Why GI should be protected in India?

- India is a rich storehouse of goods with reputation or quality which can be adduced to their geographical origin or place of manufacture, need to protect Indian Treasures.

- The economic potential of these goods is enormous.

- To prevent GI goods becoming generic.

- Need for a rule based system that is open, fair and provides for an enforcement mechanism.
The Geographical Indications Registry is located at Chennai.

This Act is administered by the Registrar of Geographical Indications i.e Controller General Of Patents and Designs

The registration and administration have been envisaged to be discharged by the Geographical Indications Registry under the Geographical Indications of Goods (Registration and Protection), Act, 1999
Why GI Registration?
• GI registration provides the registered proprietor and the authorized user the exclusive right to protect the registered GI on the specified goods
• Monopolization of the market enables the producers to control prices, i.e., can charge premium prices, thereby enhancing profits
• It has been reveal that 80% consumers are prepared to pay 20 – 30% higher prices for goods they believe are having better qualities over other goods

GI and Rural Economy
• GIs are mostly from villages or small towns
• Higher income for the producers from these regions have the potential to transform the rural economy for the better
• Assured market attracts investment

GIs and Industry
• Many registered and potential GIs of India are in the Micro and SME sector
• GI protection enables them to develop their market and increase returns

GIs and Tourism
• GIs are unique products coming from demarcated areas
• Cultivation or manufacturing process itself can attract tourists
• Handicrafts and handlooms with special characteristics are always attractive to tourists.
• Regions can provide attract tourists to taste the special GI foods or drinks or buy the unique products with discounts
Statement of Objects and Reasons

Exclusion of unauthorised persons from misusing geographical indications would serve to **protect consumers from deception**, add to the **economic prosperity of the producers** of such goods and also **promote goods bearing Indian geographical indications** in the export market.
GI’s of India

E.g.s. Kashmir Pashmina from Jammu & Kashmir, Kullu Shawl & Kangra Tea from Himachal Pradesh, Phulkari from Punjab, Kota Doria and Bikaneri bhujia from Rajasthan, Surat Zari Craft, Patan Patola and Gir Kesar Mango from Gujarat, Banaras Sarees & Brocades from Uttar Pradesh, Bhagalpur Silk & Madhubani painting from Bihar, Chanderi sari from Madhya Pradesh, Darjeeling tea from West Bengal, Muga Silk from Assam, Naga Mircha from Nagaland, Shaphee Lanphee from Manipur, Bastar Dhokra & Bastar Iron Craft from Chhattisgarh, Orisaa Ikat from Orissa, Nagpur Orange & Paithani Saree & Fabrics from Maharashtra, Feni from Goa, Pochampalli sarees from Andhra Pradesh, Mysore silk and Channapatna toys from Karnataka, Kanjeeipuram sarees and Nilgiri tea from Tamil Nadu, Aranmula metal mirror and Malabar Pepper from Kerala.
What is to be done?

- Identify all the potential GIs in the country
- Prepare detailed documentation on each of them
- Organize the producers
- Take measures for protecting the quality
- Apply to Register the potential ones

Goods which can be Registered

- Agricultural
- Natural
- Goods of Handicrafts
- Industry
- Manufactured goods
- Food Stuffs

- Section (2) (1) (f) of G.I. Act 1999.

Definition

- An indication which identifies goods as agricultural, natural or manufactured.
- Originating or manufactured in the territory of a country or a region or locality
- Where a given quality, reputation or other characteristic of such goods is essentially attributable to its Geographical origin.

- Section 2(i) (e) of G.I. Act 1999.
Steps taken by the Registry

• Issue Fee receipt
• Allotment of application number
• Issue Formality check report and compliance with in one month, If not complied abandon the application,
• Meeting of consultative group to ascertain the correctness of application,
• Issue of Examination Report.
• Accepted application shall be published in the GI journal,
• If not accepted, show cause hearing for final adjudication
• Opposition if any,
• Registration certificate
• Renewal

Who Can apply for Registration?

Any association of persons or producers or any organization or authority established by or under law representing the interest of producers of the concerned goods

How to Apply?

❖ Application for registration of a GI should be in the prescribed form (GI-1A to 1D). Accompanied by the prescribed fee – Rs.5000/- Per Class.
❖ It must be made in triplicate along with three copies of a statement of case accompanied by five copies of Additional Representations, Three certified copies of Map, documents in support of origin.
Who can Apply?

An application for the registration as an authorised user of the registered geographical indication shall be made by a producer and jointly by the registered proprietor of the said GI

‘Producer’, means, --

- any person who produces the goods in case agricultural goods, and includes the person who processes or packages such goods;
- any person who exploits the goods in case of natural goods;
- any person who makes or manufactures the handicraft or industrial goods,
- any person who trades or deals in such production, exploitation, making or manufacturing of the goods.
How to Apply?

- Application for registration of a GI Authorised User should be in the prescribed form (*GI-3A*).
- Accompanied by the prescribed fee for filing a GI Authorised User Application *Rs. 500/-*.
- Statement of case accompanied with an affidavit.
- A copy of the consent letter from the registered proprietor or
- If consent letter is not available, a copy of Application may be endorsed to Registered proprietor for information.

- Fees may be paid by *Cash, or Money order, Bank drafts and cheques*,
- It shall be addressed to the *Registrar of Geographical Indications, Payable at Chennai.*
Benefits of GI Authorised User Registration

- GI Authorised user registration provides the authorized user the exclusive right to use the registered GI on the specified goods.
- The Authorised users can initiate infringement actions.
- With the protection assured by GI registration, the market is developed, pirates and counterfeiters cannot encroach that market.
- Consumers are guaranteed of the genuineness of the product and of quality assurance.
- Promotes Brand building.
Registration process of GI in India

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. Particulars of Regd. GI entered in Part A of the Register
14. Registration Certificate issued
15. Particulars of Regd. GI entered in Part B of the Register
For any queries:
www.ipindia.nic.in