



## GEOGRAPHICAL INDICATION

### Geographical Indication: Eligibility, Objectives and Registration Procedure

Most of us have heard of products such as champagne, Darjeeling Tea, Mysore Silk, and Scotch, and they all have one thing in common:

- They are all linked to a specific geographical region that serves as a source of origin for these goods;
- As a result, these geographical regions also serve as authentication for quality and specific unique characteristics that these goods possess due to their geographical origin.

#### ***Brief Timeline of What you would get to know about the term “Geographical Indication”:***

1. What do you mean by the term Geographical Indication?
2. What are the major Objectives of Geographical Indication and their importance?
3. Who is Eligible to Apply for Geographical Indication?
4. How to fill the Geographical Indication Application and its Contents?
5. A Prohibition from Registration.

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## **Definition: Geographical Indication**

Concerning goods, a "geographical indication" is an indicator that identifies goods such as agricultural goods, natural goods, or manufactured goods as originating or created in the territory of a country or a region. A region or locality within that territory where a particular quality, reputation, or another attribute of such items is essentially attributable to its geographical origin, and in the case of manufactured items, one might attribute it to its manufacturing process. The majority of the operations related to the manufacture, processing, or preparation of the items in question take place in as the case may be, such territory, region, or locality.

*A Geographical Indication indicates that some commodities originated in or are created in a specific region. Champagne is a typical example of an international Geographical Indication. The goods can be natural, manufactured, or agricultural. Gir Kesar Mango, Bhalia wheat, Kinhal Toys, Nashik Valley wine, Monsoon Malabar Arabica Coffee, Malabar Pepper, Alleppy Green Cardamom, and Nilgiris (Orthodox) Tea are among the commodities that have recently been accorded Geographical Indication designation by the Indian government. Darjeeling Tea, Mysore Silk, Paithani Sarees, Kota Masuria, Kolhapuri Chappals, Bikaneri Bhujia, and Agra Petha are a few other examples.*

*Each of the aforementioned commodities, which have been accorded Geographical Indication status, has unique characteristics relating to their respective regions. Monsoon Malabar coffee, for example, has a yellowish tinge from exposure to the sea winds for roughly six months of the year. Thalassery and other northern areas of Kerala are the only places where Malabar pepper is grown. Its dark brown peppercorns are larger than regular black peppercorns. It is the most aromatic and spicy pepper, as well as the most complex, balanced, and graceful.*

## **The Geographical Indication Act, 1999 and its objectives**

The three goals of the G.I. Act of 1999 are as follows:

- Its purpose is to prevent unauthorized Person from exploiting geographical indicators and to safeguard customers from being duped.

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- In India, there is a specific regulation governing the geographical identification of commodities that may adequately address the concerns of those who produce such goods, and
- Exports of goods carrying the Indian Geographical Indication to be encouraged and promoted.

## The Importance of Registering Geographical Indications

- As a result of this identification, the product gains a global reputation and goodwill, resulting in premium prices in national and worldwide markets.
- The recognition of a particular commodity as a Geographical Indication also confers the right to protection under the Geographical Indication Act, 1999, banning any third party from illegally using the GI-registered commodity.
- Geographical Indication registration supports community ownership, which aids in the equitable sharing of the economic benefits derived from the commodity's commercialization among a larger group of people in that territory.

## Who is eligible to apply for G.I.?

- ❖ A geographical indicator can be registered by any union of persons or producers, or any organization or authority established by or under any law representing the concern of the producers of the concerned commodities.
- ❖ Any person who is claiming to be the producer of a specific good may apply for registration as an authorized user of a registered geographical indicator in writing, and the registered proprietor of the said G.I. may apply collectively.
- ❖ In the G.I. Act, the term "producer" refers to a person who creates something:
  - anyone who provides the goods in the case of agricultural goods, including the person who prepares or packages the goods;
  - anyone who exploits the goods in the case of natural goods;
  - anyone who creates or produces/Manufacture handcraft or industrial goods,

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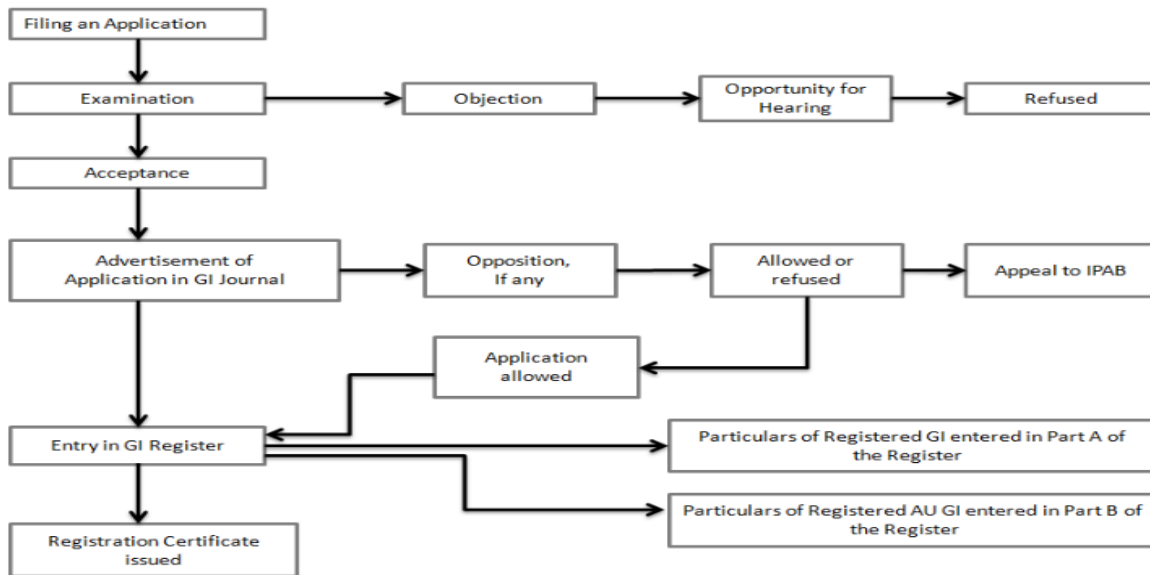
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- anyone who deals or trades in such production, exploitation, making, or manufacturing of the goods.

## Application Process:



S.No.	Form Number	Particulars
1	G.I. - 1(A)	For single class registration
2	G.I. - 1(B)	For single class registration (Convention Country)
3	G.I. - 1(C)	For the registration of a geographical indication in one application for goods falling in different classes
4	G.I. - 1(D)	For the registration of a geographical indication in one application for goods falling in different classes (Convention Country)

- If necessary, a Power of Attorney need to be filed as well.
- An application must be signed by the applicant or their agent.

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## **Application's content**

The following prerequisites and instructions for processing a G.I. application should be included in the application:

- ✓ A statement as to how the geographical indicator aids in the identification of items as being from a specific region of the country or territory;
- ✓ supplying a geographical map showing the location or region where items are manufactured;
- ✓ The several types of commodities;
- ✓ Producers' information;
- ✓ An affidavit detailing the applicant's claim to ownership of the G.I. ;
- ✓ The G.I.'s utilisation or other attributes are measured against a set of benchmarks.
- ✓ The specifics of one-of-a-kind characteristics;
- ✓ The suggested boundary's written description;
- ✓ The growth characteristics of the G.I. that are significant to the application;
- ✓ three certified copies of the territory's, regions, or locality's map;
- ✓ Details about any specific human skill related to the person;
- ✓ location and complete name of the organization and person's association;
- ✓ Several producers;
- ✓ and, if applicable, details of examination structures for monitoring G.I. use [Rule32].

## **Registration timeframe**

A registered geographical designation has a *ten-year* validity period and can be renewed at any time by paying the renewal fee for the further period of ten years from the date of expiration of original registration.

## **Registration of some geographical indications is prohibited.**

The G.I. must fit within the scope of the definition of "geographical indication" outlined in Section 2 (1) (e) of the G.I. Act to be registered. Furthermore, such a G.I. should not be subject to the prohibitions listed in Section 9, which are as follows:

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- which has the potential to deceive or confuse; or
- whose application will violate any law in effect at the time; or
- which comprises or includes shady or unpleasant matter; or
- which contains or constitutes any element that is likely to offend the religious sensibilities of any group or community of Indian citizens; or
- which, on the other hand, will not be legally protected in a court; or
- which have been confirmed to be nonexclusive names or indications of goods and, as a result, are not or no longer guarded in their country of origin, or have fallen out of use in that nation; or
- Which, despite belonging to a different territory, region, or locality from which the goods come, falsely represents to the public that the goods originate in a different territory, area, or place, as the case may be.

## **Conclusion**

Even though agriculture contributes around 18% of India's GDP, the country remains an agricultural economy. However, over 60% of India's population is still employed in the agricultural sector. That is why it is critical to have a law like the G.I. Act, 1999, and to make it even stronger and better to protect farmers' rights and prevent farmers and agricultural workers from being exploited.

It would be injustice to say that the Geographical Indication tag would only a godsend to farmers in India, trading and dealing with the other countries has also increasing day by day and these tags helps us to prevent such goods from unauthorized use as well.