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**GEOGRAPHICAL INDICATIONS:
THE EXPERIENCE OF INDIAN TEA PRODUCERS:**

PROTECTION OF DARJEELING TEA



Paper prepared for the Worldwide Symposium on GIs,
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Background and history

1. Tea is a drink prepared by the infusion in hot water of the processed leaf of the plant *Camellia Sinensis*. Depending on the nature of processing or manufacture, tea could be “green”, “black”, or “oolong”. Again, within the category of black tea, there are two methods of manufacture leading to two varieties of black tea – Orthodox and CTC. While in the Orthodox method the leaf goes through a process known as rolling, in the CTC method the leaf is subjected to cutting, tearing and curling. Darjeeling tea is, in most instances, a black orthodox tea, but small quantities of oolong and green tea are also produced.
2. The tea plant is indigenous to China and India. Though native Indian tea bushes had existed in Assam in North East India since ancient times, and despite reports from various early explorers of tea being drunk by Indians, it was not until the nineteenth century that true tea cultivation and production began at the behest of the British, who ruled India at that time. With an established history of importing Chinese tea and with ongoing trading problems with the Chinese, in the 1830's the British decided to start growing their own tea in one of their colonies, India. Two Scottish brothers, Robert and Charles Bruce, were the first ones to investigate and grow tea plants from seeds of the Assam tea plant. Today, India is the world's largest grower of tea with a total production of 826.17 Million kilograms in the year 2002. Nearly all the production is black tea unlike China, the world's second largest producer at 715 Million kilograms (Year 2002), which grows green tea. India is also the world's largest consumer of tea.
3. The district of Darjeeling is situated in the province (state) of West Bengal, India. Tea has been cultivated, grown and produced in tea gardens geographically located in these areas for the last 150 years. The gardens are all located at elevations up to over 2000 metres above mean sea level. Due to the unique and complex combination of agro-climatic conditions prevailing in the region and the production regulations imposed, such tea has a distinctive and naturally-occurring quality and flavour which has won the patronage and recognition of discerning consumers all over the world for well over a century. The quality, reputation and characteristics of the tea is essentially attributable to its geographical origin and cannot be replicated elsewhere resulting in Darjeeling Tea being considered a geographical indication. Broadly there are 2 factors that contribute to the exceptional taste of Darjeeling tea – the geographical location and the processing.

The geographical location

Altitude	700 to 2000 meters nestling in the shadow of the snow-clad Kanchenjunga peak
Latitude	26° 31' and 27° 13' North
Longitude	87° 59' and 88° 53' East
Rainfall	Minimum of 50" to 60" p.a.
Humidity	Very high
Soil	Rich and loamy soil. In the uplands it is usually red and gritty and residual i.e. derived from the weathering of underlying rocks and rich in organic matter from the surrounding forest cover.

Gradient of slope	60° to 70°
Temperature	1.7 to 11.1°C maximum of 20°C
Flavor	'Muscatel'
Spring Flush (May to June)	Leaf has purplish bloom. Liquor is mellow and amber in color with a fruity (grapey) flavor called Muscatel.

Processing

4. The harvesting of the green leaf is done exclusively by hand and nearly all the pickers are women. The tea pickers pick only the most tender of the two leaves and a bud, before sunrise.
5. Processing is by the Orthodox method yielding whole leaf teas (as opposed to the CTC – crushing, tearing, curling method). Darjeeling Tea is “black tea” (as opposed to “green tea”, “oolong tea”). The leaves are oxidized for 2 to 4 hours. The tea has a brownish-black, well-twisted appearance and contains a lot of golden ‘tip’. Incidentally, certain morphological characteristics of the leaf have been found to be associated with the quality of tea. One of them is ‘tipping’ – ‘tip’ in tea coming from hairy buds and leaves of the plant which the Darjeeling variety is well endowed with.
6. Darjeeling Tea is graded as SFTGFOP which means Supreme Finest Tippy Golden Flowery Orange Pekoe (the other leafy grades are flowery pekoe (FP), orange pekoe (OP), pekoe (P), pekoe souchong (PS) and souchong (S) which means very high quality FOP (largest tea leaves) with lots of golden tips of the bud’s leaves, “S” indicates Supreme light colored liquor.

History

7. The foothills of the highest mountain range in the world – the Himalayas, begin at this region and the surroundings of unforgettable splendour provide the ideal nursery. Before the British arrived in India, the forests of the region, known as Darjeeling today, were home to a handful of Lepcha tribes. In 1828, a young Captain Lloyd, stumbled across the region and the location, with the snow-clad Himalayan peaks as a backdrop, he saw the possibility of building a “hill station,” or sanitarium. That was the beginning of the setting up of Darjeeling, today a major tourist attraction and known all over the world for its tea.
8. The first tea seeds were planted in Darjeeling by a Dr. Campbell, a British doctor, in his garden as an experiment. He was reasonably successful in raising the plant and the Government, in 1847, elected to put out tea nurseries in this area.
9. According to records, the first commercial tea gardens planted out by the British tea interests were in 1852 and all these plantations used seeds that were raised in the Government nurseries.
10. Darjeeling was then only a sparsely populated hamlet which was being used as a hill resort by the army and some affluent people. Tea, being a labour intensive enterprise,

requires sufficient numbers of workers to plant, tend, pluck and finally manufacture the produce. For this, employment was offered to people from across the border of Nepal.

11. By 1866, Darjeeling had 39 gardens producing a total crop of 21,000 kilograms of tea. In 1870, the number of gardens increased to 56 to produce about 71,000 kgs of tea harvested from 4,400 hectares. By 1874, tea in Darjeeling was found to be a profitable venture and there were 113 gardens with approximately 6,000 hectares.

12. Given the overall distinctive characteristics of Darjeeling tea, there are subtle variations across plantations and across the seasons. True connoisseurs and professional “tea tasters” can detect not only the variation in flavour that the seasons bring about but also the garden from which the tea has come.

Categories of Darjeeling tea:

13. **Easter Flush (March -April):** It arrives just after the dormant winter months. The leaves are tender and very light green appearance. The liquor too is light, clear, bright and imparts a pleasant brisk flavor.

14. **Spring Flush (May -June):** This flush is famed for its prominent quality. The leaf has a purplish bloom. The liquor is more round, mellow and with more color (amber) and has a slightly fruity flavour. It is during this period that the famous “Muscatel” flavor becomes pronounced. Referred to as “spring time teas”, these teas yield a light tea with a delicate aroma, flowery taste and their astringent quality.

15. **Summer Flush (July -September):** During this period the nature of the liquid changes, becoming stronger, yet retaining the brightness and character that Darjeeling is known for. This flush produces a darker, more full-bodied cup that is more mellow and fruity.

16. **Autumn Flush (October -November):** The tea during this period has a light coppery tinge and liquor has a delicate character.

17. **Winter Months (December -February):** Dormant period with no production.

18. All Darjeeling teas, though, possess the lightness of flavour and fine colouring that set them apart and above from all other teas.

19. The Darjeeling tea industry at present employs over 52 thousand people on a permanent basis. A further 15,000 persons are engaged during the plucking season which lasts from March to November. A unique feature of this workforce is that more than 60 percent are women and employment is on family basis.

20. The income of a garden worker is half in the form of cash and the other half by way of perquisites which have over the years effectively provided a cushion against the impact of inflation and scarcities, -the workers are provided with free accommodation, subsidised cereal ration and free medical benefits. Gardens used to run primary schools which have since been taken over by the government but the buildings continue to be maintained by the garden management.

21. In this context it may be stated that a Geographical Indications registration and protection would ultimately benefit the plantation worker. Better protection would ultimately result in better prices, better economic health of the industry, sustainable educational and health systems resulting in a better quality of life.
22. The tea produced in the aforesaid region and having the said special characteristics, is and has for long been known to the trade and the public in India and abroad as “Darjeeling” tea and as such it has acquired domestic and international reputation. This reputation has a history, as has been explained above, of well over 100 years. 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 district of Darjeeling, province (state) of West Bengal in India and having the aforesaid special characteristics. The year 2002 marked the 150th year of Darjeeling tea.
23. Darjeeling tea is the most expensive and exotically flavored tea. Connoisseurs will assert that without Darjeeling, tea would be like wine without the prestige of Champagne.

“Darjeeling Tea” is defined as:

Location

24. Tea which has been cultivated, grown, produced, manufactured and processed in tea gardens (current schedule whereof is attached hereto) in the hilly areas of Sardar Sub - division, only hilly areas of Kalimpong Sub - division comprising of Samabeong Tea Estate, Ambik Tea Estate, Mission Hill Tea Estate and Kumai Tea Estate and Kurseong Sub - division excluding the areas in jurisdiction list 20, 21, 23, 24, 29, 31 and 33 comprising Subtighuri Sub - division of New Chumta Tea Estate, Simulbari and Marionbari Tea Estate of Kurseong Police Station in Kurseong Sub - division of the district of Darjeeling in the State of West Bengal, India.

Processing

25. Tea, which has been processed and manufactured in a factory, located in the aforesaid area, which, when brewed, has a distinctive, naturally accruing aroma and taste with light tea liquor and infused leaf of which has a distinctive fragrance.
26. The major part of the annual production of Darjeeling tea of about 9.5 Million kilograms is exported. The major buyers of Darjeeling tea are Germany, Japan, the U.K., the U.S.A. and other E.U. countries such as the Netherlands, France etc. In the year 2000 about 8.5 Million Kilograms of Darjeeling tea was exported of a total value of USD Dollars 30 Million.
27. The difference between the international retail price and the auction price for packet Darjeeling tea is from 500% to 1000% and goes up to 5000% for select Darjeeling tea. In Japan, for example, while auction prices are at \$3.5 per kg and private sales \$5.5 per kg, Darjeeling tea can retail at \$300 per kg. At the same time, the cost of production has been

steadily growing. The difficult terrain, the long “winter dormancy”, the ageing bushes and the high cost of labour is causing severe hardship to many of the states.

The protection of Darjeeling tea – the Indian experience

Objectives

- To prevent misuse of the word “Darjeeling” for tea sold worldwide
- To deliver the correct product to the consumer
- To enable the commercial benefit of the equity of the brand to reach the Indian industry and hence the plantation worker
- Achieve international status similar to Champagne or Scotch Whisky both in terms of brand equity and governance/administration

28. Historically when the British developed the tea industry in Darjeeling in the 19th century they set up the tea industry of Darjeeling into three different distinct chains. The first chain, the production system was the tea estate whose primary and only function was to grow the tea. The second chain was the tea auction. The system ensured that the Darjeeling tea was sold as a commodity at the auction. The third chain was the tea buying company who bought Darjeeling tea as a commodity, blended it, branded it and then sold it. At the time it was developed, British interests controlled all the chains.

29. However, even today, the third chain is completely controlled by the foreign blending companies. The existing primary marketing system ensures that most of the Darjeeling Tea that is produced, is sold by the tea estates as a commodity either directly or indirectly through the public auction in Kolkata to the foreign buyer. Except for some “single estate” teas, Darjeeling tea is sold under the brand name of the foreign blender/packer.

30. Then there is the important issue of blending which makes the process of protection more difficult. Most tea sold worldwide are “blended”, that is, the packer maintains a level of tasting consistency and price stability in his brand by mixing teas procured from different sources. There is no process change involved, but the blender/packer justifies the considerable markup in the retail price on the ground that he has made considerable investments in propagating his blend in the form of his brand. In the case of Darjeeling, however, Tea Board of India and the Darjeeling industry is of the opinion that since the Darjeeling brands and blends sell worldwide due to the unique characteristics that the consumer identifies with the word ‘Darjeeling’, a blend in this case would imply that teas may be used from different states but must be all from the geographical area known as Darjeeling. On the other hand the foreign blenders and packers feel that the important issue here is whether the blend has Darjeeling “character” as determined by tea tasters and opinions vary as to the minimum allowable percentage of pure Darjeeling tea in the blend: this ranges from 50% to 90%. The opinion of the Darjeeling producers is that if a blend contains less than 100% of Darjeeling tea, it should not be marketed using the “Darjeeling” platform. The maximum opposition, quite naturally to the entire endeavor of setting up a system of protection of Darjeeling tea is forthcoming from the blenders and packers which is an important and influential segment of the tea industry.

31. The objective of the entire exercise is to prevent passing off and infringement as well as to protect the intrinsic flavour of Darjeeling. The consumer must know what he/she is buying and how much Darjeeling tea is contained in the blend. Unless there is greater degree of transparency, consumers as well as producers will be deprived of their legitimatedue.

32. This issue of blending is a contentious issue and the Tea Board is presently engaged in a dialogue with the tea buyers in the U.K. to arrive at a consensus. A similar exercise is planned for Germany and the other major countries importing Darjeeling tea.

Why the Tea Board?

33. While the tea industry in India is almost completely in the private sector, it is statutorily controlled by the Government right from 1933 under various enactments culminating in the Tea Act, 1953. The Tea Board in India is a Board set up under the same Act of Parliament. The Board is administratively under the control of the Ministry of Commerce & Industry of the Government of India (the federal or central government). The Tea Board is vested with the authority to administer all stages of tea cultivation, processing and sale of the tea industry, including the Darjeeling segment through various orders. The Board, which is headed by a Chairperson, comprises members nominated by the Government. In accordance with the provisions of the Tea Act, 1953, the constitution of the Board is diverse, members representing owners of tea estates, the provincial governments, workers' representatives, exporters, packers, internal traders and consumers. Three Members of Parliament also sit on the Board.

34. The Tea Board, however, has been working in close cooperation and help of the Darjeeling Planters' Association, which is the sole producers' forum for the Darjeeling region.

Legal Options

35. Legal options vary in accordance with different systems of jurisprudence and prevalence of appropriate legislations. Common law jurisprudence describes a system of law where protection is available even without registration and based on use and reputation. e.g. UK, USA, India, Canada, Australia. On the other hand, civil law jurisprudence describes a system of law where protection is extremely dependent on registration. e.g.: France, Morocco, Russia etc. Under common law jurisprudence, the "passing off" remedy is available on proof of reputation enjoyed by a given GI and misrepresentation and damage by way of diversion of custom. Under civil law jurisprudence, protection is available to a GI only on proof of registration in the country of disputed use and protection in the country of origin.

36. A Geographical Indication can be protected through a wide variety of appropriate legislations in specific countries. The commonly used laws are specific legislation for Geographical Indications, Appellations of Origin, Certification Trade Marks, Collective Marks, etc. 37. Many famous GI like Scotch whisky are protected by separate Statute (The Scotch Whisky Act 1988) in their country of origin, which defines the product and its manner of use/users.

38. The issue of international protection through treaties is also of relevance. India is a signatory to the Paris Convention for the Protection of Industrial Property. It is, however, not a signatory to the Lisbon Agreement for the Protection of Appellations of Origin and Their

International Registration which has 23 signatory countries. The WIPO administers the system of international registration of marks under two treaties - the Madrid Agreement and the Madrid Protocol. India is not a signatory. There is also the possibility of registration in a group of countries. This is relevant in the E.U. where a "Community registration" is possible at the office of the Harmonization of the Internal Market (OHIM) at Alicante, Spain.

39. India is a founder member of the World Trade Organization (WTO) and Articles 22 to 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) relating to Geographical Indications is of importance in this context. India, along with several other countries, had taken the initiative to push for the same protection to other products as envisaged for "wines and spirits" in the TRIPS agreement. The main advantage would be to develop a multilateral system of notification and registration of all Geographical Indications. In this connection, a joint paper to the TRIPS Council of the WTO has recently been submitted. The Doha Ministerial Declaration under paragraphs 12 & 18 provides the mandate for the issue of providing a higher level of protection to Geographical Indications to products other than "wines and spirits" to be addressed by the TRIPS Council.

Why GI when CTM registration exists?

- ❑ When CTM registration is not accepted in a jurisdiction where protection is sought, e.g. France for Darjeeling
- ❑ Where GI registration is necessary to avail for the reciprocity mandate under EU 2081/92
- ❑ Gives clear status to a GI indicating a direct link with geographic origin
- ❑ Lack of consensus between countries, non-GI vis-à-vis pro-GI – time lost

40. Why is extension of protection required under Article 23 for products other than wines and spirits?

- ❑ Necessary where no legal platform exists to register a GI or a CTM which is a TRIPS obligation e.g. Japan
- ❑ With additional protection it would not be necessary to establish the credentials/reputation of a GI before fighting infringement of similar "types", "styles", "look-alikes".
- ❑ Additional protection would rectify imbalance caused by special protection of wines and spirits.

Major initiatives by the Tea Board

41. The Tea Board had taken the first measures to protect Darjeeling as a Geographical Indication about 15 years ago by developing a “Darjeeling” logo. The logo was created in 1983 and registered in 1986 in various jurisdictions including UK, USA, Canada, Japan, and Egypt and some European countries as a Trademark/Certification Trade Mark.



42. The Tea Board has been active in this area again from 1998 onwards. The Tea Board started its protection exercise with registration of the Darjeeling logo created in 1983, and then went on to seeking protection of the word Darjeeling as a Geographical Indication in the post TRIPS scenario.

43. The Tea Board has obtained “home protection” by registering a Darjeeling logo and also the word “Darjeeling” as a Certification Trade Mark under the Indian Trade and Merchandise Marks Act, 1958. The registration has been granted against two applications of the Tea Board: “Darjeeling Logo” in class 30 in the name of Tea Board, Kolkata under No. 532240 filed on October 9, 1986 and for “Darjeeling” word in class 30 in the name of Tea Board, Kolkata under the No. 831599 filed on December 10, 1998.

44. Since February 2000, an extremely important step was the statutorily compulsory system of certifying the authenticity of the Darjeeling tea being exported which was put in place under the provision of a Federal Indian Act known as the Tea Act, 1953. The system envisages all dealers in Darjeeling tea to compulsorily enter into a License Agreement with the Tea Board India against an annual License Fee. The terms and conditions of the Agreement provide that the licensees would furnish information relating to production of Darjeeling tea, manufacture and sale of such tea through auction or otherwise. The Tea Board is thus able to compute and compile the total volume of Darjeeling tea produced and sold for the same period. No blending with tea of other origin is permitted. Under this process, 171 companies dealing with Darjeeling tea have registered with the Tea Board. Out of 171, 74 are producer companies and 97 are trader/exporter companies. Certificates of Origin are then issued for export consignments, which are given under the Tea (Marketing and Distribution) Control Order, 2000, read with the Tea Act, 1953. Data is entered from the garden invoices (the first point of movement outside the factory) into a database, and export of each consignment of Darjeeling tea is authenticated by issuance of the Certificates of Origin by cross-checking the details. This ensures the sale-chain integrity of Darjeeling tea until consignments leave the shores of India. The Customs authorities in India have, by circular, instructed all Customs checkpoints to check for Certificates of Origin accompanying Darjeeling Tea consignments and not allow the export of any tea as “Darjeeling” without this certificate.

45. Tea Board has sought the support of all overseas buyers, sellers and Tea Councils and Associations in so much as they should insist on Certificates of Origin to accompany all export consignments of Darjeeling tea. Overseas importers are thus ensured of 100% Darjeeling tea in their consignments.
46. Initiative was taken to not only register the logo (or to renew the registration when required) but also to register the word "Darjeeling". A recent significant development is that the UK Trade Registry has awarded registration of the Darjeeling word under the Trade Marks Act 1994 of Great Britain and Northern Ireland as of March 30, 1998 under No 2162741 signed August 3, 2001. In October 2002 the US accepted Tea Board's application for registration of Darjeeling as a CTM. The Registration includes filing of regulations. These regulations filed define parameters for usage and a system of governance to protect and track infringements. The system begins at the level of production, primary marketing and at the point of export with production data coming in and issuance of Certificates of Origin. Overseas, Darjeeling tea as exported against certificates of origin traded by authorized users of the logo/word and periodic data is made available in accordance with the terms of the licence agreement. This system enables tracking of areas of infringement. The procedure to become a licensee has been made as simple as possible. The applicant has to execute a license agreement, to agree to abide by a set of regulations and pay the annual licence fee. He has to submit a bi-annual return on the volume and quantity of tea sold, declare his stock and maintain an "adequate" system of control. He has to agree for verification and inspection for maintenance of standards prescribed.
47. Tea Board since 1998, has hired the services of Compumark, an international Watch Agency that keeps Tea Board informed of all attempts to register the word "Darjeeling" worldwide. Pursuant to the watch agency being appointed, several instances of attempted registrations have been found. Some of these have been challenged through oppositions and cancellations and some through negotiations.
48. Marks opposed include those relating to diverse goods and services such as clothing, lingerie, telecommunication and internet services, coffee, cocoa, etc...
49. Of the fifteen instances, five have been successfully concluded in countries such as Japan, Sri Lanka, Russia, etc... Three oppositions were unsuccessful and seven are still pending decision.
50. The Indian Geographical Indication of Goods (Registration & Protection) Act 1999 is a specific Act covering the registration and protection of Geographical Indications. The Rules relating to this Act have only recently been notified in 2002 and the Registry has not yet become functional. The Tea Board and its lawyers have kept ready the application and regulations for the GI registration and would file the same as soon as the process is initiated by the concerned Registry.

Cost of Protection

51. In the last four years, Tea Board has spent approx. Rs 94,00,000/- (US\$ 200,000/-) - (Rs 47/- to a \$) on legal and registration expenses, cost of hiring an international watch agency and fighting infringements in overseas jurisdictions. This does not account for administrative expenses including manpower working on the job in Tea Board, cost of setting up monitoring mechanisms, software development cost etc. It is not possible for every GI right holder to incur such expenses for protection.

52. The present position of international registration of Darjeeling and Darjeeling logo is given in the chart below.

No.	Country	Nature and subject matter of Registration	Registration No. and date.	Validity
1.	Canada	Certification Mark	0903697	Valid until voluntarily abandoned or expunged pursuant to a court order.
2.	Egypt	Trade Mark	103072	April, 2009
3.	International Registration – Germany, Austria, Spain, France, Portugal, Italy, Switzerland and former Yugoslavia.	Collective Mark	528696	September, 2007.
4	Benelux registration – Belgium, Netherlands, Luxembourg	Collective Mark	444511	March 2007
5.	India	Certification Mark for DARJEELING logo	532240 dated 9.10.1986	October 9, 2007
6.	India	Certification Mark for DARJEELING (word)	831599 dated 10.12.1998	December 10, 2005
7.	Japan	Trade Mark for the DARJEELING logo	2153713	July, 2007
8.	U.K.	Certification Mark for the Darjeeling logo	1307518 dated April 16, 1997	April, 2008
9.	U.K.	Certification Mark for Darjeeling (word).	2162741 dated March 30, 1998	March 30, 2008
10.	U.S.A.	Certification Mark Darjeeling logo	1632726 dated January 7, 1988	January, 2007
11.	U.S.A.	Certification Trade Mark for Darjeeling word perse.	2685923 dated October 1, 2002.	October 1, 2012
12	Russia	Darjeeling logo		Pending application

		Darjeeling word		dated April 1999. Word recently accepted for registration.
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Major initiatives required

TRIPS Agreement

53. The issue of extension of a higher level of protection to Geographical Indications to products other than "wines and spirits" is being addressed by the TRIPS Council of the WTO in accordance with the mandate provided by the Doha Ministerial Declaration under paragraphs 12 & 18. As a country, India had taken the initiative, along with other countries, to push for the same protection as obtained for "wines and spirits" and has recently submitted a joint paper to the TRIPS Council. This agenda needs to be actively pursued.

54. There is also a need to examine the possibilities offered by other agreements that provide international registrations such as the Lisbon Agreement.

International assistance and help from "best practices"

55. Since registration has already been obtained in different countries, there is a need to obtain the help of International Organizations such as WIPO and to build up a partnership with other producers' organizations and bodies to obtain assistance on the administrative procedures followed by them since clearly the next steps would have to be taken in the major consuming countries such as Germany, Japan, the U.K. and the U.S.A.

Promotion measures

56. There is a need to promote Darjeeling Tea and its protection where it has been registered under respective legal systems and laws and to increase consumer awareness as to what Darjeeling tea signifies. The Tea Board is planning to launch media campaigns in major consuming countries beginning with Germany.

Negotiations with major Darjeeling buyers and packers/blenders

57. This is an on-going exercise to ensure that the interests of the producers and the consumers are protected while at the same time not alienating the buyer. The Tea Board is of the view that a partnership with the buyers in the major consuming countries such as Germany, Japan and the U.K. would be the only long-term solution to the problem of possible "passing off".

Legal measures & efforts

58. Tea Board should continue, at the same time, to strongly oppose attempts at individual registration in case of private labels (or incorporated disclaimers as deemed fit) or misuse in specific overseas jurisdictions.

ORIGIN

59. Tea Board has joined the International Geographical Indications Network, formed jointly by G1 friendly countries, and is in favour of such an effort. In fact in terms of initiatives required by the Board, this would help international networking and understanding of "best practices" in various countries.

Extension of protection to other Indian IPRs with respect to Tea

60. Tea Board and the Ministry of Commerce, Government of India has been active in the area of Intellectual Property Rights protection for Nilgiri, Assam and India Tea. Developments in this area include registration of the said IPRs in the following jurisdictions.

Details of registration of Assam/Nilgiri Marks and India Tea/Assam/Nilgiri Logo in India and other countries.

Sl. No.	Property	Jurisdiction.	Law.	Status.
1.	Lady Tea Picker Logo	India	Indian Copyright Act	Valid Registration
2.	Lady Tea Picker Logo	Egypt	Trade Mark Laws of Egypt	Valid Registration
3.	Lady Tea Picker Logo	Russia	Russian Trade Mark Laws	Pending application dt Sept 1999
4.	Lady Tea Picker Logo	Poland	Polish Trade Mark Laws	Valid Registration
5.	Lady Tea Picker Logo	U.K.	U.K. Trade Mark Laws	Valid Registration as Certification Trade Mark (under new regime).
6.	Assam Logo	Egypt	Trade Mark Laws of Egypt	Pending Registration
7.	Assam Logo	U.K.	U.K. Trade Mark Laws	Valid Registration
8.	Assam Logo	Russia	Russian Trade Mark Laws	Pending application dt Sept 1999
9.	Assam Word	U.K.	U.K. Trade Mark Laws	Valid Registration (As CTM under new regime).
10.	Assam Word	Russia	Russian Trade Mark Laws	Application dt Nov 1999 recently accepted for registration
11.	Nilgiri Logo	Russia	Russian Trade Mark Laws	Pending application dt Nov 1999

12	Nilgiri Logo	Egypt	Trade Mark Laws of Egypt	Valid Registration
13	Nilgiri Word	Russia	Russian Trade Mark Laws	Application dt Nov 1999 recently accepted for registration

India Tea Logo

61. The India Tea Logo is protected under copyright in India and registered as per the above chart. Tea Board has recently initiated action that will facilitate a India Tea Logo campaign in Russia, our largest importer. This is as per strategy laid out in the Mid Term (2002 -06) Export Strategy Plan for Indian Tea developed by Tea Board. The framework under which the logo will be granted is undergoing change and a monitoring mechanism is being put in place to ensure that tea being exported under the logo to Russia meet a minimum benchmark quality. This minimum benchmarked quality has been ascertained as part of a separate exercise where the most popular brands in the Russian market were analysed and Indian tea alternatives developed. This exercise is going hand in hand with an advertising campaign that has been executed in Russia promoting Indian Teas, (the first phase of which commenced in October 2002) where Indian tea carrying the logo are being earmarked.

62. Packs eligible for the logo will have to meet the following standards as per the Logo Rules:

- For 100% Indian tea.
- Only for value added (packets/teabags/etc).
- Pre-packed in India (to start with). Could be later extended for overseas packing.
- Tea to meet minimum quality benchmark standards. The standards will be created and physically maintained.

63. All logo consignments will be checked (sampled and tasted) before being exported.

64. The India Tea Logo is proposed to be registered as a Certification Trade Mark in India.

65. The Assam and Nilgiri tea logos are to be registered as Geographical Indications in India once the GIA is operationalised in India.

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