
145	27	Phulkari	Handicraft	Punjab, Haryana & Rajasthan
146	136	Khandua Saree and Fabrics	Handicraft	Odisha
147	129	Byadagi Chilli	Agricultural	Karnataka
148	151	Scotch Whisky	Manufactured	United Kingdom
149	164	Prosciutto di Parma	Food Stuff	Italy

FROM APRIL 2011 – MARCH 2012

150	183	Bagru Hand Block Print	Handicraft	Rajasthan
151	189	Venkatagiri Sarees	Handicraft	Andhra Pradesh
152	185	Gir Kesar Mango	Agricultural	Gujarat
153	192	Bhalia Wheat	Agricultural	Gujarat
154	201	Villianur Terracotta Works	66 Handicraft	Pondicherry

155	202	Tirukanur Papier Mache Craft	Handicraft	Pondicherry
156	230	Cognac	Manufactured	France
157	174	Kachchh Shawls	Handicraft	Gujarat
158	199	Udupi Mattu Gulla Brinjal	Agricultural	Karnataka
159	173	Baluchari Saree	Handicraft	West Bengal
160	176	Dhaniakhali Saree	Handicraft	West Bengal
161	181	Kashmir Paper Machie	Handicraft	Kashmir
162	182	Kashmir Walnut Wood Carving	Handicraft	Kashmir
163	203	Bobbile Veena	Handicraft	Andhra Pradesh
164	204	Khatamband	Handicraft	Kashmir
165	213	Kinhal Toys	Handicraft	Karnataka
166	225	Chendamangalam Dhoties & Set Mundu	Handicraft	Kerala
167	226	Porto	Manufactured	Portugal
168	227	Douro	Manufactured	Portugal
169	167	Gopalpur Tussar Fabrics	Handicraft	Odisha
170	188	Siddipet Gollabama	Handicraft	Telangana
171	228	Ganjam Kewda Rooh	Agricultural	Odisha
172	229	Ganjam Kewda Flower	Agricultural	Odisha
FROM APRIL 2012 – MARCH 2013				
173	197	Maheshwar Sarees & Fabrics	Handicraft	Madhya Pradesh
174	207	Dhalapathar Parda & Fabrics	Handicraft	Odisha
175	208	Sambalpuri Bandha Saree & Fabrics	Handicraft	Odisha
176	217	Bomkai Saree & Fabrics	Handicraft	Odisha
177	219	Habaspuri Saree & Fabrics	Handicraft	Odisha
178	220	Berhampur Patta (Phoda Kumbha) Saree & Joda	Handicraft	Odisha
179	180	Bhagalpur Silk	Handicraft	Bihar

180	198	Mangalagiri Sarees and Fabrics	Handicraft	Andhra Pradesh
181	238	Madurai Malli	Agricultural	Tamil Nadu
182	243	Tequila	Manufactured	Mexico
183	195	“Pattamadai Pai (‘Pattamadai Mat’)”	Handicraft	Tamil Nadu
184	196	“Nachiarkoil Kuthuvilakku (‘Nachiarkoil Lamp’)”	Handicraft	Tamil Nadu

185	200	Chettinad Kottan	Handicraft	Tamil Nadu
186	214	Narayanpet Handloom Sarees	Handicraft	Telangana
187	135	Toda Embroidery	Handicraft	Tamil Nadu
188	209	Thanjavur Veenai	Handicraft	Tamil Nadu
189	211	Bangalore Blue Grapes	Agricultural	Karnataka
190	233	Agra Durrie	Handicraft	Uttar Pradesh
191	234	Farrukhabad Prints	Handicraft	Uttar Pradesh
192	236	Lucknow Zardozi	Handicraft	Uttar Pradesh
193	237	Banaras Brocades and Sarees (Logo)	Handicraft	Uttar Pradesh
FROM APRIL 2013 – MARCH 2014				
194	205	Kalanamak Rice	Agricultural	Uttar Pradesh
195	232	Patan Patola	Handicraft	Gujarat
196	386	Orissa Pattachitra (Logo)	Textile	Odisha
197	387	Bastar Dhokra (Logo)	Handicraft	Chhattisgarh
198	388	Bell Metal Ware of Datia and Tikamgarh (Logo)	Handicraft	Madhya Pradesh
199	242	Kaipad Rice	Agricultural	Kerala
200	383	Kullu Shawl (Logo)	Textile	Himachal Pradesh
201	384	Muga Silk of Assam (Logo)	Handicraft	Assam
202	155	Firozabad Glass	Handicraft	Uttar Pradesh
203	157	Kannauj Perfume	Manufactured	Uttar Pradesh
204	159	Kanpur Saddlery	Manufactured	Uttar Pradesh
205	161	Moradabad Metal Craft	Handicraft	Uttar Pradesh
206	184	Saharanpur Wood Craft	Handicraft	Uttar Pradesh
207	215	Dharmavaram Handloom Pattu Sarees and Paavadas	Textile	Andhra Pradesh
208	239	Warli Painting	Handicraft	Maharashtra
209	240	Kolhapur Jaggery	Agricultural	Maharashtra
210	244	Thewa Art Work	Handicraft	Rajasthan
211	371	Shaphee Lanphee	Textile	Manipur
212	372	Wangkhei Phee	Textile	Manipur
213	373	Moirang Phee	66 Textile	Manipur
214	381	Kangra Paintings	Handicraft	Himachal Pradesh

215	385	Nagpur Orange	Agricultural	Maharashtra
FROM APRIL 2014 – MARCH 2015				
216	399	Leather Toys of Indore (Logo)	Handicraft	Madhya Pradesh
217	212	Bangalore Rose Onion	Agricultural	Karnataka
218	389	Meerut Scissors	Manufactured	Uttar Pradesh
219	178	Khurja Pottery	Handicraft	Uttar Pradesh
220	374	Naga Tree Tomato	Agricultural	Nagaland
221	375	Arunachal Orange	Agricultural	Arunachal Pradesh
222	376	Sikkim Large Cardamom	Agricultural	Sikkim
223	377	Mizo Chilli	Agricultural	Mizoram
224	382	Joynagar Moa	Food Stuff	West Bengal
225	397	Banaras Gulabi Meenakari Craft	Handicraft	Uttar Pradesh
226	435	Assam Karbi Anglong Ginger	Agricultural	Assam
227	436	Tripura Queen Pineapple	Agricultural	Tripura
228	479	Chengalikodan Nendran Banana	Agricultural	Kerala
229	434	Ratlam Sev	Food Stuff	Madhya Pradesh
230	438	Tezpur Litchi	Agricultural	Assam
231	465	Khasi Mandarin	Agricultural	Meghalaya
232	466	Kachai Lemon	Agricultural	Manipur
233	405	Makrana Marble	Natural Goods	Rajasthan
234	457	Varanasi Wooden Lacquerware & Toys	Handicraft	Uttar Pradesh
235	458	Mirzapur Handmade Dari	Handicraft	Uttar Pradesh
FROM APRIL 2015 – MARCH 2016				
236	437	Memong Narang	Agricultural	Meghalaya
237	459	Nizamabad Black Pottery	Handicrafts	Uttar Pradesh
238	145	Basmati	Agricultural	The entire states of Punjab, Haryana, Delhi, Himachal Pradesh, Uttarakhand, and parts of western Uttar Pradesh and Jammu & Kashmir.
239	505	Bagh Prints of Madhya Pradesh (Logo)	Handicrafts	Madhya Pradesh
240	507	Sankheda Furniture (Logo)	Handicrafts	Gujarat
241	509	Kutch Embroidery (Logo)	Handicrafts	Gujarat
242	510	Karnataka Bronzeware (Logo)	67 Handicrafts	Karnataka
243	511	Ganjifa Cards of Mysore (Logo)	Handicrafts	Karnataka

244	512	Navalgund Durries (Logo)	Handicrafts	Karnataka
245	513	Thanjavur Art Plate (Logo)	Handicrafts	Tamil Nadu
246	514	Swamimalai Bronze Icons (Logo)	Handicrafts	Tamil Nadu
247	515	Temple Jewellery of Nagercoil (Logo)	Handicrafts	Tamil Nadu
248	470	Ajara Ghansal Rice	Agricultural	Maharashtra
249	472	Mangalwedha Jowar	Agricultural	Maharashtra
250	474	Sindhudurg & Ratnagiri Kokum	Agricultural	Maharashtra
251	508	Agates of Cambay (Logo)	Handicrafts	Gujarat
252	210	Guledgudd Khana	Handicrafts	Karnataka
253	224	Udupi Sarees	Handicrafts	Karnataka
254	402	Kuthampally Dhoties & Set Mundu	Handicrafts	Kerala
255	476	Waghya Ghevada	Agricultural	Maharashtra
256	477	Navapur Tur Dal	Agricultural	Maharashtra
257	489	Vengurla Cashew	Agricultural	Maharashtra
258	491	Lasalgaon Onion	Agricultural	Maharashtra
259	516	Maddalam of Palakkad (Logo)	Handicrafts	Kerala
260	517	Brass Broidered Coconut Shell Craft of Kerala (Logo)	Handicrafts	Kerala
261	518	Screw Pine Craft of Kerala (Logo)	Handicrafts	Kerala
FROM APRIL 2016 – March 2017				
262	490	Sangli Raisins	Agricultural	Maharashtra
263	351	Parmigiano Reggiano	Food Stuff	Italy
264	398	Banaras Metal Repouse Craft	Handicrafts	Uttar Pradesh
265	494	Beed Custard Apple	Agricultural	Maharashtra
266	495	Jalna Sweet Orange	Agricultural	Maharashtra
267	520	Uttarakhand Tejpat	Agricultural	Uttarakhand
268	471	Waigaon Turmeric	Agricultural	Maharashtra

269	500	Purandar Fig	Agricultural	Maharashtra
270	501	Jalgaon Brinjal	Agricultural	Maharashtra
271	502	Solapur Pomegranate	Agricultural	Maharashtra
272	527	Kashmiri Hand Knotted Carpet	⁶⁷ Handicrafts	Jammu & Kashmir
273	221	Jamnagari Bandhani	Handicrafts	Gujarat

274	503	Prosecco	Manufactured	Italy
275	532	Mysore Silk (Logo)	Handicrafts	Karnataka
276	177	Varanasi Glass beads	Handicrafts	Uttar Pradesh
277	349	Asiago	Food Stuff	Italy
278	473	Bhiwapur Chilli	Agricultural	Maharashtra
279	478	Ambemohar Rice	Agricultural	Maharashtra
280	493	Dahanu Gholvad Chikoo	Agricultural	Maharashtra
281	498	Jalgaon Banana	Agricultural	Maharashtra
282	499	Marathwada Kesar Mango	Agricultural	Maharashtra
283	300	Karvath Kati Sarees & Fabrics	Handicrafts	Maharashtra
284	537	Applique (Khatwa) Work of Bihar (Logo)	Handicrafts	Bihar
285	539	Molela Clay Work (Logo)	Handicrafts	Rajasthan
286	433	Bandar Laddu	Food Stuff	Andhra Pradesh
287	439	Joha Rice of Assam	Agricultural	Assam
288	522	Udayagiri Wooden Cutlery	Handicrafts	Andhra Pradesh
289	525	Bardhaman Sitabhog	Food Stuff	West Bengal
290	526	Bardhaman Mihidana	Food Stuff	West Bengal
291	536	Sikki Grass Products of Bihar (Logo)	Handicrafts	Bihar
292	538	Sujini Embroidery Work of Bihar(Logo)	Handicrafts	Bihar
293	540	Blue Pottery of Jaipur (Logo)	Handicrafts	Rajasthan
294	541	Kathputlis of Rajasthan (Logo)	Handicrafts	Rajasthan
FROM APRIL 2017 – Till date				
295	241	Banaganapalle Mangoes	Agricultural	Andhra Pradesh

Under Geographical Indications of Goods (Registration and Protection) Act, 1999, the product is registered by following various steps. These are :

STEP 1 : Filing of application

Check whether the indication comes within the ambit of the definition of a GI under section 2(1)(e).

The association of persons or producers or any organization or authority should represent the interest of producers of the concerned goods and should file an affidavit how the applicant claims to represent their interest.

- Application must be made in triplicate.

- The application shall be signed by the applicant or his agent and must be accompanied by a statement of case.
- Details of the special characteristics and how those standards are maintained.
- Three certified copies of the map of the region to which the GI relates.
- Details of the inspection structure if any to regulate the use of the GI in the territory to which it relates.
- Give details of all the applicant together with address. If there is a large number of producers a collective reference to all the producers of the goods may be made in the application and the G.I., If registered will be indicated accordingly in the register.

Sent application to the following address in India

Geographical Indications Registry
Intellectual Property Office Building
Industrial Estate, G.S.T Road
Guindy, Chennai – 600 032
Phone: 044 – 22502091-93 & 98
Fax: 044 – 22502090
E-mail: gir-ipo@nic.in
Website: ipindia.gov.in

The applicant must have an address for service in India. Generally, application can be filed by (1) a legal practitioner (2) a registered agent.

STEP 2 and 3: Preliminary scrutiny and examination

- The Examiner will scrutinize the application for any deficiencies.
- The applicant should within one month of the communication in this regard, remedy the same.
- The content of statement of case is assessed by a consultative group of experts will versed on the subject.
- The will ascertain the correctness of particulars furnished.
- Thereafter an Examination Report would be issued.

STEP 4: Show cause notice

- If the Registrar has any objection to the application, he will communicate such objection.
- The applicant must respond within two months or apply for a hearing.
- The decision will be duly communicated. If the applicant wishes to appeal, he may within one month make a request.
- The Registrar is also empowered to withdraw an application, if it is accepted in error, after giving on opportunity of being heard.

STEP 5: Publication in the geographical indications Journal

Every application, within three months of acceptance shall be published in the Geographical Indications Journal.

STEP 6: Opposition to Registration

- 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.
- The registrar shall serve a copy of the notice on the applicant.
- Within two months the applicant shall sent a copy of the counter statement.
- If he does not do this he shall be deemed to have abandoned his application. Where the counter-statement has been filed, the registrar shall serve a copy on the person giving the notice of opposition.
- Thereafter, both sides will lead their respective evidences by way of affidavit and supporting documents.
- A date for hearing of the case will be fixed thereafter.

STEP 7: Registration

- 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.
- The registrar shall issue to the applicant a certificate with the seal of the Geographical indications registry.

67

STEP 8: Renewal

A registered GI shall be valid for 10 years and can be renewed on payment of renewal fee.

STEP 9: Additional protection to notified goods

Additional protection for notified goods is provided in the Act.

STEP 10: Appeal

Any person aggrieved by an order or decision may prefer an appeal to the intellectual property appellate board (IPAB) within three months. The address of the IPAB is as follows:

Intellectual Property Appellate Board
Annexe 1, 2 nd Floor, Guna Complex,
443, Anna Salai, Chennai – 600 018

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.”

Additional protection to certain goods

- An application may be made to the registrar in respect of goods notified by the central Government for additional protection for a registered geographical indication in Form GI-9 accompanied in triplicate along with a statement of case and shall be accompanied with the copy of the notification issued.
- The application shall be made jointly by the registered proprietor of the Geographical indications in India and by all the producers of the Geographical indication.

Affidavits

- The Affidavits required by the Act and the rules to be filed at the Geographical indications Registry or furnished to the Registrar, unless otherwise provided in the matter or matters to which they relate, paragraphs consecutively numbered, and each paragraph shall as far as practicable be confined to one subject. Every affidavit shall state the description and the true place of abode of the person filing it and shall state on whose behalf it is filed.
- Affidavits shall be taken
 - In India-before any court or person having by law authority to receive evidence, or before any officer empowered by such court as aforesaid to administer oaths or to take affidavit,
 - in any country or place outside India before a diplomatic or consular Officers (Oaths and Fee) Act, 1948, or such country or place, or before a notary public or before a judge or magistrate of the country or place.
- Where the deponent is illiterate blind or unacquainted with the language in which the affidavit is written a certificate by the person taking the affidavit that the affidavit has read translated or explained in his presence to the deponent made his signature or mark in his presence shall appear in the jurat.
- Every affidavit filed before the Registrar in connection with any of the proceedings under the Act or the rules shall be duly stamped under the law for the time being in force.

Inspection of Documents by the Public

- The documents mentioned in sub-section (1) of section 78 shall be available for inspection at the Head Office of the Geographical indications registry.

- A copy of the register and such of the other documents mentioned in section 78, as the Central Government may by inspection at each branch office of the Geographical Indications Registry as and when established.
- The inspection shall be an payment of the prescribed free and at such times on all the days on which the offices of the Geographical Indications Registry are not closed to the public as may be fixed by the registrar.
- Distribution of copies of journal and other documents. The Central Government may direct the Registrar to distribute the necessary to such places as may be fixed by the Central Government in consultation with the State Government and notified form time to time in the Official Gazette.

As per Geographical Indications of Goods (Registration And Protection) Act, 1999 The Fourth Schedule Classify the goods into 34 classes.

- Class 1.** Chemical used in industry, science, photography, agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesive used in industry
- Class 2.** Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordents; raw natural resins; metals in foil and powder form for painters; decorators; printers and artists
- Class 3.** Bleaching preparations and other substances for laundry use; cleaning; polishing; scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions, dentifrices
- Class 4.** Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels(including motor spirit) and illuminants; candles, wicks
- Class 5.** Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax; disinfectants; preparation for destroying vermin; fungicides, herbicides
- Class 6.** Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores
- Class 7.** Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs
- Class 8.** Hand tools and implements (hand-operated); cutlery; side arms; razors
- Class 9.** Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus
- Class 10.** Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials
- Class 11.** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying ventilating, water supply and sanitary purposes
- Class 12.** Vehicles; apparatus for locomotion by land, air or water
- Class 13.** Firearms; ammunition and projectiles; explosives; fire works.

- Class 14.** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and other chronometric instruments
- Class 15.** Musical instruments
- Class 16.** Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks
- Class 17.** Rubber, gutta percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal
- Class 18.** Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides, trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery
- Class 19.** Building materials, (non-metallic), non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
- Class 20.** Furniture, mirrors, picture frames; goods(not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerscham and substitutes for all these materials, or of plastics
- Class 21.** Household or kitchen utensils and containers(not of precious metal or coated therewith); combs and sponges; brushes(except paints brushes); brush making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes
- Class 22.** Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes) padding and stuffing materials(except of rubber or plastics); raw fibrous textile materials
- Class 23.** Yarns and threads, for textile use
- Class 24.** Textiles and textile goods, not included in other classes; bed and table covers.
- Class 25.** Clothing, footwear, headgear
- Class 26.** Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers
- Class 27.** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings(non-textile)
- Class 28.** Games and playthings, gymnastic and sporting articles not included in other classes; decorations for Christmas trees
- Class 29.** Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats
- Class 30.** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces, (condiments); spices; ice
- Class 31.** Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt

- Class 32.** Beers, mineral and aerated waters, and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages
- Class 33.** Alcoholic beverages(except beers)
- Class 34.** Tobacco, smokers ' articles, matches

CONCLUDING REMARKS

Undoubtedly, Geographical Indications is a milestone in the era of Intellectual Property Rights but due to unawareness of Geographical Indications and its importance, most of the producers as well as consumers do not get the benefits of it. Moreover till date only 295 products are registered in the registry of GI which is very less as compare to the potential of the country.

REFERENCES

- Allami, Abul Fazal. (1994). *The Ain-i-Akbari*. translated by H. Blochmann. Vols 1-3, Delhi.
- Amr. (2012). *Top 10 Geographical Indicators of India*.
- *Economic Survey (2014-15)*. Government of Jammu and Kashmir.
- *Economic Survey (2014-15)*. Government of India.
- Kansal, Rajeev (2009). *Globalization and its impact on Small Scale Industries in India*. PCMA Journal of Business, Vol. 1, No. 2, June, Pp. 135-146.
- Das, K. (2006). *International Protection of India's Geographical Indications with Special Reference to "Darjeeling" Tea* Vols. The Journal of Word Intellectual Property 9(5), Centre for Trade and Development (CENTAD), New Delhi.
- *Kashmir: Poetry of Nature*. (2002). First Edition, pp 7-31. Kashmir News Network.
- Mathew, M. (2004). *Small Industry and Globalization*. Vol. XXXIX, No. 20, Economic and Political Weekly.
- Mathur, V. (2005). *WTO and India*. New Century Publications, New Delhi.
- Sanjiv Singh. (2015). *Determinants Influencing Adoption of Geographical Indication Certification: The Case of Kashmir Pashmina in J&K*. Paper: One Day Regional Seminar on Economic Issues in J&K, 6th May 2015, Department of Economics, Udhampur Campus University of Jammu.
- Sanjiv Singh. (2015). *Impact of WTO on Foreign Trade in India*. NMIJMS, Vol.11 Issue 11.
- www.ipindia.nic.in