Government of India

GEOGRAPHICAL INDICATIONS JOURNAL

Geographical Indications Registry,
Intellectual Property Rights Building,
G.S.T. Road, Guindy, Chennai - 600 032.
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OFFICIAL NOTICES

Sub: Notice is given under Rule 41(1) of Geographical Indications of Goods (Registration & Protection) Rules, 2002.

1. As per the requirement of Rule 41(1) it is informed that the issue of Journal 74 of the Geographical Indications Journal dated 04\textsuperscript{th} November 2015 / Kartika 13\textsuperscript{th}, Saka 1936 has been made available to the public from 04\textsuperscript{th} November 2015.
# NEW G.I APPLICATION DETAILS

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PUBLIC NOTICE

No.GIR/CG/JNL/2010 Dated 26th February, 2010

WHEREAS Rule 38(2) of Geographical Indications of Goods (Registration and Protection) Rules, 2002 provides as follows:

“The Registrar may after notification in the Journal put the published Geographical Indications Journal on the internet, website or any other electronic media.”

Now therefore, with effect from 1st April, 2010, The Geographical Indications Journal will be Published and hosted in the IPO official website www.ipindia.nic.in free of charge. Accordingly, sale of Hard Copy and CD-ROM of GI Journal will be discontinued with effect from 1st April, 2010.

Registrar of Geographical Indications
G.I. APPLICATION NUMBER - 243
Application Date: 26-09-2011

Application is made by CONSEJO REGULADOR DEL TEQUILA, A.C. Avenida Patria 723, Jardines de Guadalupe, 45030, Zapopan, Jalisco, Mexico for Registration in Part-A of the Register of TEQUILA under Application No: 243 in respect of Alcoholic Beverages (Spirits) falling in Class – 33 is hereby advertised to incorporate the amendments in the Registered Geographical Indications under Section 29 (2) of Geographical Indications of Goods (Registration and Protection) Act, 1999.

A) Name of the Applicant : CONSEJO REGULADOR DEL TEQUILA, A.C

B) Address : CONSEJO REGULADOR DEL TEQUILA, A.C.
Avenida Patria 723, Jardines de Guadalupe, 45030, Zapopan, Jalisco, Mexico

Address for service in India:
M/s. Anand & Anand,
Advocates, Flat No. GA, AR Villa, New No. 31, III Main Road,
Gandhi Nagar, Adyar, Chennai – 600020, Tamil Nadu, India

C) Type of Goods : Class– 33 – Alcoholic Beverages (Spirits)

D) Specification :

1. “Tequila” is a regional alcoholic beverage of Mexico which is prepared by the fermentation and distillation of the juices and pulp extracted from the hearts of the Agave tequilana weber blue variety plant.

2. Agave is the plant from the Agavaceas family, with long, fibrous, lanceolate leaves of a bluish color, the heart or head of which, is the usable part in the manufacture of Tequila. The only species allowed for the purposes of the NOM 006-SCFI-2012 (Norma Official Mexicana- Official Mexican Standard) is the tequilana weber blue variety, which is grown and harvested only within the territory specified in the Declaration.

3. The extracted material, derived from the heart of tequilana weber blue variety Agave, previously or subsequently hydrolyzed or cooked, and subjected to alcoholic fermentation with cultivated or uncultivated yeasts,

4. The “mostos” or “musts” may be enhanced and blended together before fermentation with other sugars up to a proportion no greater than 49% of total reducing sugars expressed in units of mass, with the understanding that cold mixing is not permitted.

5. There are two categories of Tequila – namely Tequila and 100% Tequila. Each of these categories has five classes namely, Blanco or Plata (Silver or White Tequila), Joven or Oro (Young or Gold Tequila), Reposado (Aged Tequila), Añejo (Extra-aged Tequila) and Extra Añejo (Ultra-aged Tequila.)
PHYSICAL AND CHEMICAL SPECIFICATIONS OF TEQUILA:

<table>
<thead>
<tr>
<th>PARAMETERS</th>
<th>Silver Tequila</th>
<th>Gold Tequila</th>
<th>Aged Tequila</th>
<th>Extra aged Tequila</th>
<th>Ultra aged Tequila</th>
<th>Test method based on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>MI N X</td>
<td>MI N X</td>
<td>MI N X</td>
<td>MI N X</td>
<td>MI N X</td>
<td>MI N X</td>
<td>(I)</td>
</tr>
<tr>
<td>Alcohol Content at 293 K (20 °C) (% Alc. Vol.)</td>
<td>35 55</td>
<td>35 55</td>
<td>35 55</td>
<td>35 55</td>
<td>35 55</td>
<td>NMX-V-013-NORMEX</td>
</tr>
<tr>
<td>Dry Extract (g/l)</td>
<td>0 0.30</td>
<td>0 5</td>
<td>0 5</td>
<td>0 5</td>
<td>0 5</td>
<td>NMX-V-017-NORMEX</td>
</tr>
</tbody>
</table>

Values expressed in mg/100 ml of Absolute (Anhydrous) Alcohol

<table>
<thead>
<tr>
<th>Alcohol</th>
<th>Silver Tequila</th>
<th>Gold Tequila</th>
<th>Aged Tequila</th>
<th>Extra aged Tequila</th>
<th>Ultra aged Tequila</th>
<th>Test method based on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>MI N X</td>
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<td>MI N X</td>
<td>MI N X</td>
<td>MI N X</td>
<td>MI N X</td>
<td>(I)</td>
</tr>
<tr>
<td>Higher Alcohols (alcohols with molecular weight higher than ethyl alcohol or fusel oil) (E.g. Amyl Alcohol)</td>
<td>20 500</td>
<td>20 500</td>
<td>20 500</td>
<td>20 500</td>
<td>20 500</td>
<td>NMX-V-005-NORMEX</td>
</tr>
<tr>
<td>Methanol (2)</td>
<td>30 300</td>
<td>30 300</td>
<td>30 300</td>
<td>30 300</td>
<td>30 300</td>
<td>NMX-V-005-NORMEX</td>
</tr>
<tr>
<td>Aldehydes (such as acetaldehyde)</td>
<td>0 40</td>
<td>0 40</td>
<td>0 40</td>
<td>0 40</td>
<td>0 40</td>
<td>NMX-V-005-NORMEX</td>
</tr>
<tr>
<td>Esters (such as ethyl acetate)</td>
<td>2 200</td>
<td>2 200</td>
<td>2 250</td>
<td>2 250</td>
<td>2 250</td>
<td>NMX-V-005-NORMEX</td>
</tr>
<tr>
<td>Furfural</td>
<td>0 4</td>
<td>0 4</td>
<td>0 4</td>
<td>0 4</td>
<td>0 4</td>
<td>NMX-V-005-NORMEX</td>
</tr>
</tbody>
</table>

When Silver Tequila (Blanco), Gold Tequila (Joven or Oro), Aged Tequila (Reposado), Extra-Aged Tequila (Añejo) or Ultra-Aged Tequila (Extra Añejo) are added with sweeteners, coloring, aromatizers and/or permitted flavorings, in order to provide or intensify their color, aroma and/or flavors, the total reducing sugars shall have a maximum limit of 75 g/L, according to the NMX-V-006-NORMEX and their dry extract shall have a maximum limit of 85 g/L, according to the NMX-V-017-NORMEX.

E) Name of the Geographical Indication:

TEQUILA

F) Description of Goods:

a) Tequila is produced by distilling “mostos” or “musts” which is extracted material, obtained from hydrolysed/cooked cooked hearts of the Agave (Tequilana blue weber variety), which is subject to fermentation with cultivated or uncultivated yeast in the manufacturing facilities of an Authorized Producer.

b) The “mostos” or “musts” thus formed maybe enhanced and blended together before fermentation with other sugars up to a proportion no greater than 49% of total reducing sugars expressed in units of mass.

c) Tequila is a colourless liquid when aged in oak or Encino oak (holm or
holm oak) wood containers, or when mellowed without aging.

d) Tequila may get a mild colouring by the addition of sweeteners, colouring, aromatizers and/or permitted flavourings in order to provide or intensify its colour, aroma and/or flavour permitted under Mexican law of standards and measures.

e) According to the percentage of sugars from the Agave, there are two categories of TEQUILA:

i. “Tequila 100% Agave” or “Tequila 100% puro de Agave”-This variety cannot be enriched with sugars, other than those obtained from the Agave Tequila Weber Blue Variety grown in the territory covered by the Official Norm (Norma Oficial Mexicana- Official Mexican Standard) Nom 006-SCFI-2012, during its fermentation process. For the product to be considered as “Tequila 100% Agave” or “Tequila 100% puro de Agave”, it must be bottled at the bottling plant controlled by the Authorized Producer, which must be located within the territory covered by the Official Norm (Norma Oficial Mexicana- Official Mexican Standard). This product should be called only by any of the following legends: “100% Agave” or “100% puro Agave”.

ii. Tequila- This is the product in which the “mostos” or “musts” may be enhanced and blended together during the formulation stage and prior to fermentation with other sugars in a proportion not to exceed 49% of total reducing sugars expressed in units of mass. The maximum enhancement of up to 49% of total reducing sugars expressed in units of mass may not be done with sugars from any species of Agave. This can only be increased to 51% of total reducing sugars with sugars extracted from Agave Tequilana Weber blue Variety grown in the territory covered by the Declaration.

f) Variants of Tequila

Based on the characteristics acquired in processes subsequent to distillation, Tequila is classified as:

i. Blanco or Plata (Silver or White Tequila): It is a crystal clear product that is not aged and can be bottled immediately after the second distillation by adding distilled water for obtaining the commercial alcohol volume.

ii. Joven or Oro (Young or Gold Tequila): It is a non-aged Tequila. A product that may be enhanced by mellowing and whose commercial alcohol content must be adjusted by dilution with water. It acquires its yellowish colour through authorized additives, such as caramel colouring, or as the result of blending silver Tequila with aged and/or extra-aged or ultra-aged Tequila.
iii. Reposado (Aged Tequila): It is a product which may be enhanced by mellowing, subject to an aging process of at least two months up to a maximum of 12 months, in direct contact with the wood of oak or Encino oak (holm or holm oak) containers. Its commercial alcohol content must be adjusted by dilution with water, as applicable. It is the result of blending aged Tequila with extra-aged or ultra-aged Tequila. This Tequila acquires the color and flavour of wood.

iv. Añejo (Extra-aged Tequila): It is a product that maybe enhanced by mellowing, subject to an aging process of at least one year in direct contact with the wood of oak (holm or holm oak) or Encino oak containers with a maximum capacity of 600 litres. Its commercial alcohol content must be adjusted by dilution with water. It is the result of blending aged Tequila with ultra-aged Tequila. The color, aroma and flavour of the wood are more pronounced in this type of product.

v. Extra Añejo (Ultra-aged Tequila): It is a product that may be enhanced by mellowing, subject to an aging process of at least three years without specifying the aging time in its label, in direct contact with the wood of oak (holm or holm oak) or Encino oak containers with a maximum capacity of 600 litres. Its commercial alcohol content must be adjusted by dilution with water.

G) Geographical Area of Production and Map as shown in page no. 21 to 26

Tequila is a spirit made from the blue agave plant, primarily in the area surrounding the old town of Tequila, 65 kilometres (40 mi) northwest of Guadalajara, and in the highlands (Los Altos) of the western Mexican state of Jalisco.

The red volcanic soil in the surrounding region is particularly well suited to the growing of the blue agave, and more than 300 million of the plants are harvested there each year. Agave tequila grows differently depending on the region. Blue agaves grown in the Highlands region are larger in size and sweeter in aroma and taste. Agaves harvested in the Lowlands, on the other hand, have a more herbaceous fragrance and flavor.

The Denomination of origin (DOT) has established an officially demarcated Tequila region based on the climate, soil, temperature and altitude conducive to the growth of the Tequilana blue weber variety Agave plant which is specifically used for production of Tequila.

The Total of 181 municipalities in 5 different Mexican states which comprise the region of the Appellation of origin of Tequila based on their geo-physical conditions and long use of traditional techniques of production are the following, given with details of the number of municipalities in each state with their
respective Geographical coordinates:

<table>
<thead>
<tr>
<th>S No.</th>
<th>State</th>
<th>Municipalities</th>
<th>Coordinates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Jalisco</td>
<td>125</td>
<td>22°45' and 18°55' North</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Latitude 101°28' and 105°42' West</td>
</tr>
<tr>
<td>2.</td>
<td>Guanajuato</td>
<td>7</td>
<td>21°52' and 19°55' North</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Latitude 99°41' and 102°09' West</td>
</tr>
<tr>
<td>3.</td>
<td>Michoacán</td>
<td>30</td>
<td>20°24' and 17°55' North</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Latitude 100°04' and 103°44' West</td>
</tr>
<tr>
<td>4.</td>
<td>Nayarit</td>
<td>8</td>
<td>23°05' and 20°36' North</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Latitude 103°43' and 105°46' West</td>
</tr>
<tr>
<td>5.</td>
<td>Tamaulipas</td>
<td>11</td>
<td>27°40' and 22°12' North</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Latitude 97°08' and 100°08' West</td>
</tr>
</tbody>
</table>

H) Proof of Origin (Historical records):

Mexicans have long identified Tequila as not just their national drink, but also a unique symbol of their culture and environment. The Agave tequilana blue weber variety plant, the extracted juices of which are used to make Tequila, can only be planted and harvested within the limits of a specific region, namely the Region of the Appellation of Origin of Tequila.

Pre-historic
The history of Tequila started just as there are legends about the origin of the Sun, Earth, Man, and Corn. Tequila also has one of its own, since it is a spirituous beverage extracted from the Agave, a mystic and divine cactea plant.

The origin of the Agave goes back to the time of Aztecs and their deities and gods. Aztec people are believed to have made a fermented beverage from Agave plant more popularly called pulque.

For hundreds of years, mankind has been modifying his agricultural surroundings and the original flora in the Tequila region, adapting them to the cultivation of the blue agave. As a result, the Tequila region has given birth to countless cultural expressions involving the transformation of the landscape and the creation of architectural elements linked to the production process, contributing significantly to Mexico’s image around the world today.

Middle Ages
In April 1530 the present town of Tequila came to be called Santiago de Tequila by a Spanish conqueror. When the Spanish ran out of their own brandy, they began to distill agave to produce North America's first indigenous distilled spirit. There arose the first fusion of Mexican and Spanish alcohol culture where the aging process of Tequila was introduced.

Some 80 years later, around 1600, Don Pedro Sánchez de Tagle, the Marquis of Altamira, began mass-producing tequila at the first factory in the territory of modern-day Jalisco. The first mass production of Tequila took place in early
19th century in Guadalajara, Mexico and the first export of Tequila to the United States took place in 1884.

Recent history
Tequila was declared to be an Appellation of origin by the Mexican Government in 1974. In 1991, the law on Industrial Property promotion and protection was passed, later changed to the Industrial Property law. It was amended in 1994. This law provides the legal framework still in force in Mexico for the protection of appellations of origin.

An appellation of origin is a special kind of geographical indication. It generally consists of a geographical name or a traditional designation used on products which have a specific quality or characteristics that are essentially due to the environment in which they are produced. In the case of Appellation of Origin of Tequila, the drink was named after the geographical region in Mexico that during the centuries has been devoted to the production of this drink and acquired distinctive characteristics due to the location, climate and cultural traditions of the area.

In 1994 the Tequila Regulatory Council Consejo Regulado de Tequila was founded to ensure quality in the Tequila industry.

In 1996 that Mexico signed international agreement for all countries to recognize tequila as a product from only 5 regions of Mexico in the northwest part of the country mainly in the state of Jalisco & adjoining states of Guanajuato, Michoacan, Nayarit & Tamaulipas.

In bilateral and multilateral negotiations, including those leading to the North American Free Trade Agreement (NAFTA), Mexican trade officials have demanded Tequila be protected as a "geographically indicated product" under intellectual property rights law. They have argued that Tequila is a unique cultural product that can only be called by that name if fermented from the blue agave plant indigenous to a specific climatic region of Mexico. Even domestically it is illegal to distill Tequila outside the designated regions. Mexico has been largely successful in gaining these concessions. Tequila is protected under NAFTA, as are other geographically indicated spirits such as Canadian Whiskey and Tennessee Whiskey.

In 2003, Mexico issued a proposal that would require all Mexican-made tequila be bottled in Mexico before being exported to other countries. The Mexican government said that bottling tequila in Mexico would guarantee its quality. On January 17, 2006, the United States and Mexico signed an agreement allowing the continued bulk import of Tequila into the United States. The agreement also created a "Tequila bottlers registry" to identify approved bottlers of tequila and created an agency to monitor the registry. In 1997, Mexico and the EU signed an Agreement on Designations for Spirit Drinks under which both parties agreed to grant protection to the denominations of origin of certain spirits such as Tequila and Mezcal, Whisky, Grappa and Cognac.
I) **Method of Production:**

a) The making of Tequila begins with ‘*jima*’, which is cutting of the leaves of the plant *Agave tequilana* Weber blue variety down to its base, to keep only the head or heart of Agave, which is the raw material of tequila. This is done traditionally by a “Jimador” the man who cuts the leaves, using a tool called “*coa*” which is long and stick like with a circular end.

b) *Cooking or Hydrolysis:* The manufacturing process begins with the Agave pina or pineapples being subjected to Hydrolysis or cooking which causes transformation of starch into sugars, which are easily fermented.

c) *Extraction of Honeys and Bagasse residues:* Before or after coction, the sugars or starch obtained from the pineapples of Agave must be separated from the fibre in order to use these sugars for fermentation.

The *Formulation:* In this step it is decided which category of Tequila would be prepared. In the case of Tequila, the extracted honeys of the Agave are mixed in a proportion of minimum 51% of agave sugars and 49% of other sugars (standard sugar, glucose, fruit sugar, molasses, etc.). In the case of Tequila 100% Agave, the extraction goes directly for fermentation after mixing sugars only from agave. The *fermentation* is where the transformation of sugars into ethylic alcohol is carried out due to the work of yeasts.

d) The next step is *distillation.* Distillation is the process by which different components of the fermented mixture are separated, by means of heat and pressure, obtaining purified alcohol and letting go the undesirable residues. All tequila must be distilled at least twice. Nowadays it is done also in towers of continuous distillation. At the end of the distillation process, all Tequila is a clear liquid.

e) *Bottling* the Tequila so obtained is the next step. Bottling is the action of pouring the Tequila in the recipients that will contain it in order to keep it and protect its physical and chemical stability and market it. Tequila must be bottled in new recipients, allowed by the sanitary authorities. Most distillers add demineralized water to the liquid to reduce the alcohol content of the drink to commercial levels. The range of alcoholic content permitted by the Standard of Tequila is from 35 to 55 alcohol percentage by volume. Both categories of Tequila may be enhanced by the addition of sweeteners, colorings, aromatizers and/or flavorings allowed by the Ministry of Health of Mexico.

f) Thereafter, the aging of Tequila takes place. Aging is the slow transformation of Tequila that lets it acquire additional sensorial characteristics like odour, colour and texture by physical chemical processes that in a natural way take place during its storage in recipients or barrels of wood oak or holm oak. The *Añejo* and *Extra Añejo* Tequilas must be matured in wooden barrels not larger than 600 litres.
K) **Uniqueness:**

Tequila was declared to be an Appellation of origin by the Mexican Government in 1974. This is a recognition that Tequila has specific qualities or characteristics which are essentially attributable to the geographical environment in which the raw material plant is grown, harvested and the beverage manufactured by human and natural factors that give it its unique characteristics. Tequila can be made only from the Agave tequilana weber blue variety plant. This specific variety of plant can be grown and harvested only within the limits of specific regions, namely the Region of the Appellation of Origin of Tequila details of which are given herein above under the caption “Geographical areas of production”.

The essential elements of uniqueness of TEQUILA may be captured as follows:-

**Uniqueness of place of origin:**
Tequila derives its name from the small town Tequila, about 65 kms from Guadalajara, the capital of the state of Jalisco of which 125 municipalities are included as designated regions of production of Tequila according to the Declaration of origin (DOT) Tequila. The place obtained its name when a Spanish conqueror in 1530 called the place Santiago de Tequila. To this day, this region in Jalisco houses the largest number of Distilleries of Tequila. Hence, the nexus between the place of origin and the GI.

**Uniqueness in tradition**
Mexico prides itself of a long tradition with Tequila. Mexican legends, mythology, songs, poetry, literature and films allude to Tequila in some manner. Such is the way in which Tequila is inextricably associated with Mexican tradition. Starting from the period of the Aztec civilization, the culture of fermenting Agave extract was prevalent. The Spanish conquest in middle ages enhanced the tradition further.

**Tradition of Agave cultivation:**
Mexico is the only country that has a tradition of alcoholic beverage made from the plant Agave. The agave plant takes roughly 7 to 10 years to be ready for harvest from the time it is first planted. This makes the planting and nurturing of the plant through variations in climate over the long period of 7 to 10 years a necessity and hence a challenge. Only the experienced Agave growers would have the requisite knowledge and expertise. Since only the Tequilana weber blue variety of Agave is used to make Tequila, the Agave growers of this variety are required to form part of section B of the CRT so as to be authorized to produce the crop.

**Uniqueness of source:**
The only kind of agave used in the production of Tequila is the Agave tequilana weber blue, variety consisting of long and fibrous leaves, of a lanceolate shape, of which the usable part for the production of Tequila is the pineapple or head. Though Mexico prides itself of over 200 varieties of Agave, the instant GI,
TEQUILA can be produced only from the hearts or the pina of the Tequilana Blue Weber variety of Agave.

**Uniqueness in Manner of harvest and human creativity:**
The “Jimador”, the person who cuts the leaves of the Agave using a “Coa” which is a long wooden stick with a sharp rounded metal end to deftly slice the leaves from the “pina” or the heart of the Agave. This method of cutting the leaves is peculiar to Blue weber variety Agave in the production of Tequila. This part of the process is called “Jima” or cutting leaves. It is notable that the “Coa” weighs about 20 kilos, and a “Jimador” on average cuts a 100 agave plant per day. The ‘Jimador” cuts the leaves by a method which has been passed on from generations which is practically impossible to imbibe in another country. An experienced Jimador can harvest upto 100 pinas per day.

**Uniqueness in manner of extraction of mostos:**
Traditionally the extract of the agave used to be kept in a large receptacle made of stone and a tool called tahona a stone wheel was run using a mule to move it to crush the extract of the pina. The NOM does not prevent the traditional method of crushing the pina though more modern techniques are used by some distillers.

**Uniqueness in manner of hydrolysis:**
Traditionally the mostos was cooked below the level of the earth in mud and stone. This manner of hydrolysis is still followed but using modern techniques.

Before the Spanish conquest, in 1500s, all alcoholic beverage from Agave was made only by hydrolysis and fermentation. However there was a unique fusion of Spanish and Mexican culture when the Spanish brought with them the process of distillation and introduced the concept to the alcoholic beverage from Agave to make Tequila.

**Uniqueness in geological factors**
This specific variety of plant can be grown and harvested only within the limits of specific regions, namely the Region of the Appellation of Origin of Tequila details of which are given herein above under the caption “Geographical areas of production”. These regions are sited at an altitude extending from 600 above sea level to 2500 meters. Temperatures in these regions range from 5º C to 28º C with an annual rainfall 600 to 1800 mm. Further the clay soil in these areas is of medium texture with low water retention capacity pH from6.0 to 8.0. All these conditions contribute to the uniqueness of blue Weber Agave plants, the source of Tequila. These climatic conditions prevailing in the designated regions in Mexico have been declared as such as the authorized areas for production of Agave of the Tequilana weber blue variety and manufacture of Tequila.

**Uniqueness in respect of compliance to NOM-006-SCFI-2012**
The whole process of manufacturing Tequila has been clearly set out in The Mexican Official Standard for Tequila” which is the “NOM-006-SCFI-2012 Bebidas Alcoholicas-Tequila-Especificaciones” which establishes specific requirements for every player in the production chain of Agave of Tequila. This
means that each person from the producer of the Agave tequilana blue weber variety plant, to the distiller, to the bottler, needs to comply with the standards imposed by the NOM 006 SCFI-2012 in order to be able to avail of the name TEQUILA.

The following are the mandatory characteristics/specifications as required by the NOM 006 SCFI-2012 for the alcoholic beverage to be called TEQUILA.

- Alcoholic beverage from designated regions of Mexico with 35 to 55% alcohol;
- Where musts from the plant tequilana weber blue variety Agave may be enhanced and blended together prior to fermentation with other sugars in a proportion not to exceed 49% of total reducing sugars;
- made by specific distillation process as prescribed Section4.7 of aforesaid NOM;
- Raw materials grown allowed only by authorized producers only in the regions of Mexico specified by the declaration of 1974 (Section 4.5 of aforesaid NOM);
- processed by a method specifically explained by NOM;
- with parameters falling within those mentioned in NOM ;
- in an authorized producer’s facility,
- bottled only by an authorised producer,
- labeled according to Section 11.1 of aforesaid NOM;in accordance with laws and regulations of Mexico.

Mexico is a signatory to Lisbon Agreement for protection of Geographical Indications, which is closely monitored by the World Intellectual Property Organisation (WIPO) which ensures that certain standards are met, compliance and validity apply to the entire national territory without prejudice to international treaties to which Mexico is a party. WIPO accords this international protection only upon a competent authority makes an application on behalf of its country of origin. In the case of Tequila, all these parameters are met before the requirements of a competent authority namely the WIPO. Besides, it satisfies Article 156, of WIPO Database of Intellectual Property Legislative texts. Therefore the fact that the manufacture of Tequila and the growth of the plant from which it is derived are undoubtedly attributable to the geographical regions in which they occur, which is unprecedented in any other part of the world establishes further its uniqueness.

L) Inspection Body:

The Mexican Official Standard for Tequila, (Norma Oficial Mexicana), “NOM-006-SCFI-2012 Bebidas Alcohólicas-Tequila-Especificaciones”, establishes the specific requirements that everyone from the productive chain Agave-Tequila should accomplish in order to bear the name Tequila. The Standard establishes the requirements for the Agave supply, process of elaboration, bottling and marketing practices linked to the Tequila spirit, and any Tequila producer should prove its strict compliance with this Standard. It is important to note that the aforesaid NOM is reviewed periodically for updation.
CONSEJO REGULADOR DEL TEQUILA, A.C performs 5 major functions—Verification, Certification, Agricultural, Quality control and Administrative.

Additionally, a laboratory administered by the applicant is dedicated exclusively to study of soils, for development of agave growing techniques and to provide support to the Agricultural branch.

**Verification activities**
These include on site inspection to determine
- Agave characteristics;
- Raw materials used in production of the GI;
- Use of permitted additives;
- Manufacturing process;
- Categories and variants of the GI produced;
- Aging processes;
- Physical-chemical properties of the finished products;
- Compliance to container and bottling requirements;
- Fulfilment of labeling requirements;
- Use of registered trademarks;
- Marketing records;
- Export records;

Based on results of this verification an approval would be issued by the Certification authority which is an inherent part of the applicant.

**Certification activities**
By certification the purity of the GI is assured to the consuming public, 3 kinds of certificates are issued:
- Certificate of compliance with standards;
- Certificate for domestic sales(independent certificate generated for every lot);
- Certificate for export.

**Activities of Agricultural branch**
It may be recalled that Section D of the CRT membership is represented by the Ministry of Agriculture and other specialists. They assist in supervising that the Tequilana weber blue variety of Agave is grown exclusively in the officially demarcated regions meant for the appellation of origin, to be used for the manufacture of Tequila.

A CRT card is used to account for the movement of every Agave plant. Programs are also designed to advise agave plantation workers to sensitize them to reduce risks of loss.

**Quality control**
This branch supervises the over all conformity to quality standards as laid out by NOM-006-SCFI-2012. Internal audits are conducted periodically.
CRT ensures brand assurance by ensuring that every authorized producer has the prior permit from IMPI (the Intellectual office of Mexico). When such an application for permit is filed, the verification and certification functions of CRT would take place to ensure that the applicant fulfils all requirements of being an authorized producer.

Besides, bottling and labeling requirements prescribed by the NOM-006-SCFI-2012 are to be strictly adhered to. In the case of 100% puro Agave bottling is to take place strictly within the region demarcated as Appellation of origin. Tequila can be bottled in specified bottling plants subject to prior understanding with the CRT.

The labeling requirements are stringent. According to the NOM006-SCFI-202012, every label must carry information of compliances as mentioned below before a product is launched in a domestic or international market.

1. The word “Tequila”;
2. The category and type it belongs to;
3. Net content in liters or milliliters;
4. Percentage of alcohol in volume at 20 degrees C;
5. Commercial name of Tequila producer;
6. Registered trademark of the individual producer; pursuant to the Joint Responsibility Agreement recorded at IMPI;
7. The legend “HECHO EN MEXICO” or its translation for destination market;
8. Official mark of the Mexican official standard;
9. Distinctive mark indicating lot of the bottle;
10. Any other sanitary or commercial information.

M) Other:

In 1974, the Mexican Government issued a Declaration for the Protection of the Appellation of Origin Tequila (DOT), stating that because of its geographical origin, reputation and essential specific qualities, "Tequila" was to be considered a geographical indication of Mexico. Several Countries, including Costa Rica, Colombia, Ecuador and Honduras, have accorded “Appellation of Origin” status to TEQUILA.

About the Applicant:

The Consejo Regulado del Tequila, A.C. (also known in English as the Tequila Regulatory council, A.C. hereinafter referred to as CRT) is the only organization that has been accredited by the Mexican Accrediting Entity (EMA) to verify and certify that the production and marketing of Tequila is conducted according to the Mexican Official standard of Tequila.

Created in 1994, the CRT is a private, non-profit organization with a dual character; through verification procedures it constantly monitors the compliance
with the Official Standard for Tequila and upon successful verification it issues certificates demonstrating that the product is suitable for marketing domestically as well as internationally.

The main objectives of the CRT are:
1. To ensure through the verification process, the fulfillment of the NOM-006-SCFI-2012 (the Official Mexican standard) for Tequila.
2. Safeguard the Appellation of Origin Tequila in Mexico and around the world.
3. Guarantee the authenticity of the Tequila that the consumer acquires.
4. Issue timely and truthful information useful for the Agave-Tequila productive chain.

The CRT is composed by members of all levels of the Tequila chain as well as regulating authorities. This inclusive well balanced character is reflected in the structure of its highest organ- The Board of Associates.

Every group involved in the Tequila industry is represented in the CRT’s Board of Associates. Accordingly, “Section A” represents the Tequila producers, “Section B” represents the Agave producers, “Section C” represents the Bottlers and Marketers, and finally, “Section D” is composed of representatives of the Mexican Government, specifically, the Secretary of Economy, the Mexican Institute of Industrial Property, the Federal Consumer Protection Agency, the Secretary of Health and the Secretary of Agriculture and Natural Resources.

The Legal competence of the Applicant, CRT, is further enhanced by virtue of the fact that the said Applicant is the Proprietor of the trademark under number 999938 in class 33 in Mexico.

CRT has 5 offices around the Mexican Territory and 4 international offices in USA, Switzerland, Spain and China in order to monitor the fulfillment of mandatory standard for Tequila, and to ensure that the Appellation of Origin is respected world over by ensuring that only authorized and certified products bear the name Tequila.

In this manner the CRT serves to stand for the interest of the Tequila producers which includes all people concerned from the growth of the agave plant upto the bottling and distribution network.

*NOM-Norma Official Mexicana*- First Mexican Official Standard was created in 1949 by the Director General of Standards of Mexico, for standardizing production, commercialization and quality of Tequila.

In 1994, the applicant CRT was then accredited by the Government of Mexico and was given authority to certify and evaluate the qualitative standards of Tequila. Hence the applicant now scrupulously adheres to the standards prescribed by the
NOM 006 SCFI-2012 which specifically establishes the accepted standards and parameters for Tequila.

As part of its endeavour, CRT has taken numerous actions against third parties to protect the Appellation of Origin of Tequila from being wrongfully misused and infringed.
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General Information

What is a Geographical Indication?
- It is an indication,
- It is used to identify agricultural, natural, or manufactured goods originating in the said area,
- It originates from a definite territory in India,
- It should have a special quality or characteristics unique to the geographical indication.

Examples of possible Geographical Indications in India:
Some of the examples of Geographical Indications in India include Basmati Rice, Darjeeling Tea, Kancheepuram silk saree, Alphonso Mango, Nagpur Orange, Kolhapuri Chappal, Bikaneri Bhujia etc.

What are the benefits of registration of Geographical Indications?
- It confers legal protection to Geographical Indications in India,
- It prevents unauthorized use of a registered Geographical Indication by others.
- It boosts exports of Indian Geographical indications by providing legal Protection.
- It promotes economic Prosperity of Producers.
- It enables seeking legal protection in other WTO member countries.

Who can apply for the registration of a Geographical Indication?
Any association of persons, producers, organization 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 the 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. There name should be entered in the Register of Geographical Indications as registered proprietor for the Geographical Indication applied for.

Who is an authorized user?
A producer of goods can apply for registration as an authorized user, with respect to 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?
A producer is a person dealing with three categories of goods
- Agricultural Goods including the production, processing, trading or dealing.
- Natural Goods including exploiting, trading or dealing.
- Handicrafts or industrial goods including making, manufacturing, trading or dealing.

Is registration of a Geographical Indication compulsory?
While registration of Geographical indication is not compulsory, it offers better legal protection for action for infringement.
What are the advantages of registering?
- Registration affords better legal protection to facilitate an action for infringement.
- The registered proprietor and authorized users can initiate infringement actions.
- The authorized users can exercise right to use the Geographical indication.

Who can use the registered Geographical Indication?
Only an authorized user has the exclusive rights to use the Geographical indication in relation to goods in respect of which it is registered.

How long is the registration of Geographical Indication valid? Can it be renewed?
The registration of a Geographical Indication is for a period of ten years. Yes, renewal is possible for further periods of 10 years each. If a registered Geographical Indications is not renewed, it is liable to be removed from the register.

When a Registered Geographical Indication is said to be infringed?
- When unauthorized use indicates or suggests that such goods originate in a geographical area other than the true place of origin of such goods in a manner which misleads the public as to their geographical origins.
- When use of Geographical Indication results in unfair competition including passing off in respect of registered Geographical indication.
- When the use of another Geographical Indication results in a false representation to the public that goods originate in a territory in respect of which a Geographical Indication relates.

Who can initiate an infringement action?
The registered proprietor or authorized 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 authorized user dies, his right devolves on his successor in title.

Can a registered Geographical Indication or authorized user be removed from the register?
Yes, The Appellate Board or the Registrar of Geographical Indication has the power to remove the Geographical Indication or authorized user from the register. The aggrieved person can file an appeal within three months from the date of communication of the order.

How a Geographical Indication differs from a trade mark?
A trade mark is a sign which is used in the course of trade and it distinguishes good or services of one enterprise from those of other enterprises. Whereas a Geographical Indication is used to identify goods having special Characteristics originating from a definite geographical territory.
THE REGISTRATION PROCESS

In December 1999, Parliament passed the Geographical Indications of Goods (Registration and Protection) Act 1999. This Act seeks to provide for the registration and protection of Geographical Indications relating to goods in India. This Act is 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 Registrar of Geographical Indication is divided into two parts. Part 'A' consists of particulars relating to registered Geographical indications and Part 'B' consists of particulars of the registered authorized users. The registration process is similar to both for registration of geographical indication and an authorized user which is illustrated below:

1. Filing an Application
2. Examination
3. Objections
4. Opportunity for Hearing
5. Refused
6. Acceptance
7. Advertised in the GI Journal
8. Opposition if any
9. Allowed or refused
10. Appeal to IPAB
11. Acceptance of GI
12. Entered in the GI Register
13. Registration Certificate issued
14. Particulars of Regd. GI entered in Part B of the Register
15. Particulars of Regd. GI entered in Part A of the Register