OFFICIAL NOTICES


Notification S.O. 1051(E) dated 15-9-2003—In exercise of the Powers conferred by Sub-section (3) of Section 1 of Geographical Indications of Goods (Registration and Protection) Act, 1999 (48 of 1999), the Central Government hereby appoints 15th day of September, 2003 as the date on which all the provisions of the said Act shall come into force. [Issued by Ministry of Commerce and Industry, Department of Industrial Policy and Promotion F.No. 9/2/2003—IRSJ].

All applications, notices, statements or other documents or any fees required by the Act or the Rules will be received only at the office of Geographical Indications Registry, Chennai.

FEES:
Fees may be paid in cash or sent by money order addressed to the Registrar of Geographical Indications, Bank Drafts or Cheque, made payable to Registrar and shall be drawn on a Scheduled Bank at Chennai.

REQUEST FOR SEARCH:
An application for search shall be made on the Form GI-5(F) under Rule 22(1) on payment of Rs.500/- to ascertain whether any geographical indication is on record which resembles a trade mark or geographical indication of which two representations shall accompany the form. The Registrar shall cause a search to be made and inform the applicant of the result of such search.

OPPOSITION:
Notice is hereby given that any person who has ground of opposition to the registration of any of the geographical indication advertised herein within three months from the date of the Journal being made available to the public (which date shall be certified by the Registrar), may lodge a Notice of Opposition on Form GI-2(A) in the office of the Geographical Indications Registry accompanied by the prescribed fee of Rs. 1000/-. The period for lodging Notice of Opposition may be extended for a period not exceeding one month in the aggregate from the date when such Journal was made available to the public, by way of application on GI-2(C) accompanied by the prescribed fee of Rs. 300/-. 
Application is made by TEA BOARD, a statutory authority of the Government of India established in 1953 under the Tea Act, 1953 for the registration in Part A of the register of Darjeeling (wool) under Application No. 1 in respect of Tea falling in Class 30 is hereby advertised as accepted under sub-section (1) of section 13 of Geographical Indications of Goods (Registration and Protection) Act, 1999.

Applicant : TEA BOARD, a statutory authority of the Government of India established in 1953 under the Tea Act, 1953 for the purpose of controlling Indian tea industry.

Address : 14, B.T.M. Sarani (Brabourne Road), P.O. Box 2172, Kolkata-700001, India.

Geographical Indication : DARJEELING

Class : 30

Goods : Darjeeling Tea
I. (a) Name of the Applicant : TEA BOARD, a statutory authority of the Government of India established in 1953 under the Tea Act, 1953.

(b) Address : 14, B.T.M. Sarani (Brabourne Road), P.O. Box No. 2172, Kolkata-700 001, India.

(c) List of association of persons/producers/organisation/authority : To be provided on request.

(d) Type of goods : Tea grown in 87 gardens in the district of Darjeeling falling in Class 30.

(e) Specification : Tea produced in the said region has the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouth feel which have won the patronage and recognition of discerning consumers all over the world.

(f) Name of the geographical indication (and particulars) :

Darjeeling Tea. The 87 Gardens, the details of which are furnished under the head Geographical Area Production and Map located within the Darjeeling District, cultivating, growing/producing Darjeeling Tea.

Due to the unique and complex combination of agro-climatic conditions prevailing in the region comprising the said 87 gardens within the district of Darjeeling and the production regulations imposed by the Board, tea produced in the said region has the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouth feel which have won the patronage and recognition of discerning consumers all over the world. Consequently, the tea produced in the said region and having the said special characteristic, is and has for long being known to the trade and the public in India and abroad as Darjeeling tea and as such it has acquired substantial domestic and international reputation. Any member of the trade or public in India or abroad ordering Darjeeling tea or seeing tea advertised or offered for sale as Darjeeling will expect the tea so ordered, advertised or offered for sale to be the tea cultivated, grown and produced in the aforesaid region of the Darjeeling district and having the aforesaid special characteristics.
(g) Description of the goods:

The botanical name of the Darjeeling tea plant is "camellia sinensis". It is a hardy, multi-stemmed, slow growing evergreen shrub which if allowed to, can grow up to 2.5 meters in height. It takes 4 to 6 years to mature and is known to have an economic life of well over 100 years with good care. It is able to withstand severe winters, extended droughts and the high altitudes of Darjeeling. The yields are much lower than non Darjeeling district, making it expensive to harvest and produce. The leaves are small, leathery, dark, glossy green in colour often covered with a downy silvery pubescence. The rare flavour of Darjeeling tea is a result of combination of plant genes, soil chemistry, elevations, temperature and rainfall unique to the Darjeeling hills. A set of agricultural practice has been developed to sustain growth of shoots, while maintaining bush heights suitable for manual plucking. Plucking begins in March and closes by late November. A Darjeeling tea bush yields only 100 gms of made tea in a year. Each kilogram of fine tea consist of more than 20,000 individual hand picked shoots. This gives an idea of the extent of human effort involved in its production.

(b) Geographical area of production and Map as shown in the page No. 8.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Gardens Name</th>
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<td>Phuguri</td>
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<tr>
<td>29</td>
<td>Lingia</td>
<td>58</td>
<td>Rangaroon</td>
</tr>
</tbody>
</table>
(i) Proof of origin [Historical records] :

The extract of Gazetteers of the Darjeeling District published by author Jules Dash, Chairman of the Public Service Commission, Bengal published in the year 1947 containing a detailed account of Physical description of Darjeeling area and about the Tea Industry (121 pages).

(j) Method of Production

Darjeeling tea leaves are processed in the traditional “Orthodox” way. The inherently sensitive nature of the finely plucked, green leaf responds best to gentle treatment. Although differing leaf varieties require intricate variations in processing, these stages undergone are uniform.

Once the leaf reaches the factory, it is “withered”. The object is to evaporate moisture from the leaf slowly over a period of 14 to 16 hours. The leaf becomes limp so as to withstand twisting and rolling under pressure without crumbling. Liquor characteristics also begin to develop following physical and chemical changes within the leaf structure. The green leaves are segregated according to type and spread evenly on wire mesh screens fitted over specially designed ‘troughs’ which resemble very long wooden boxes. Each such trough is an air chamber which enables fresh dry air to be passed in a regulated manner through the green leaves till the desired “withers” is achieved. In Darjeeling processing approximately 65% of the water content in the green leaf is removed at this stage.

The withered leaf is then removed from the trough and loaded into rolling machines, which, by subjecting the withered leaf to a rolling movement under pressure, twist the leaf, rupture the cells and release the natural juices, promoting oxidation and accelerating the pigmentation. Rolling pressures and sequences are very meticulously supervised to ensure that the optimum style is imparted, without the detrimental effect of overheating.

Next, the leaf is thinly spread in a cool, well ventilated room to slowly oxidize (ferment). This stage, in which the flavonoids combine with oxygen in the air, develops the unique flavour of Darjeeling Tea over a period ranging from two to four hours, mainly depending on ambient temperature and leaf pedigree. The experienced tea maker judges the extent of quality development from the fragrance progressively expressed by the leaf at regular intervals. This sensory judgment is critical to the quality of the infused liquor. For the visitor, the rich floral aroma emanating from a Darjeeling rolling and fermenting room is heady, almost intoxicating and definitely unforgettable. Once optimum fermentation has been achieved, the rolled leaf is taken for firing (or drying) to arrest further fermentation by deactivating the enzymes, and to remove almost all of the remaining moisture in the leaf. The Tea Dryer is a chamber which exposes the fermented leaf to hot dry air at regulated, varying temperatures within its parts, for a duration of 20 to 30 minutes. A good fire reduces moisture content in the final product to about 2%, resulting in crisp dry tea which is then graded through vibrating meshes according to size. These grades are finally invoiced and packed in foil lined packages designed to retain freshness and quality over an extended period of time.

After final grading has been completed, nomenclatures are assigned according to the size of the grade. These fall into three categories :

(a) Whole Leaf - FTGOP—Fine Tippy Golden Flowery Orange Pekoe.

(b) Brokens - TGBOP—Tippy Golden Broken Orange Pekoe.

(c) Fannings - GOF—Golden Orange Fannings.

The above gradations relate only to the size of the leaf and not to quality differentiations. All grades are the product of the same green leaf. In addition to these nomenclatures, occasionally
suffixes such as China-(ch), Clonal-(cl), Special-(spl) etc., may be included, as per the practice of individual gardens. Sometimes gardens add a numeral “1” after the grade name. The smaller Brokens and Fannings are generally utilized in tea-bags. Recently new technology has resulted in tetrahydral tea-bags which accept larger grades as well.

Some estates are currently producing small quantities of green and oolong tea variations, which have been very well received.

The Board has arrangements whereby testing or confirmation testing of all Darjeeling tea is carried out by a Panel of Tasters. These tea tasters are considered competent to evaluate the distinctive characteristics of Darjeeling tea as a result of many years of practical training and experience in the assessment of tea and their highly refined sensory perception, in particular, in relation to the sensations of smell, taste and mouth feel of different types of tea. This enables them to easily recognize the distinctive characteristics associated with a particular type of tea and thereby accurately analyse the nature and quality of the tea.

(k) Uniqueness:
The distinctive, exclusive and rare character of Darjeeling tea is the result of several factors. The tea gardens are situated at elevations from 610 to 2134 meters on steep slopes which provide ideal natural drainage for the generous rainfall the district receives. Coupled with this, the intermittent cloud and sunshine combine to impart the unique character of Darjeeling tea which has the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouth feel which have won the patronage and recognition of discerning consumers all over the world.

(l) Inspection Body:
The tea industry has been under the control of the Central Government since 1933. Originally, the Indian Tea Act of 1933 was enacted. Being a temporary enactment, it lapsed by efflux of time. In 1938, a permanent enactment was passed whose object was the control of the export of tea and extension of the cultivation of tea. The Tea Board Act of 1949 came to be passed with the object of development of the tea industry under the control of the Central Government. Since the objects of the 1938 and 1949 Acts were interrelated, it was proposed that there should be a single Act containing the provisions of the two Acts. With a view to achieving the said objectives, the Tea Act, 1953 came to be passed on May 28, 1953.

In pursuance of its statutory duties under the Tea Act, 1953 and its predecessor statutes, the Board has been implementing a certification program for regulation and control of all teas administered by it including Darjeeling tea. The certification program undertaken by the Board has been in existence for a long time and the Board has taken periodical steps to refine and improve the same in response to the evolving dynamics of consumer expectations from time to time. Today, the certification program involves various stages right from the production stage to the export of Darjeeling tea to overseas markets. At the production level, all the 87 gardens producing Darjeeling tea are registered with the Board and are required to seek prior approval of
the Board for planting tea seeds or extension of area under cultivation. The Board has been regularly monitoring these gardens by making periodical checks and inspections. Every single invoice of tea produced by the aforesaid 87 gardens is sent to the Board, detailing grades, quantity and chest numbers.

From the tea gardens, tea is sent to the warehouses for onward sale to the ultimate buyers. These warehouses are registered with the Board under the Tea Warehouses Licensing Order. The channels of distribution are broadly divided into export, private sale and auction sale. Tea bought at the auction may either be meant for export or enter the domestic market. All auction centres and tea brokers are licensed by the Board including any new auction centre or broker. The Board has laid down auction norms and rules for compliance by the auction centres and brokers, and these norms are enforced through an Auction Committee comprising main buyers, growers and representative of the Board. The tea bought by wholesalers, retailers, packeteers or exporters are registered with the Auction Centres. All buyers are registered with the Auction Committee. All exporters are registered with the Board under the Tea (Distribution & Export Control) Order.

The Board has arrangements whereby testing or confirmation testing of all Darjeeling tea is carried out by a Panel of Tasters. These tea tasters are considered competent to evaluate the distinctive characteristics of Darjeeling tea as a result of many years of practical training and experience in the assessment of tea and their highly refined sensory perception, in particular, in relation to the sensations of smell, taste and mouth feel of different types of tea. This enables them to easily recognize the distinctive characteristics associated with a particular type of tea and thereby accurately analyse the nature and quality of the tea.

(m) Other:

1. **Certificate of Registration obtained in India for Darjeeling Logo as a Certification Mark.**

2. **Well known dictionaries have defined Darjeeling as a Geographical Region in India famous for Black Tea.**

Further by virtue of the regulation formulated for administering the "Darjeeling logo" as a certification mark, the Board has entered into license agreements with all users of the said logo whose tea samples are found to conform to the standards and specifications set down in the regulations. By virtue of the bonâfide adoption, use, publicity and stringent regulation of the Darjeeling logo, it has acquired substantial public recognition as distinctive of 100% Darjeeling tea administered and certified as such by the Board. It is respectfully submitted that it is in the interest of both trade and public that there should be a registration for "Darjeeling logo" tea as a geographical indication to ensure that the tea sold under it is recognized as tea produced in the aforesaid 87 gardens of the district of Darjeeling and having the aforesaid special distinctive and naturally occurring organoleptic characteristics.
GI—APPLICATION NUMBER - 2

Application is made by TEA BOARD, a statutory authority of the Government of India established in 1953 under the Tea Act, 1953 for the registration in Part A of the register of Darjeeling (logo) under Application No. 2 in respect of Tea falling in Class 30 is hereby advertised as accepted under sub-section (1) of section 13 of Geographical Indications of Goods (Registration and Protection) Act, 1999.

Applicant : TEA BOARD, a statutory authority of the Government of India established in 1953 under the Tea Act, 1953 for the purpose of controlling Indian tea industry.

Address : 14, B.T.M. Sarani (Brabourne Road), P.O. Box 2172, Kolkata-700 001, India.

Geographical Indication

Class : 30

Goods : Darjeeling Tea
I. (a) Name of the Applicant: TFA BOARD, a statutory authority of the Government of India established in 1953 under the Tea Act, 1953.

(b) Address: 14, B.T.M. Sarani (Brabourne Road), P.O. Box No. 2172, Kolkata-700 001, India.

(c) List of association of persons/ producers/organisation/authority: To be provided on request.

(d) Type of goods: Tea grown in 87 gardens in the district of Darjeeling falling in Class 30.

(e) Specification: Tea produced in the said region has the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouth feel which have won the patronage and recognition of discerning consumers all over the world.

(f) Name of the geographical indication (and particulars):

*Darjeeling Tea. The 87 Gardens, the details of which are furnished under the head Geographical Area Production and Map located within the Darjeeling District, cultivating, growing/producing Darjeeling Tea.*

Due to the unique and complex combination of agro-climatic conditions prevailing in the region comprising the said 87 gardens within the district of Darjeeling and the production regulations imposed by the Board, tea produced in the said region has the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouth feel which have won the patronage and recognition of discerning consumers all over the world. Consequently, the tea produced in the said region and having the said special characteristic, is and has for long being known to the trade and the public in India and abroad as Darjeeling tea and as such it has acquired substantial domestic and international reputation. Any member of the trade or public in India or abroad ordering Darjeeling tea or seeing tea advertised or offered for sale as Darjeeling will expect the tea so ordered, advertised or offered for sale to be the tea cultivated, grown and produced in the aforesaid region of the Darjeeling district and having the aforesaid special characteristics.
(g) Description of the goods:

The botanical name of the Darjeeling tea plant is "camellia sinensis". It is a hardy, multi stemmed, slow growing evergreen shrub which if allowed to, can grow up to 2.5 meters in height. It takes 4 to 6 years to mature and is known to have an economic life of well over 100 years with good care. It is able to withstand severe winters, extended droughts and the high altitudes of Darjeeling. The yields are much lower than non Darjeeling district, making it expensive to harvest and produce. The leaves are small, leathery, dark, glossy green in colour often covered with a downy silvery pubescence. The rare flavour of Darjeeling tea is a result of combination of plant genes, soil chemistry, elevations, temperature and rainfall unique to the Darjeeling hills. A set of agricultural practice has been developed to sustain growth of shoots, while maintaining bush heights suitable for manual plucking. Plucking begins in March and closes by late November. A Darjeeling tea bush yields only 100 gms of made tea in a year. Each kilogram of fine tea consist of more than 20,000 individual hand picked shoots. This gives an idea of the extent of human effort involved in its production.

(h) Geographical area of production and Map as shown in the page No. 8.

List of 87 Gardens

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<th>Sl. No.</th>
<th>Gardens Name</th>
<th>Sl. No.</th>
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<td>Rangaroom</td>
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<td>Vah Tukvar</td>
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(i) **Proof of origin (Historical records):**
The extract of Gazetteers of the Darjeeling District published by author Jules Dash, Chairman of the Public Service Commission, Bengal published in the year 1947 containing a detailed account of Physical description of Darjeeling area and about the Tea Industry (121 pages).

(j) **Method of Production**
Darjeeling tea leaves are processed in the traditional “Orthodox” way. The inherently sensitive nature of the finely plucked, green leaf responds best to gentle treatment. Although differing leaf varieties require intricate variations in processing, these stages undergone are uniform.

Once the leaf reaches the factory, it is “withered”. The object is to evaporate moisture from the leaf slowly over a period of 14 to 16 hours. The leaf becomes limp so as to withstand twisting and rolling under pressure without crumbling. Liquor characteristics also begin to develop following physical and chemical changes within the leaf structure. The green leaves are segregated according to type and spread evenly on wire mesh screens fitted over specially designed ‘troughs’ which resemble very long wooden boxes. Each such trough is an air chamber which enables fresh dry air to be passed in a regulated manner through the green leaves till the desired “wither” is achieved. In Darjeeling processing approximately 65% of the water content in the green leaf is removed at this stage.

The withered leaf is then removed from the trough and loaded into rolling machines, which, by subjecting the withered leaf to a rolling movement under pressure, twist the leaf, rupture the cells and release the natural juices, promoting oxidation and accelerating the pigmentation. Rolling pressures and sequences are very meticulously supervised to ensure that the optimum style is imparted, without the detrimental effect of overheating.

Next, the leaf is thinly spread in a cool, well ventilated room to slowly oxidize (ferment). This stage, in which the flavanols combine with oxygen in the air, develops the unique flavour of Darjeeling Tea over a period ranging from two to four hours, mainly depending on ambient temperature and leaf pedigree. The experienced tea maker judges the extent of quality development from the fragrance progressively expressed by the leaf at regular intervals. This sensory judgment is critical to the quality of the infused liquor. For the visitor, the rich floral aroma emanating from a Darjeeling rolling and fermenting room is heady, almost intoxicating and definitely unforgettable. Once optimum fermentation has been achieved, the rolled leaf is taken for firing (or drying) to arrest further fermentation by deactivating the enzymes, and to remove almost all of the remaining moisture in the leaf. The Tea Dryer is a chamber which exposes the fermented leaf to hot dry air at regulated, varying temperatures within its parts, for a duration of 20 to 30 minutes. A good fire reduces moisture content in the final product to about 2%, resulting in crisp dry tea which is then graded through vibrating meshes according to size. These grades are finally invoiced and packed in foil lined packages designed to retain freshness and quality over an extended period of time.

After final grading has been completed, nomenclatures are assigned according to the size of the grade. These fall into three categories:

(a) Whole Leaf - FTGOP—Fine Tippy Golden Flowery Orange Pekoe.
(b) Brokens - TGBOP—Tippy Golden Broken Orange Pekoe.
(c) Fannings - GOF—Golden Orange Fannings.

The above gradations relate only to the size of the leaf and not to quality differentiations. All grades are the product of the same green leaf. In addition to these nomenclatures, occasionally
suffixes such as China-(ch), Clonal-(cl), Special-(spl) etc., may be included, as per the practice
of individual gardens. Sometimes gardens add a numeral “1” after the grade name. The smaller
Brokens and Fannings are generally utilized in tea-bags. Recently new technology has resulted
in tetrahydral tea-bags which accept larger grades as well.

Some estates are currently producing small quantities of green and oolong tea variations, which
have been very well received.

The Board has arrangements whereby testing or confirmation testing of all Darjeeling tea is
carried out by a Panel of Tasters. These tea tasters are considered competent to evaluate the
distinctive characteristics of Darjeeling tea as a result of many years of practical training and
experience in the assessment of tea and their highly refined sensory perception, in particular, in
relation to the sensations of smell, taste and mouth feel of different types of tea. This enables
them to easily recognize the distinctive characteristics associated with a particular type of tea
and thereby accurately analyse the nature and quality of the tea.

(k) Uniqueness:

The distinctive, exclusive and rare character of Darjeeling tea is the result of several factors.
The tea gardens are situated at elevations from 610 to 2134 meters on steep slopes which
provide ideal natural drainage for the generous rainfall the district receives. Coupled with
this, the intermittent cloud and sunshine combine to impart the unique character of Darjeeling
tea which has the distinctive and naturally occurring organoleptic characteristics of taste,
aroma and mouth feel which have won the patronage and recognition of discerning consumers
all over the world.

(l) Inspection Body:

The tea industry has been under the control of the Central Government since 1933. Originally,
the Indian Tea Act of 1933 was enacted. Being a temporary enactment, it lapsed by efflux of
time. In 1938, a permanent enactment was passed whose object was the control of the export of
tea and extension of the cultivation of tea. The Tea Board Act of 1949 came to be passed with
the object of development of the tea industry under the control of the Central Government.
Since the objects of the 1938 and 1949 Acts were interrelated, it was proposed that there should
be a single Act containing the provisions of the two Acts. With a view to achieving the said
objectives, the Tea Act, 1953 came to be passed on May 28, 1953.

In pursuance of its statutory duties under the Tea Act, 1953 and its predecessor statutes, the
Board has been implementing a certification program for regulation and control of all teas
administered by it including Darjeeling tea. The certification program undertaken by the Board
has been in existence for a long time and the Board has taken periodical steps to refine and
improve the same in response to the evolving dynamics of consumer expectations from time to
time. Today, the certification program involves various stages right from the production stage
to the export of Darjeeling tea to overseas markets. At the production level, all the 87 gardens
producing Darjeeling tea are registered with the Board and are required to seek prior approval of
the Board for planting tea seeds or extension of area under cultivation. The Board has been regularly monitoring these gardens by making periodical checks and inspections. Every single invoice of tea produced by the aforesaid 87 gardens is sent to the Board, detailing grades, quantity and chest numbers.

From the tea gardens, tea is sent to the warehouses for onward sale to the ultimate buyers. These warehouses are registered with the Board under the Tea Warehouses Licensing Order. The channels of distribution are broadly divided into export, private sale and auction sale. Tea bought at the auction may either be meant for export or enter the domestic market. All auction centres and tea brokers are licensed by the Board including any new auction centre or broker. The Board has laid down auction norms and rules for compliance by the auction centres and brokers, and these norms are enforced through an Auction Committee comprising main buyers, growers and representative of the Board. The tea bought by wholesalers, retailers, packeteers or exporters are registered with the Auction Centres. All buyers are registered with the Auction Committee. All exporters are registered with the Board under the Tea (Distribution & Export Control) Order.

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(m) Other:

1. **Certificate of Registration obtained in India for Darjeeling Logo as a Certification Mark.**

2. **Well known dictionaries have defined Darjeeling as a Geographical Region in India famous for Black Tea.**

Further by virtue of the regulation formulated for administering the “Darjeeling logo” as a certification mark, the Board has entered into license agreements with all users of the said logo whose tea samples are found to conform to the standards and specifications set down in the regulations. By virtue of the bonafide adoption, use, publicity and stringent regulation of the Darjeeling logo, it has acquired substantial public recognition as distinctive of 100% Darjeeling tea administered and certified as such by the Board. It is respectfully submitted that it is in the interest of both trade and public that there should be a registration for “Darjeeling logo” tea as a geographical indication to ensure that the tea sold under it is recognized as tea produced in the aforesaid 87 gardens of the district of Darjeeling and having the aforesaid special distinctive and naturally occurring organoleptic characteristics.
साधारण सूचना

GENERAL INFORMATION
GENERAL INFORMATION

What is a Geographical Indication?
* It is an indication or appellation of origin.
* 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 or reputation based upon the climatic or production characteristics unique to the geographical location.

Examples of possible Geographical Indications in India:
Some of the examples of possible Geographical Indications in India include Basmati Rice, Darjeeling Tea, Kanchipuram Silk Saroo, Alphonso Mango, Nagpur Orange, Kolhapuri Chappal, Bikaner Bhujia, etc.

What are the benefits of registration of Geographical Indications?
* It confers legal protection to geographical indications in India.
* It prevents unauthorised 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, organisation or authority established by or under the law can apply.

The applicant must represent the interests of the producers.

The application should be in writing in the prescribed form.

The application should be addressed to the Registrar of geographical Indication along with prescribed fee.

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

Who is an authorised user?
A producer of goods can apply for registration as an authorised user, 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 a 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 authorised users can initiate infringement actions.
* The authorised users can exercise the exclusive right to use the Geographical Indication.

Who can use the registered Geographical Indication?

Only an authorised 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 indication is not renewed, it is liable to be removed from the register.

When is a registered Geographical Indication said to be infringed?

* When unauthorised 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 authorised users of a registered Geographical Indication can initiate an infringement action.

Can a registered Geographical Indication be assigned, transmitted etc?

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

Can a registered Geographical Indication or authorised 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 an authorised 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 goods 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. The 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 Register 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 authorised users. The registration process is similar to both for registration of a geographical indication and an authorised user which is illustrated below.

- Filing an application
- Examination
- Appeal to IPAB
- Notification in the GI Journal
- Particulars of registered GI entered in Part A of the register
- Particulars of registered authorised user entered in Part B of the register
- Acceptance
- Appeal to IPAB
- Allowed or refused
- Opposition, if any
- Acceptance of GI
- Registration certificate issued
- Refused
- Opportunity for hearing
- Refused
- Examination
- Objected