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Since 1895



APTDC

GI TOOL KIT

Andhra Pradesh Technology Development & Promotion Centre
Andhra Pradesh, India

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Purpose & Aim

- Helping and identification of traditional products/processes which have the historical background and uniqueness with a close correlation with the Geographical location so as to be considered for protection as a GI.
- Evolving suitable steps for documentation and filing at the Geographical Indication Registry under the Geographical Indications of Goods (Registration And Protection Act 1999).
- Enable Post GI Interventions to leverage the Registered GI for market identity, outreach and promotion.
- To Chalk out stakeholder's interventions through collective action, synergistic effort in maintaining product quality and certification standards, Code of practice (COP) for manufacturing process, creating market niche and enhanced Brand image to leverage the registered GI's in National and International markets.
- To evolve suitable business and legal strategies to counter anti-competitive practices and counterfeit products which poses threat to the sustainability and survival of the traditional products.

This toolkit is best utilized with a professional assistance from GI practitioners and field level specialists who are well equipped with technical and legal expertise. (For further details you are welcome to contact the GI Resource Centre of CII-APTDC).

What is a GI?

Geographical indications are intellectual property rights. They contribute to sustainable Development and fair trade because the production of GIs is rooted in particular regions and cannot be relocated. Therefore, GIs are important tools for all countries around the world, not only for economic and social reasons but also for upholding the intangible values in the Knowledge Pool of traditional practices for future generations.

(GI¹) 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. Typically, such a name conveys an assurance of quality and distinctiveness which is essentially attributable to the fact of its origin in that defined geographical locality, region or country.



A geographical indication is a **sign** used on goods that have a specific **geographical origin** and possess *qualities or a reputation* that are due to that **place of origin**.

¹ According to The Geographical Indications of Goods (Registration And Protection Act 1999) 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 a 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 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.

Examples of Geographical Indications from Andhra Pradesh



Pembarthy Metal Craft



Cheriyal Paintings



Uppada Jamdhani



Siddipet Gollabama Sarees

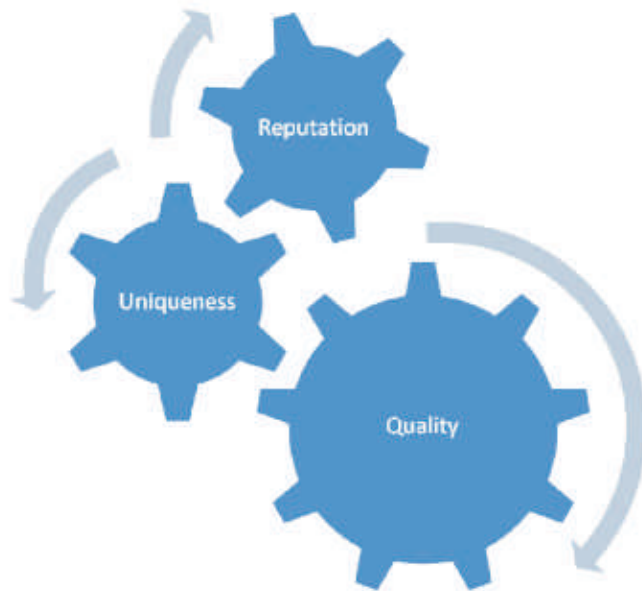
	Product	Sector	Description	Location
1.	Pochampally Ikat	Textile	The Characteristic Chowka Motif & Unique Ikat Technique makes this Saree a Very Invaluable to millions of Woman Folk in India.	Nalgonda & Warangal District of Andhra Pradesh.
2.	Kondapally Toys	Handicraft	Light weighted toys made of Tella Ponki.	Kondapally Village close to Vijayawada, AP.
3.	Silver Filigree of Karimnagar	Handicraft	Intricate Jali work made on silver wires.	Karimnagar district of AP.
4.	Nirmal Paintings	Handicraft	The colors used in this painting are produced indigenously from minerals, gums and herbs. The familiar gold color of Nirmal Paintings is extracted from the herbal juices. Over the years Nirmal work has grown to meet new and growing needs. Moving further away from being mere painters of epics, the artisans today paint motif the style of the old Indian Schools.	Nirmal, Adilabad District of Andhra Pradesh & Hyderabad.
5.	Nirmal Furniture	Handicraft	The artisans in nirmal combine artistry in painting with skills in woodcraft. they produce a variety of household and office furnishings that lend aesthetic appeal to the surroundings.	Nirmal, Adilabad District of Andhra Pradesh & Hyderabad
6.	Nimmalkunta Leather Puppetry	Handicraft	Leather Puppets --which catches the eye from these artisans-- doubles up as wall decorative and is made of parchment leather with fine perforations and painted in various colors in an intrinsic manner.	Nimmalkunta, Narsaropet, Andhra Pradesh.
7.	Uppada Jamdhani	Textile	The designs are intricately woven and are unique to the Uppada style of weaving. Further the special type of weaving using ada and jala and thillis contribute to the uniqueness of the goods.	Uppada, near Kakinada, East Godavari District of Andhra Pradesh.
8.	Gadwal	Textile	These sarees are hand woven. No machine or power loom is used in the production process. The length of the saree varies from 5 to 6.5 Meters in length. The width of the sarees varies from 45 to 50 inches.	Gadwal, Mahboobnagar District of Andhra Pradesh.
9.	Dharmavaram Sarees	Textile	The designs mainly feature simple, plain borders without much contrast. Brocaded gold patterns or butta are widely seen on the borders. Exclusively designed pallus are another distinctive quality.	Dharmavaram, Ananthapur District of Andhra Pradesh.

	Product	Sector	Description	Location
10.	Siddipet Gollabama	Textile	Compulsory weave of Gollabama design(milk maid with a milk pot on her head and hand) in the pallu of the sarees, that too in a straight line, one after the other.	Siddipet, Medak District of Andhra Pradesh.
11.	Narayanpet	Textile	The skilled weavers of Andhra Pradesh create vibrantly tribal style sarees appropriate for everyday wear. Hard working village women wear these sarees daily and enjoy their breezy soft finish on a hot day.	Narayanpet, Mahbubnagar district of Andhra Pradesh.
12.	Mangalagiri	Textile	unique sarees with a heavy zari border and simple mono-striped pallu of solid or striped zari threads. The field colors are often very vibrant shot weaves or small checks that dance and glimmer in harmony with the rich zari. The cloth is super finely woven with a crisp finish.	Mangalagiri, Guntur District of Andhra Pradesh.
13	Venkatagiri	Textile	Venkatagiri Sarees are essentially made of pure cotton, with elaborate zari work on them, with characteristic colours.	Venkatagiri,Nellore District of Andhra Pradesh.
14.	Cheriyal Painting	Handicraft	Is beautiful work of art, expressing the narrative format by the rich color scheme. These paintings are based on the themes from the great epics.	Cheriyal, near Warangal district of Andhra Pradesh.
15.	Pembarthy Brass ware	Handicraft	Pembarthi metal crafts are made of brass metal and carved out of hand by the metal workers or Vishwakarmas.	Pembarthy, near Warangal District of Andhra Pradesh.
16.	Bobbili Veena	Handicraft	One of the oldest musical instruments known in India, with a mention of it in almost all ancient texts. The Saraswathi Veenas of Bobbili are unique in depth and fullness of tone and are remarkable for their exquisite designs and patterns.	Bobbili, 55km from Vizaianagaram district of Andhra Pradesh.
17.	Tirupathi Ladoo	Food	Made in the Sri Vari Temple, which is the abode of Lord Venkateswara at Tirumala Hills in Tirupati in the State of Andhra Pradesh in India.	Tirupathi, Chittoor district of Andhra Pradesh.
18.	Hyderabad Haleem	Food	Specially prepared delicacy using meat, wheat and ghee during the holy month of Ramzan.	Hyderabad (Deccan) Andhra Pradesh.

Benefits of GI protection

- It confers legal protection to Geographical Indications in India.
- Unauthorized use of a Registered Geographical Indication by others can be prevented.
- Legal protection to Indian Geographical Indications is provided which in turn would boost export.
- Economic prosperity of producers of goods produced in a geographical territory is promoted.
- By using the GI tag as an effective tool the message of the popularity of particular product with long & historical association from a particular place / region can be highlighted.
- A brand image of a product hailing from a particular region can be built among the mind of the customers can be built over the years by means of the specialty i.e., GI tag conferred to it.
- Acquiring GI tag can be a perfect platform for popularizing the lesser known products originating from a region with specialized characteristics unique and blended with the region/places for many centuries/decades and having the potential to be popular among consumers/users at National level & International levels.
- The producers of a specialized product from a place/region can expand their market horizons by acquiring GI tag ensuring constant demand for their product thereby establishing themselves economically strong.
- As the clear, distinctive features of the GI product can be highlighted to the users, the possibilities of them being misled by unscrupulous manufacturers using the same product & place name but being manufactured at a different place can get drastically reduced.

Important Components of a GI Product

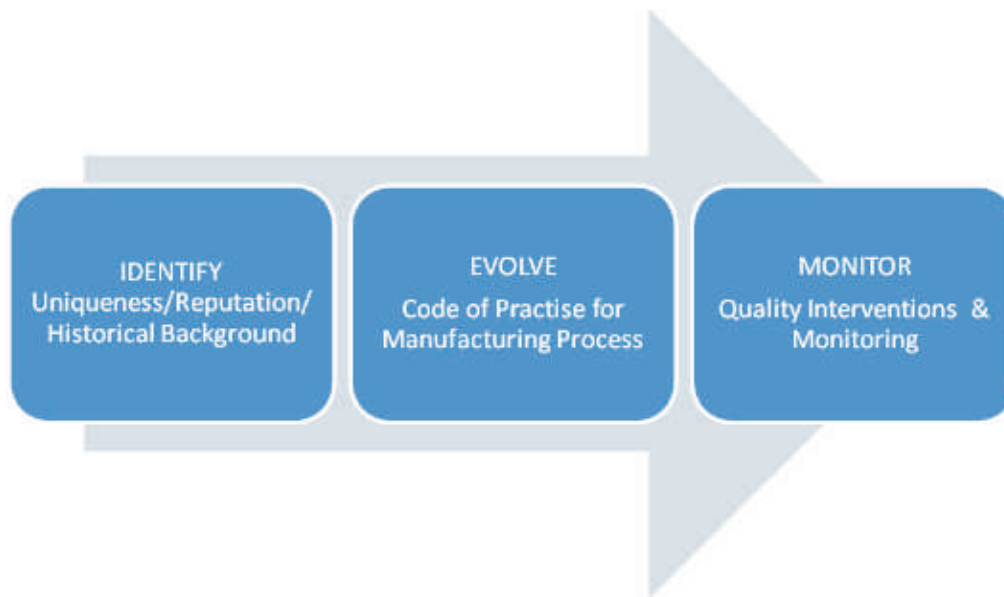


Example :

Uniqueness “Pochampally Ikat” Consists of fabric :

- *Made by a process of tying and dyeing the yarn prior to weaving*
- *Mainly cotton or silk or a combination of both*
- *Originating from the geographical region of Nalgonda & Warangal districts in the state of AP*
- *Having single, combined or double Ikat in several illustrations ranging from :*
 - *The use of diamond or chowka*
 - *Diagonal or square grids in which geometrical, floral figurative motifs are woven*
 - *Striped or shevaron forms*
 - *Other abstract variations*

Three Steps before you register a GI



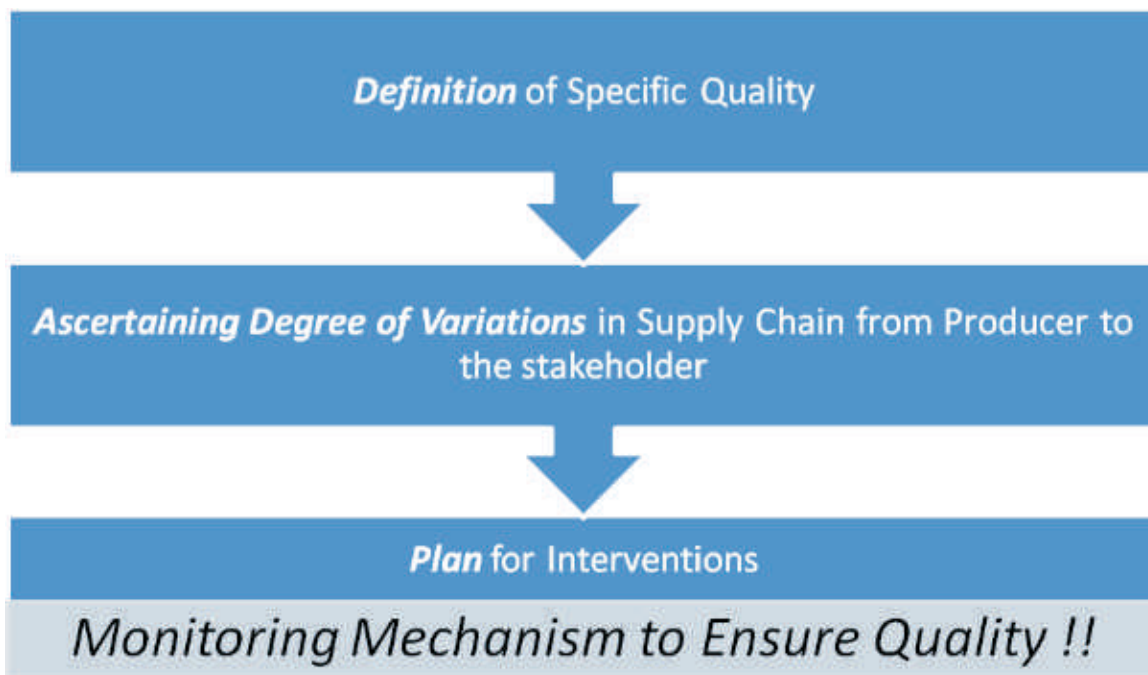
Common Code of Practice

One of the Important Steps taken by the Producer Group before Registering a Geographical Indication is to develop a to be taken by Producers' Group to Come out with Common code of Practice (COP) (Uniformity of Standards in manufacturing GI products). The Essential Steps to be followed:

- Description of the product/Definition of the process
- Definition of production area
- Control plan / Verification system for Uniformity of procedures/Standards

Quality Interventions

Quality is an indispensable aspect in GI products and hence there should be no room for compromise on quality. Also strict adherence to traditional aspects of manufacture and making must also be forming part and parcel of the GI quality control mechanism.



Conducting periodical check ups at the manufacturing site of the GI goods of authorized user. (A clause can be included in the written assurance of the producer given to the GI proprietor that he is willing at any time, for inspection to be conducted by the QC team at his premises of manufacture of the GI product).

How Do you register a GI?

Every application for the registration of a geographical indication shall be made in the prescribed form (GI-1A to ID) as per Geographical Indications of Goods (Registration and Protection) Act, 1999 (No. 48 of 1999) accompanied by the prescribed fee. Every application shall be made in the prescribed forms and shall contain the following:

1. A statement as to how the geographical indication serves to designate the goods as originating from the concerned territory in respect of specific quality, reputation or other characteristics.
2. The three certified copies of class of goods to which the geographical indication relates.
3. The geographical map of the territory.
4. The particulars of the appearance of the geographical indication words or figurative elements or both;
5. A statement containing such particulars of the producers of the concerned goods proposed to be initially resisted. Including a collective reference to all the producers of the goods in respect of which the application is made.
6. The statement contained in the application shall also include the following:
 - An affidavit as to how the applicant claim to represent the interest of the association of persons or producers or any organization or authority established under any law.
 - The standards benchmark for the use of the geographical indication or the industry standard as regards the production, exploitation, making or manufacture of the goods having specific quality, reputation or other characteristic of such goods that is essentially attributable to its geographical origin with the detailed description of the human creativity involved, if any or other characteristic;

- The particulars of the mechanism to ensure that the standards, quality, integrity and consistency or other special characteristic are maintained by the producers, or manufacturers of the goods.
- Three certified copies of the map of the territory, region or locality;
- The particulars of special human skill involved or the unique of the geographical environment or other inherent characteristics associated with the geographical indication.
- The full name and address of the association of persons or organization or authority representing the interest of the producers of the concerned goods must be given.

Where to Register

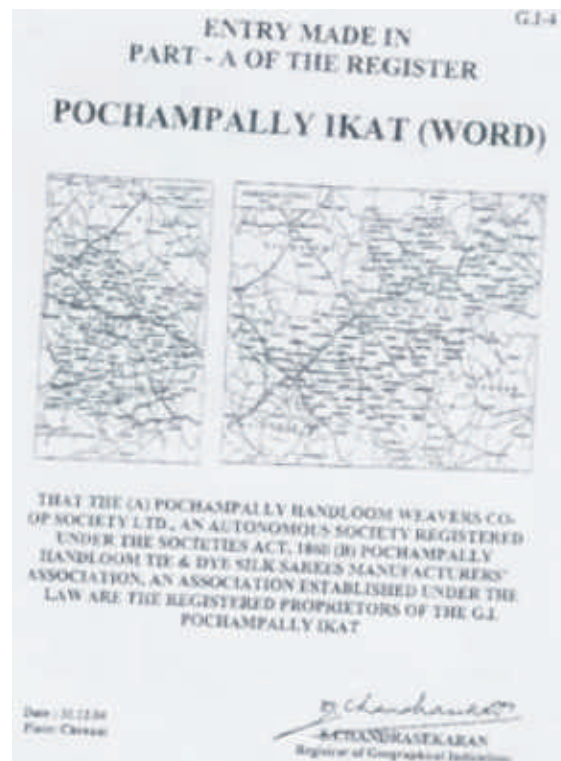
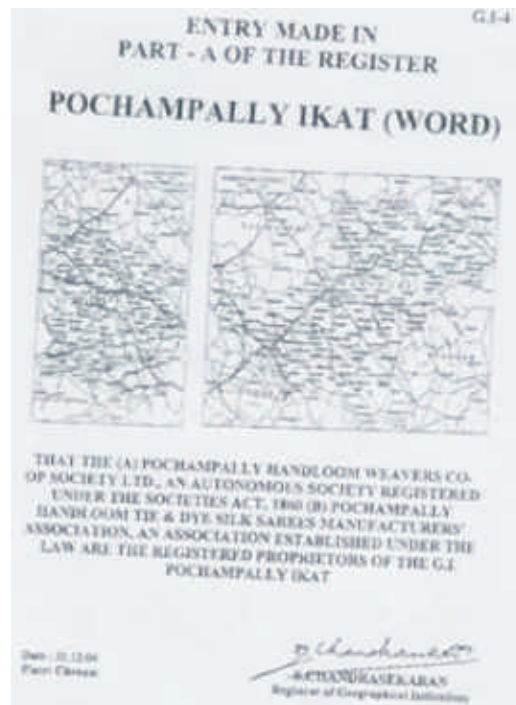
Geographical Indications Registry
Intellectual Property Office Building
G.S.T Road, Guindy, Chennai – 600 032
T : 044- 22502091 /22502091 / 92
F : 044-22502090

Where to obtain the forms: [www. ipindia.nic.in/girindia](http://www.ipindia.nic.in/girindia)

Andhra Pradesh Technology Development & Promotion Centre (www.aptdc.com) through its GI Resource Centre will provide free **Pre Registration**² counseling & advisory services to assist & Guide the Producers/artisans/weavers/stakeholders on Geographical Indication Protection.

² *The Registration Process will Involve Government fees as stipulated in the Geographical Indications (Registration & Protection) Act 1999 & Professional fees (if any assistance) is taken from Professional Agencies.*

Sample of a GI Certificate



Post GI Interventions - How to use GI on the Products

A product with a GI tag symbolizes the centuries of tradition and culture involved in its manufacture to the minds of the consumer / user. The mere mention of the product along with the place of its origin brings in the minds of the user the bondage the product has with the place of its origin. Assuring that every producer desirous of applying entry into Part 'B' as authorized user of registered GI provides written assurance to the GI proprietor that he would adhere to the quality standards as prescribed by the GI applications made during the application.

Case 1: Use of GI Tag directly on the Product



Kondapalli Bommalu^{R.G.I.}



R.G.I.: Kondapalli Bommalu is a Registered Geographical Indication of India under the Geographical Indication of Goods (Registration & Protection) act 1999 in classes 16, 20, 27 & 28

Ph: 0866 2872372



Satyanarayana Tarra
*Specialist in all kinds of Kondapalli Wooden Toys,
Quality Articals, New Designs*

5-51, Quilla Road Kondapalli - 521 228,
Krishna Dist. A.P., India

R.G.I.: Kondapalli Bommalu is a Registered Geographical Indication of India under the Geographical Indication of Goods (Registration & Protection) act 1999 in classes 16, 20, 27 & 28

(Case 3: Use in Stall Exhibition, Visiting Cards)

Who is the “Registered Proprietor” & 'Authorized User' of a GI?

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 a registered proprietor of a geographical indication?

- Any association of persons, producers, organization 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 authorized user?

- A producer of goods can apply for registration as an authorized user.
- It must be in respect of 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?

The persons dealing with three categories of goods are covered under the term Producer:

- Agricultural Goods includes the production, processing, trading or dealing.
- Natural Goods includes exploiting, trading or dealing.
- Handicrafts or Industrial goods include making, manufacturing, trading or dealing.

Is a registration of a geographical indication compulsory and how does it help the applicant?

- Registration is not compulsory.
- 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 the exclusive right to use the geographical indication.

Who can use the registered geographical indication?

An authorized user has the exclusive rights to the use of geographical indication in relation to goods in respect of which it is registered.

How long the registration of Geographical Indication is valid?

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.

Infringement of GI

When is a registered Geographical Indication said to be infringed?

*When an unauthorized user uses a geographical indication that 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 **mislead the public** as to the geographical origin of such goods.*

*When the use of geographical indication result in an **unfair competition** including passing off in respect of registered geographical indication.*

When the use of another geographical indication results in **false representation** to the public that goods originate in a territory in respect of which a registered 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.

Local Interventions Post GI Registration

- Constitution of an Local Enforcement Committee with Involvement of all relevant stake holders.
- Developing Communication tools to involve all concerned stakeholders in the supply chain mechanism about the legal implications of the Registered GI.
 - *Workers, Artisans & Craftsmen*
 - *Stockists / Mutually Aided Co-operative Societies*
 - *Local Retailers / Large Showrooms / Wholesale dealers*
 - *Consumers & End User Groups*
- Empanelling Legal Experts and Market Watchdogs
- Develop Marketing tools for Promotion of GIs
- Community Involvement for Benefit Sharing & Sustainable Livelihood generation models
- Facilitating and Ensuring Better Compliance of Quality in the Supply Chain from Producer to the stakeholder
- Leveraging GI as a tool for marketing as brand image. The practice of filing an application for Logo along with the GI application must be encouraged among the aspirants of GI applicants. The Logo along with the GI product can be popularized through wide publicity especially among the potential producers who may be intending to apply as Authorized Users.

- Encouraging the use of the registered GI in their product cartons, receipts, vouchers, bill boards and other items used for business promotion of the GI product.
- Enforcement mechanism of registered GI (Legal & Promotion).

Watchdog committees can be appointed on behalf of the proprietors of GI products to look into the incidents of unscrupulous manufacturers involved in the manufacture, storage, marketing etc of the GI product elsewhere other than the GI region without proper prior permission of the proprietor of the GI. Appropriate action can be initiated against such manufacturers as per provisions of the Geographical Indications of Goods Act 1999.

- Suitable advertisements / notices can be given in the media to spread the message of according of GI status to a particular product and spread awareness among the customers/users. Also, the significant characteristics/features unique for the GI product can be highlighted to the users to safeguard themselves from product of infringement.

Frequently Asked Questions

By which means the Geographical Indications are protected in India?

India has its own system of registration of the Geographical Indication (so-called sui generis protection). That is established by *the Geographical Indications of Goods (Registration and Protection) Act, 1999 (No. 48 of 1999)*, and its governing Rules- the Geographical Indication of Goods (Registration and Protection) Rules, 2002. Such registration is to be made at the Geographical Indication Registry and The Controller General of Patents Designs and Trademark is the Registrar of Geographical Indications.

Definition

The “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, region or locality where a given characteristic of such goods is essentially attributable to its geographical origin. In the case where such goods are manufactured goods one of the activities of either the production, processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.

Which products can be protected?

According to the Geographical Indication Act, GI can protect any agricultural, natural or manufactured goods, or any goods of handicraft or of industry including food stuff. (Section 2 (f)).

Who may request the protection of a GI?

The application is not restricted to a producer's association. The requirement is merely that the applicant represents the producer's interest.

It can be an association of persons or producers, an organization or even an authority established by or under any law for the time being in force that also represents the interest of the producers of the concerned goods (Section 11 sub-section 1).

What about applicants domiciled outside India's territory?

If there is no place of business in India, the applicant is required to indicate a place of service within the Indian Territory, besides informing the main place of business outside India (Section 53 of GI Rules).

Which name can a GI product protect?

Can be registered as a GI name of country, region or localities where it relates to a specific geographical area and is used upon or in relation to particular goods originating from that country, region or locality. A locality is deemed to be any demarcated district; therefore, one can argue that the locality covers any administrative subdivision smaller than the territory and the region: town, municipality, village, etc.

Which names are excluded from protection?

Some names are formally excluded from registration as a GI (section 9), especially those:

- Which are likely to deceive or cause confusion?
- Which comprises any matters that are likely to hurt the religious susceptibilities of any class of the citizens in India?
- Which are to be considered a generic name³ and it is ceased or not protected in the country of origin.

³ *Explanation 1: For the purposes of this section, "generic names or Indications" in relation to goods means the name of a goods which although relates to place or region where the goods was originally produced or manufactured has lost its original meaning and has become a common name of such goods and serves as a designation for or indication of the kind, nature, type or other property or characteristics of the Goods.*

What are the effects of the granting of protection of a GI in India?

The registration of the GI enhances its protection besides granting the exclusivity of the use of such name. Furthermore, it entitles the registered proprietor and the registered authorized users of the GI to bring court actions for infringement of the GI's exclusivity right.

What does the register of a GI protects against?

It is considered an infringement of the GI the misleading suggestion that the product is originated from the geographical area of the GI or the use a manner that constitutes an act of unfair competition (contrary to honest practices), including passing off. The GI may also not be used by third parties, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style" or "imitation".

Relationship between Trademarks and GIs?

The Act (Section 25) provides that a trademark containing a registered geographical indication shall be refused or invalidated if it leads to confusion as to the true origin of the product, or simply contains a GI of goods or classes of goods declared as having additional protection by the Central Government notified under Section 22 sub-section 2.

What items constitute an application for protection of a product with geographic indication?

An application should be filled in the office of the Geographical Indications Registry according to the place of main business in India or the service address informed, if the main place of business is outside India. A fee for each class of good chosen to protect is required.

Explanation 2: In determining whether the name has become generic account shall be taken of all factors including the existing situation in the region or place in which the name originates and the area of consumption of goods.

The Section 8 of the GI Act states that the application must contain a statement of how the name serves to designate products from a country, region or territory with a concerned quality, reputation or characteristics. It must also be included in the application a representation (either word and figurative if it is the case) of the Geographical indication name, a map of the geographical territory, a classification of the goods for which protection is sought and a statement explaining why the applicant represent the interests of the producers. The list of such producers can be provided; they will be included as authorized users of the GI.

Can others oppose to a GI registration?

Yes, besides the examination of the Registrar, which can refuse, impose conditions or limitations of any kind, third parties can oppose to the registration until 3 months plus one subsequently month, after the publication of the application or its republication. Such notice of opposition will be delivered to the applicant who has the opportunity to counter-state in a period of 2 months. After hearing the parts the Registrar may issue a decision, which can be the refusal, acceptance or imposition of either limitations or conditions to the registration. (Section 14).

When can the GI be considered as registered?

After the acceptance of registry by the office and the dismissal of any opposition raised by third parties, or the lapsing of time for oppositions, the application is sent to the Central Government, which will register, unless it otherwise directs. Once registered in the Geographical Indication Registry, they issue certificates for the applicant and the authorized users mentioned in the application. (Section 16).

What about irregular applications?

The Register may require any amendment of formal requirement he may find necessary. In case of filling in the incorrect Office of Geographical Indication Registry, the office may redirect the application to the appropriate office if the error was deemed to be in good-faith. In case of any error or mistake, the applicant will have the opportunity to be heard before a decision by the office. In case of deficiencies in the application, the Registry will give notice to the applicant, who will have one month to remedy such deficiencies (Section 31 of the Rules).

How long does GI protection last?

The registration has a period of 10 years, renewable with a fee payment before its expiration or within the 6 following months after the expiration date with the payment of a surcharge. If there is no renew by either way, the registration is removed from registry. Nevertheless, the registration can still be restored until 1 year from the last date of registration, by an interested party and with the payment of the prescribed fee. (Section 63 of the Rules).

What happens if there is a request to cancel or amend the registration?

Any person aggrieved may ask to the Registry or the Appellate Board of Intellectual Property to cancel or vary the registration of the GI. If this is the case, the registered proprietor will be informed to respond the allegations. Also, the proprietor or the authorized users of the GI can request any kind of modification, except those that represent addition in goods or class of goods. The Office will publish the modifications and new oppositions by third parties can be brought within the deadline of 3 months.

How to administer and uphold these rights?

The authorized users are included in the registration. Those are the producers mentioned in the application or users that individually required being included as authorized users, by showing that it has the right to do so. Only those included in the registry can use the GI, if they not registered an authorization from the registered proprietor is necessary, but only those registered can bring actions of infringement of the GI. Any kind of assignment, transmission, licensing, pledge, etc of the GI is prohibited. Furthermore, to ensure the quality, it is required that the registered proprietor explain which mechanisms exist to ensure that the standards, quality, integrity and consistency or other special characteristic of the GI is maintained. (Rules, section 32, 6, c).

Where and how can applications be filed?

Any person wishing to obtain registration of a GI in India shall file an application with the Geographical Indications Registry, 8 Intellectual Property Office Building Industrial Estate, G.S.T Road Guindy, Chennai - 600 032, by sending it by mail or delivering it directly at the office, in the proper forms and with all the documents and paid fees required. The application can be signed by the applicant itself or by a Geographical Indication agent, but either cases an address in India must be provided. Any request regarding the application will be informed on the address in India provided by the applicant.



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