



सत्यमेव जयते

भारत सरकार
Government of India

भौगोलिक उपदर्शन पत्रिका

GEOGRAPHICAL INDICATIONS JOURNAL



बौद्धिक सम्पदा
भारत
**INTELLECTUAL
PROPERTY INDIA**

भौगोलिक उपदर्शन पंजीकृति,
बौद्धिक सम्पदा अधिकार भवन,
जी.एस.टी. रोड, गिण्डी,
चेन्नै - ६०० ०३२.

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

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. Their 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 Indication 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 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. 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:

