

GEOGRAPHICAL INDICATIONS OF GOODS

Geographical Indications of Goods are defined as that aspect of industrial property which refers to the geographical indication referring to a country or to a place situated therein as being the country or place of origin of that product.

What is a Geographical Indication?

- Ø It is an indication
- Ø It originates from a definite geographical territory.
- Ø It is used to identify agricultural, natural or manufactured goods
- Ø The manufactured goods should be produced or processed or prepared in that territory.
- Ø It should have a special quality or reputation or other characteristics

Examples of Indian Geographical Indications -

- ✓ Solapur Chaddar
- ✓ Solapur Terry Towel
- ✓ Basmati Rice
- ✓ Darjeeling Tea
- ✓ Kanchipuram Silk Saree
- ✓ Alphanso Mango
- ✓ Nagpur Orange

Laws relating to Geographical Indication of Goods

1. Geographical Indications of Goods (Registration and Protection) Act, 1999
2. Geographical Indications of Goods (Registration and Protection) Rules, 2002

The primary purpose of this Act is to provide legal protection to Indian Geographical Indications which in turn boost exports. Registration of Geographical indication promotes economic prosperity of producers of goods produced in a geographical territory.

According to the Act, the term 'geographical indication' (in relation to goods) means -

"an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods, one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be".

Registration of Geographical Indication

The registration of a geographical indication is not compulsory; however, it offers better legal protection to facilitate an action for infringement. The registered proprietor and authorized users can initiate infringement actions. The authorized users can exercise the exclusive right to use the geographical indication. The registration of a geographical indication is valid for a period of 10 years. It can be renewed from time to time for further period of 10 years each. If a registered geographical indication is not renewed it is liable to be removed from the register.

Procedure for Filing application for registration of Geographical Indication

1. Form and signing of application

Application must be made in triplicate along with three copies of a Statement of Case accompanied by five additional representations and should be signed by the applicant or his agent.

2. Fees

Fees (Rs.5000/-) may be paid in cash or sent by money order or by a bank draft or by a cheque.

3. Principal place of business in India

Every application for registration of a G.I should state the principal place of business in India.

4. Statement of user in applications

An application to register a geographical indication should contain a statement of user along with an affidavit.

5. Acknowledgement of receipt of application:

Every application of the registration of a geographical indication in respect of any goods shall, on receipt be acknowledged by the Registrar.

Infringement of Geographical Indication

A registered geographical indication is infringed if -

- an unauthorized user uses it to indicate or suggests that certain goods originate from a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the goods,
- When use of the geographical indication results in unfair competition. This includes passing off in respect of a registered geographical indication, or
- When the use of another geographical indication results in false representation to the public that goods originate from a territory in respect of which there is a registered geographical indication.

The registered proprietor or the authorized users of a registered geographical indication can initiate an infringement action.