

DRAFT

MANUAL

OF

GEOGRAPHICAL

INDICATIONS

PRACTICE & PROCEDURE

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CHAPTER - I

INTRODUCTION

- **EVOLUTION OF GI - CONCEPT OF GI IN THE WORLD**

- ❖ **Evolution of GI**

The desire of mankind for quality and genuine premium products such as silk, cotton and spices, having distinct characteristics originating from a particular region, have over centuries created an impact on human civilization which has resulted in discovery of new sea routes and new continents. These identifications became so important that these regions started specializing in producing these unique products, which led to identifying such goods as originating from a particular region, which over a period of time has become renowned globally.

Rising demand for such products among the consumers, gave rise for counterfeit products, which began to tarnish the image of genuine products. A effort to safeguard the interest of the producers and consumers led to evolution and conceptualization of “Geographical Indications”.

- ❖ **Concept of Geographical Indication**

Because of the diverse ways in which the protection of Geographical Indications has evolved, there was no universally accepted terminology. The following are the conventional definitions which can be found in the literature on geographical indications.

The culture of winemaking greatly prospered under the Catholic Church who held widespread influence over Christian Europe. Eventually, this led to the recognition of their winemaking capability, practices and wine varieties. With the

rising popularity also came an increase in wine fraud and adulteration, there was a need to safeguard the wine tradition and reputation.

Accordingly, the Portuguese created the first Appellation system in the world, in order to safeguard their oldest wine tradition – Port from the Douro region of Portugal. It dates back, when the popularity of Port, or "blackstrap" as it was sometimes known because of its dark color and astringency, continued to increase among the English in England which resulted in misrepresentation of authentic Port from the Douro from wines prepared from grapes grown in other parts of the European region. Therefore, the sales and imports of “Port” wine in England dropped dramatically. The Portuguese Prime Minister Sebastiao Jose de Carvalho e Melo, Marquis of Pombal in order to regulate the trade and production of Port wine established in 1756 the Douro Wine Company. One of the first official duties of the company was the delineation of the boundaries of the Douro wine region, to supervise the production of Port in all stages of winemaking from harvesting to winemaking to aging and finally shipping. This act essentially made the Douro the world's first regional Appellation.

Due to its vineyard history, France is the first country to afford a protection to Geographical indication through the legal instrument, the *French appellation d'origine controlee (AOC)*. This legislation is founded on the concept of the protection of origin that was born out of the crises that rocked the French wine trade in early 20th Century. The concept emerged with law of 1919 that established GIs as collective intellectual property and granted legal recognitions to unions for the protection of appellations of origin.

“Indication of Source”, which nomenclature has been used in the Paris Convention, refers to an indication of the origin of the product from a place or country, such as “Made in India” or “Product of France” etc. Such indications do not reflect the quality of the product, rather it merely shows its origin. This terminology, which was used at the end of the 19th Century, when the concept of Geographical Indication had not yet evolved in its current meaning. The whole idea was a product with some unique characteristic should not be falsely represented as originating from some other place.

Broadly, “Appellation of Origin” refers to a sign that indicates that a product originates in a specific geographic region only when the characteristic qualities of the product are due to the geographical environment, including natural and human factors.

“Geographical Indications” as being used currently includes both the above concepts and it refers to

"... indications which identify a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin."(Article 22.1 of the **TRIPS Agreement**)

- **The Geographical Indications of Goods (Registration & Protection) Act, 1999**

Consequent upon India joining as a member state of the TRIPS Agreement a sui –generis legislation for the protection of Geographical Indications was enacted in 1999.

The Object of the Geographical Indications of Goods (Registration and Protection) Act, 1999 is three fold, firstly by specific law governing the geographical indications of goods in the country which could adequately protect the interest of producers of such goods, secondly, to exclude unauthorized persons from misusing geographical indications and to protect consumers from deception and thirdly, to promote goods bearing Indian geographical indications in the export market.”

CHAPTER - 2

KEY DEFINITIONS

02.01	General	
	For better appreciation of this manual, the user may require to have clear understanding of certain terms which are defined in the Act or Rules. Some of the important definitions are as under:	
02.02	Definitions	
02.02.01	<p>“Registrar” means the Registrar of Geographical Indications</p> <p>Registrar of Geographical Indications is the Controller of Patents, Designs and Trade Marks appointed under sub-section (1) of Section 3 of the Trade Marks Act, 1999.</p> <p>The Central Government may appoint such officers for the purpose of discharging, under the superintendence and direction of the Registrar, such functions of the Registrar under this Act, as he may from time to time authorize them to discharge.</p> <p>Senior Joint Registrar of Trademarks & GI, Joint Registrar of Trademarks & GI, Deputy Registrar of Trademarks & GI and Assistant Registrar of Trademarks & GI may function in the GI Registry with such powers as authorized by the Registrar of Geographical Indications from time to time.</p>	<p>Section 2(1) (o)</p> <p>Section 3(1), 3(2)</p>
02.02.02	<p>‘Goods’ means any agricultural, natural or manufactured goods or any goods of handicraft or of industry and includes foodstuff.</p>	Section 2(1) (f)

02.02.03	<p>‘Indication’ includes any name, geographical or figurative representation or any combination of them conveying or suggesting the geographical origin of goods to which it applies.</p>	Section 2(1) (g)
02.02.04	<p>‘Producer’ in relation to goods, means any person who, --</p> <ul style="list-style-type: none"> i. if such goods are agricultural goods, produces the goods and includes the person who processes or packages such goods; ii. if such goods are natural goods, exploits the goods; iii. if such goods are handicraft or industrial goods, makes or manufactures the goods, iv. and includes any person who trades or deals in such production, exploitation, making or manufacturing, as the case may be, of the goods. 	Section 2(1) (k)
02.02.05	<p>“Registered proprietor”, in relation to a geographical indication, means any association of persons or of producer or any organisation for the time being entered in the register as proprietor of the geographical indication.</p>	Section 2(1) (n)
02.02.06	<p>“Authorised user” means the authorised user of a GI Registered under Section 17.</p> <p>A producer of goods can apply for registration as an authorised user, with respect to a registered geographical indication.</p>	Section 2(1) (b)
02.02.07	<p>“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 country, or a region or locality in that territory, where a given quality,</p>	Section 2(1) (e)

	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.	
02.02.08	“ Tribunal ” means the Registrar or, as the case may be, the Appellate Board before which the proceeding concerned is pending.	Section 2(1) (p)
02.02.09	“ Convention Application ” means an application for the registration of a geographical indication made by virtue of Section 84.	Rule 2(1) (h)
02.02.10	“ Divisional Application ” means a divided application made by the division of a single initial application for registration of a geographical indication for different classes of goods.	Rule 2(1) (i)
02.02.11	“ Graphical Representation ” means the representation of a geographical indication for goods in paper form.	Rule 2(1) (l)
02.02.12	“ Appellate Board ” means the Appellate Board established under Section 83 of the Trade Marks Act, 1999.	Section 2(1) (a)

CHAPTER 03
FILING OF GEOGRAPHICAL INDICATIONS APPLICATION

03.01	The Applicant	Section 11
	<p>Any association of persons or producers or any organisation or authority established by or under any law representing the interest of the producers of the concerned goods may apply for registration of a Geographical Indication.</p> <p>The Applicant has to be a legal entity and should be representing the interest of producers of the good applied for. Any such organisation or association being not that of the producers may have to prove that they represent the interest of producers. Any Applicant Authority also have to prove that they represent the interest of producers.</p>	Section 11 (1)
03.02	<p>Jurisdiction:</p> <p>The GI Registry is situated at Geographical Indications Registry, Intellectual Property Office Building, G.S.T. Road, Guindy, Chennai – 600032 having all-India Jurisdiction.</p> <p>Application or any other document may be filed directly in the GI Registry, Chennai, or may be sent by post or registered post or speed post or courier services.</p>	
03.03	<p>Type of Applications:</p> <ul style="list-style-type: none"> • Ordinary Application: An Application which has been filed to register a Geographical Indication of India. • Convention Application: An Application filed for registration of a Geographical Indication from a convention country, along with proof of registration of that Geographical Indication in the Home Country. • Single Class Application: An application which has been filed to 	

	<p>register for a specification of goods included in one class.</p> <ul style="list-style-type: none"> • Multi Class Application: A single application filed for registration of Geographical Indications for different or more than one classes of goods. 	
03.04	<p>Receiving of Documents in GI Registry</p> <p>1) All Applications, notices, statements or other documents or any fee authorised or required to be filed, served, left, made or given under the Act or Rules, shall be made, served, left, sent or paid at the office of Geographical Indications Registry, Intellectual Property Office Building, G.S.T. Road, Guindy, Chennai – 600032.</p> <p>2) All Applications or documents, if sent by post or registered post or speed post or courier service, shall be deemed to have been filed, left, made or given at the time when the mail containing the same would have been delivered in the ordinary course of post or registered post or speed post or courier service, as the case may be. In proving such sending, it shall be sufficient to show that the mail was properly addressed and transmitted.</p>	<p>Rule 7</p> <p>Rule. 14</p>
03.05	<p>Size, Language & Signing of Documents:</p> <p>1) All applications, notices, statements, or other documents shall be typewritten, lithographed or printed in Hindi or in English in large and legible characters with deep permanent ink upon strong paper, on one side only and of size of approximately 33 cms by 20 cms and shall have on the left hand part thereof a margin of not less than 4 centimetres.</p> <p>2) It is desirable that the documents are prepared on size A4 with a margin of at least 4 centimeters on the top and left hand part and 3 centimeters on the bottom and right hand part thereof with lines spacing of 1 1/2 or</p>	Rule - 12

	<p>double space in non-script type font (e.g., Arial, Times Roman, or Courier), preferably in a font size of 12.</p> <p>Signing of documents</p> <p>3) Any application or document to be filed before the Geographical Indication Registry, by an <i>association of persons</i> or <i>producers</i> shall be signed by the <i>authorised signatory</i>. The capacity in which an individual signs a document on behalf of an association of persons or a body corporate shall be stated below his signature.</p> <p>4) Any Signatures to an application and any other documents shall be accompanied by the name of the signatory in English (in capital letters) or in Hindi.</p> <p>5) It is desirable that the documents are filed as Annexures to Application and Statement of Case. The Applicant or the authorized Signatory shall append his signature at the end of each annexure or document.</p> <p>6) The model form for filing GI Application with Annexures is enclosed herewith for reference.</p>	Rule - 13
03.06	<p>Fees:</p> <p>The prescribed fee to be paid in respect of applications, oppositions, registration, renewal or any other matters or for various proceedings under the Act or the Rules is given in First Schedule.</p> <p>1. Fee payable under the Act may either be paid in cash or money order or may be sent by bank draft or cheque.</p> <p>2. The cheque / bank draft shall be in favour of the <i>Registrar of Geographical Indications</i>. The bank draft shall be drawn on a schedule bank at Chennai.</p> <p>3. If sent by post, the fee shall be deemed to have been paid on the date on which the money order or draft or cheque would have reached the</p>	Section 80 First Schedule

	<p>Geographical Indications Registry in the ordinary course of mail.</p> <p>4. Any document shall not be deemed to have been filed at the Registry, until the fees have been paid.</p> <p>5. The Registrar shall not act on any document under GI Act and Rules until the fees has been paid.</p>	
03.07	<p>Filing of a Geographical Indications Application</p> <ul style="list-style-type: none"> • An Indian application for the registration of a geographical indications can be made in triplicate in Form GI – 1(A) for single class and in GI – 1 (C) for multi Class Application. • A Convention Application shall be made in triplicate in Form GI – 1(B) for single class and in GI – 1 (D) for multi Class Application. • An Application shall be signed by the applicant or his agent. 	<p>Form GI – 1(A)</p> <p>Form GI – 1(C)</p> <p>Form GI – 1(B)</p> <p>Form GI – 1(D)</p>
03.08	<p>Contents of Application</p> <p>A Geographical Indications Application shall essentially contain:</p>	Form – GI-1
03.08.01	<ol style="list-style-type: none"> 1. Name and Address of the Applicant 2. Name of the Geographical Indications (adopted logo if any may be represented here). 3. Class of goods <p>The Registrar shall Classify the goods as far as may be, in accordance with the International Classification.</p> <p>The Goods have been classified into 34 Classes.</p> 4. Documentary evidence in support of legal status of the applicant such as Memorandum and Articles of Association, Bye - laws, Registration certificates, etc. (may be attached with the Application). 5. A statement containing the List of Members / Producers of goods 	<p>(Classification of Goods)</p> <p>Fourth Schedule</p>

	<p>proposed to be initially registered. The Statement may also contain other particulars of producers including a collective reference for all the producers of the goods for which the Application is made. (may be attached).</p> <p>6. In case the Applicant is not an association of producers, an Affidavit/ Statement showing clearly as to how the Applicant represent the interest of producers shall accompany the application.</p> <p>7. Certificate in case of Convention Application</p> <p>In case of Convention Application, a Certificate shall accompany the application. The certificate shall be issued by the Competent Authority at the Geographical Indications Office of the Convention Country, along with a Statement indicating the Filing Date of the Foreign Application relied upon in the Convention Country where it was filed, and serial number, if available.</p> <p>However, such a certificate can be filed within two months from the date of filing of the Application.</p> <p>8. Description of the Good and Specification</p> <p>This document shall contain</p> <p>a) Specification of Goods indicating the special characteristics, quality parameters, etc.</p> <p>b) Method of Production – This part shall describe in detail the method of production, including the process involved, raw materials and tools, packaging specialty if any, etc.</p>	
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	<p>c) Geographical linkage to the goods, including the human skills, environmental factors such as soil, water and climatic condition.</p> <p>d) Uniqueness of the product – This part may contain the comparison with other similar products, so as to establish its uniqueness and may further contain the standard benchmark for the use of the product.</p> <p>9. Proof of Origin:</p> <p>Documentary evidence regarding the existence of the Geographical Indications such as, Published documents, News Articles, Advertisement materials, these evidences should bring out the historicity of the Geographical Indications.</p> <p>10. Geographical Area:</p> <p>Three certified copies of the map issued by the competent authority, specifying the geographical area showing the title, name of publisher and date of issue along with the application.</p> <p>Map should clearly indicate the latitude and longitude of the Geographical Indications Area.</p> <p>11. Inspection Body:</p> <p>This part may contain details of an Inspection Body to regulate the production and use of the GI in respect of quality, integrity and consistency or other special characteristic.</p> <p>The Inspection Body may be strengthened with an independent</p>	
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	<p>neutral agency to maintain the quality standards after post registration of GI which should be capable of regulating the use of Geographical Indications.</p> <p>12. Special requirement for homonymous Geographical Indications:</p> <p>Where the geographical indication is a homonymous indication to an already registered geographical indication, the material factors differentiating the application from the registered geographical indications shall be provided.</p> <p>The Particulars of protective measures adopted by the applicant to ensure consumers of such goods are not confused or mislead or confused in consequence of such registration.</p> <p>13 Additional Representation:</p> <p>Every application shall be filed in triplicate along with five additional representations. The additional representations shall contain the following:</p> <ol style="list-style-type: none"> The name and address of the applicant. Name of the Geographical Indication Class of goods Specification of goods. The period of use, Specified geographical area, and shall be signed by the applicant or his agent. 	<p>Rule 27</p>
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CHAPTER - 4
EXAMINATION

04.01	Preliminary Examination	
	<p>On receipt of an application, the Examiner/Authorised Officer shall scrutinize the application and the accompanying Statement of Case as to whether it meets the requirements of the GI Act and the Rules viz.:</p> <ul style="list-style-type: none">• application has been filed in a proper Form• prescribed Fees have been paid• applicant or his agent has appended his signature in the Application• application has been filed along with Five Additional representations• application has been filed along with Statement of case in Triplicate• application has been filed along with Three Certified copies of Map, which should clearly indicate the latitude and longitude of the Geographical Indications Area.• address of Service in India is provided in case of a Convention Application.• power of attorney or Authorisation Form has been executed and submitted in Original.• class of Goods has been mentioned correctly.	

	<ul style="list-style-type: none"> documentary evidence (Original / Notarised / Attested) relating to the legal status of applicant such as Memorandum and Articles of Association, Bye - laws, Registration certificates, etc has been filed. translation / transliteration of the non-English / Hindi text has been provided. certificate from the competent authority of the convention country has been filed along with the necessary particulars. 	
04.02	<ol style="list-style-type: none"> Deficiencies if any found through a preliminary examination as mentioned in the above paragraph shall be communicated by the Examiner/Authorised Officer to the Applicant or his Agent. The deficiencies shall be complied with in a time limit mentioned in the communication as above. If the Applicant fails to remedy any deficiencies within the stipulated time so notified, the Application may be treated as abandoned. However, the Applicant may file a request of extension of time of One month in Form GI-9(C) with prescribed fee. When the deficiencies are complied the Examiner/Authorised Officer shall submit the Application to the Registrar of GI for his consideration. 	<p>Rule 31</p> <p>Form-GI-9(C)</p>
04.03	Examination of Application	Rule 33

04.03.01	<p>Upon compliance of the deficiencies, the Registrar shall ordinarily constitute a Consultative Group of not more than seven representatives to ascertain the correctness of the particulars furnished in the Statement of Case.</p> <ol style="list-style-type: none"> 1. The Consultative Group is chaired by the Registrar of Geographical Indications. 2. The remaining members are identified from any organisation, authority or persons well versed in the varied intricacies of the Geographical Indications Law or field, to ascertain the correctness of the particulars furnished in the statement of Case. 3. As a matter of practice, for the benefits of the Applicants the Consultative group meeting are being held at the GI Registry, Chennai and Intellectual Property Offices situated in Delhi, Mumbai and Kolkata. The Meetings may also be held at other locations if the situation so warrants. 4. The Applicant will be invited to make a detailed presentation before the Consultative Group to explain the statement of case. The Consultative Group ascertains the correctness of the particulars of Statement of Case and recommends for amendments, corrections or furnishing of further documents. The Group may visit the production area in order to further assess the correctness of the Statement of Case. 5. The proceeding before the Consultative group will be ordinarily 	
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	<p>completed within three months from the date of constitution.</p> <p>6. There upon the Registrar shall consider the Application on merits and based on observation / comments of Consultative Group, issues an Examination Report.</p> <p>7. The Examination Report may contain objections to the acceptance of the Application or proposal to accept it subject to such conditions, amendments, modification or limitations as the Register may think fit to impose.</p> <p>8. The Applicant shall within two months of the date of communication of Examination Report comply with proposals mentioned in the Examination Report or submit his observation or apply for a Hearing.</p> <p>9. If the applicant fails to amend his application or submit his observations in writing or fails to apply for a hearing or fails to attend the hearing, the application shall be dismissed.</p> <p>10. If the Application is found to be in order, the Registrar accepts the Application and publishes it in the ensuing GI Journal.</p>	<p>Rule 34</p> <p>Rule 34 (2)</p>
04.04	<p>Correction and Amendment of Application</p> <p>The applicant may, anytime before or after acceptance but before registration, may apply in Form GI -5 with the prescribed fee for correction of any error in or in connection with his Application or any amendment in his Application provided such proposed amendments does not relate to the amendment of the GI or</p>	<p>Sec. 15, Rule 36</p> <p>Sec. 11 (2) & Rule 32</p>

	<p>description of Goods or to the definite territory, region or locality, as the case may be, that would have the substantially altering or substituting the original application.</p> <p>An amendment of GI or in the description of goods, or the territory, region or locality that would have the effect of substantially altering or substituting the original application will not be allowed.</p>	
04.05	<p>Acceptance</p> <ul style="list-style-type: none"> • The Registrar may accept the GI Application absolutely or subject to such amendments, modification, conditions or limitations as he thinks fit. • The objections and/or proposal for conditional acceptance are to be communicated to the applicant. <p>In case of objections to the acceptance of the application or conditional acceptance, the grounds of objection or for refusal or conditional acceptance and the materials used by him arriving at the decision shall be recorded.</p>	<p>Section 11(6)</p> <p>Section 11(7)</p>
04.06	<p>Advertisement in GI Journal</p> <p>The Registrar of GI publishes all the GI Applications and authorised user applications in the Official GI Journal. The GI Journal is being published and is made available to the Public ordinarily in the first week of every month, through the Official Website. CD-ROMs of each Journal can be obtained from the GI</p>	<p>Sec. 13, Rule 38</p> <p>www.ipindia.nic.in</p>

	Registry on payment of Rs. 250.	
	GI Application is published with the following details:	
	(A) Name of Geographical Indication alongwith Logo	Rule 38 (1)
	(B) GI Application Number :	
	(C) Name of the Applicant :	
	(B) Address of the Applicant :	
	(C) List of association of persons/ Producers / organization/ authority :	Rule 38 (2)
	(D) Type of Goods & Class :	
	(E) Statement of Case	Rule 38 (3)

CHAPTER – 5

PROHIBITION OF REGISTRATION OF CERTAIN GEOGRAPHICAL INDICATIONS

05.01	Prohibition of registration of certain Geographical Indications: For registrability, the GI must fall within the scope of the definition of the expression ‘geographical indication’. In addition such a GI should not fall within the purview of prohibitions as contained in Section 9.	Section 9
05.01.01	The use of which would be likely to deceive or cause confusion. Deception or confusion need not be actual. It may be probable. In GI law, protection of public interest is the paramount consideration before the Registrar. The Registrar would consider the circumstances of the case whether the particular GI is likely to deceive or cause confusion.	
05.01.02	The use of which would be contrary to any law for the time being in force. For instance, if the GI applied for is prohibited under the Emblems and Names (prevention of Improper Use) Act, 1950.	
05.01.03	Which comprises or contains scandalous or obscene matter The GI that has been applied for registration is scandalous or obscene has to be decided on the facts and circumstances of each case. In case of an objection to registration, the onus is on the applicant to show that the GI applied for registration is not scandalous or obscene.	
05.01.04	Which comprises or contains any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India	

	A GI, which may hurt the religious and moral susceptibilities of a section of citizens, may fall under this prohibition.	
05.01.05	<p>Which would otherwise be disentitled to protection in a court</p> <p>The Registrar would not normally extend the protection “to persons whose case is not founded in truth” (<i>Eno v Dunn</i> 7 RPC 311, pg.318).</p>	
05.01.06	<p>Which are determined to generic names or indications of goods and are, therefore, not or ceases to be protected in their country of origin, or which have fallen in to disuse in that country.</p> <p>The sub clause has to be read in conjunction with Explanation 1 and 2 as given. According to Explanation 1 ‘generic names or indications’ means the name of a goods which, although relates to the place or the region where the goods was originally produced or manufactured, has lost its original meaning and has become the 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. In other words the name has ceased to be distinctive of a particular source and become common to the trade.</p> <p>This provision corresponds to Article 24(9) of the TRIPS Agreement, which declares “there shall be no obligation under this agreement to protect GIs which are not or cease to be protected in their country of origin, or which have fallen in to disuse in that country”.</p> <p>It need not be mentioned that the value of a GI diminishes if the product has no longer the exclusive meaning and its origin loses relevance. The GI</p>	

	no longer indicates to the market place the source of the product and instead it is considered the common general name of the product.	
05.01.07	<p>Which, although literally true as the territory, region or locality in which the goods originate, but falsely represent to the persons that the goods originate in another territory, region or locality, as the case may be.</p> <p>Geographical indication, which falsely represents to the persons that the goods originate in a locality other than of its origin, though literally true as to the locality of origin, cannot be registered. This provision intends to prevent deception and falsification of GIs.</p>	

CHAPTER - 6

OPPOSITION

06.01	<p>Introduction:</p> <p>After advertisement of a Geographical Indication in the Geographical Indications Journal, any person may within three months oppose the registration of an application for GI. This period may be extended by a period, not exceeding one month, by making an application to the Registrar along with the prescribed fee. Such an application for extension shall be filed before the expiry of the period of three months.</p> <p>The Notice of Opposition shall be filed only before the Registrar of Geographical Indications at Chennai.</p>	<p>Section 14</p> <p>Form GI-2</p>
06.01.01	<p>Who may oppose:</p> <p>Section 14 provides that “any person” may give a Notice of Opposition to the registration of a Geographical Indications.</p> <p>In an opposition proceeding, it is more important to consider the matter from the point of view of the public than from the point of view of two parties to the proceedings and, therefore, merits or demerits of the opponent are irrelevant. The Tribunal will take cognizance of any facts that would render registration improper.</p>	<p>Section 14</p>
06.01.02	<p>Essential requirements for filing of Notice of Opposition</p> <p>1. The Notice of Opposition should be on the FORM GI-2 (A) in triplicate, accompanied by fee of Rupees 1000/- per class.</p>	<p>Form GI-2(A)</p> <p>Rule 41 (1)</p>

	<p>2. The notice shall include a statement of the grounds upon which the opponents objects to the registration of the geographical indication.</p> <p>3. A copy of notice of opposition shall be ordinarily served by the Registrar to the applicants within two months from the receipt of the same.</p>	Rule 41 (6)
06.01.03	<p>Verification of Notice of Opposition</p> <p>1. The notice of opposition shall be verified by the opponent.</p> <p>2. The person verifying shall state specifically by reference to the numbered paragraphs of the notice of opposition, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.</p> <p>3. The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.</p>	Rule 42
06.02	<p>Counter-statement</p> <p>1. The counter-statement should be on the Form GI-2 (B) in triplicate, accompanied by fee of Rupees 1000/-.</p> <p>2. It should be made within two months from the receipt by the applicant of the copy of the notice of opposition from the Registrar.</p> <p>3. Counter Statement shall set out what facts, if any, alleged in the notice of opposition, are admitted by the applicant.</p> <p>4. The counterstatement shall be verified in the same manner as the notice of opposition.</p>	<p>Rule 43</p> <p>Form GI-2 (B)</p> <p>Rule 43(2)</p>

	<p>5. A copy of the counter-statement shall be served by the Registrar on the person giving notice of opposition ordinarily within two month from the date of receipt of the same.</p>	
06.03	<p>Evidence in support of Opposition by the Opponents</p> <ol style="list-style-type: none"> 1. The Evidence shall be filed by the Opponent before the expiry of the two months period, from the date of receipt of the copy of counterstatement. The Opponent can also file request for One month of Extension of time on Form – GI – 9 (C) with Fee of Rupees 300/- for filing the evidence. 2. The Opponent can file such evidence by way of affidavit in support of opposition or intimate the Registrar and the applicant in writing that he does not desire to adduce evidence, but intends to rely on the facts stated in the notice of the opposition. 3. The opponent shall deliver to the applicant copies of any evidence in support of opposition filed by him, under intimation to the Registrar. 4. If the opponent fails to take action as mentioned above, the opponent will be deemed to have abandoned his opposition. 	<p>Rule 44</p> <p>Form GI-9(C)</p> <p>Rule 44 (2)</p>
06.04	<p>Evidence in support of Application by the Applicant</p> <ol style="list-style-type: none"> 1. The Evidence shall be filed by the Applicant before the expiry of the two months period, from the date of receipt of the Evidence. The Applicant can also file request for One month of Extension of time on Form – GI – 9 (C) with Fee of Rupees 300/- for filing 	<p>Rule 45</p> <p>FormGI-9(C)</p>

	<p>the evidence.</p> <p>2. The Applicant can file such evidence by way of affidavit in support of Application or intimate the Registrar and the applicant in writing that he does not desire to adduce evidence, but intends to rely on the facts stated in the Counter Statement or on the evidence already filed in connection with the Application. In that case the Applicant shall deliver the copies thereof to the opponent.</p>	
06.05	<p>Evidence in reply by opponent</p> <p>1. The Evidence shall be filed by the Opponent within one month from the receipt of the copies of the applicant's affidavit and shall deliver the copies of the same to the Applicant. This evidence shall be confined to matters strictly in reply.</p> <p>2. The Opponent can also file request for One month of Extension of time on Form – GI – 9 (C) with Fee of Rupees 300/- for filing evidence.</p>	<p>Rule 46</p> <p>FormGI-9(C)</p>
06.06	<p>Further evidence</p> <p>1. No further evidence shall be left on either side, but in any proceedings before the Registrar.</p> <p>2. However, if the Registrar thinks fit, he can give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.</p>	Rule 47
06.07	Exhibits	Rule 48

	Where there are exhibits to affidavits filed in an Opposition, a copy of the exhibit or impression of each exhibit shall be sent to the other party on his request and at his expense, or, if such copies or impression cannot conveniently be furnished, the original shall be left at the Registry in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.	
06.08	Translation of Documents Where a document in a language other than Hindi or English is referred to in any proceedings before the Registrar, counter-statement or an affidavit filed in an opposition, an attested translation thereof in English or Hindi shall be furnished in duplicate.	Rule 49
06.09	Hearing and decision The Registrar shall give notice <i>within three months</i> , upon completion of the evidence, to the parties of a date when he will hear the arguments in the case. 1. The date of hearing shall be for a date <i>at least one month</i> after the date of the first notice. When the parties consent for a shorter notice that can also be allowed by the Registrar. 2. <i>Within fourteen days</i> from the receipt of the first Hearing notice, any party who intends to appear shall notify the Registrar in writing. 3. Any party who does not notify the Registrar within the time last aforesaid shall be treated as not desiring to be heard and the	Rule 50

	<p>Registrar shall proceed ex-parte in the matter.</p> <p>4. If sufficient cause is shown, not more than two requests for adjournment for one month each by either parties can be allowed. The request for adjournment for One month by either parties can be filed on Form – GI – 9 (C) with Fee of Rupees 300/- accompanied with the grounds for such request.</p> <p>5. If the applicant is not present at the adjourned date of hearing and has not notified his intention to appear at the hearing, the Registrar may treat the application as dismissed.</p> <p>6. If the opponent is not present at the adjourned date of hearing and has not notified his intention to appear at the hearing, the Registrar may treat the Opposition as dismissed for want of prosecution and the application may proceed to registration.</p> <p>7. In every case of adjournment the Registrar shall fix a day for further hearing of the case and shall make such order as to cost occasioned by the adjournment or such higher costs as the Registrar deems fit.</p> <p>8. The fact that the Agent or Advocate on record of a party is engaged in another court, shall not be a ground for adjournment.</p> <p>9. Where illness of an advocate on record or agent or his inability to conduct the case for any reason is put forward as a ground for adjournment, the Tribunal shall not grant the adjournment unless it is satisfied that the advocate on record or agent, as the case may</p>	<p>Rule 50(3)</p> <p>Rule 50(4)</p>
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	<p>be, could not have engaged another agent or advocate in time.</p> <p>10. The Registrar shall take on record written arguments if submitted by a party to the proceeding.</p> <p>11. The Registrar shall have powers to limit time for oral arguments.</p> <p>12. The decision of the Registrar shall be notified to the parties in writing.</p>	
06.10	<p>Security for costs</p> <p>Where an applicant or opponent does not reside or carry on business in India. Section 14(6) empowers the Registrar to require such party to give security for costs of the proceedings. Full discretion is given to the Registrar to determine the scale of costs.</p>	Rule 51

CHAPTER - 7

REGISTRATION

07.01	<p>Registration</p> <p>Where no Notice of Opposition is filed to an application for the registration of a geographical indication advertised or re-advertised in the Journal within the period specified or where an opposition is filed and it is dismissed and the appeal period is over, the Registrar shall, enter the geographical indication in Part A of the Register on receipt of a request.</p>	Section 16 Rule 53
07.02	<p>Entry in the Register of Part A</p> <p>The entry of a geographical indication in the register shall specify the date of filing of application, the actual date of the registration, the goods and the class in respect of which it is registered, and all particulars required including -</p> <ul style="list-style-type: none">• the name and description of the applicant, the address of the principal place of business in India, if any, of the proprietor of the geographical indication.• where the proprietor of the geographical indication has no place of business in India his address for service in India together with his address in his home country.• in the case of an association of persons or producers, where none of the association of persons or producers has a principal place of	Sec. 16, Rule 53

	<p>business in India, the address for service in India as given in the application together with the address of each of the association of persons or producers in his home country.</p> <ul style="list-style-type: none"> • particulars of the trade, business, profession, occupation or other description of the proprietor or of the association of persons or producers of the geographical indication as entered in the application for registration; • particulars affecting the scope of the registration or the rights conferred by the registration; • the priority date, if any, to be accorded pursuant to claim to a right of a convention application made under Section 84; • summary of the particulars furnished under Rule 32 as finally accepted by the Registrar; and; • the appropriate office of the Geographical Indications Registry in relation to the Geographical Indication. 	
07.03	<p>Certificate of Registration</p> <ol style="list-style-type: none"> 1. The certificate of registration of a geographical indication or an authorised user to be issued by the Registrar shall be on Form-O2, with such modification as the circumstances of a case may require. 2. The Registrar may issue a duplicate or further copies of the certificate of registration of a geographical indication on request by the registered proprietor on Form GI-7. The certificate of 	<p>Sec. 16 (2), Rule 55</p> <p>Form - O2</p> <p>Form GI - 7</p>

	registration) shall not be used in legal proceedings or for obtaining registration abroad, as for such purposes a certified copy of entry in the register is required to be obtained.	
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CHAPTER - 8

AUTHORISED USER REGISTRATION

08.01	<p data-bbox="329 392 435 426">General</p> <p data-bbox="329 468 1195 1010">The concept of Authorised User in the Indian GI law system is very unique. A Registered Geographical Indications being a community Intellectual Property and the Registered Proprietor being an Organisation or Authority, the system of Registration of Authorised User offers protection to the individual producers, manufacturers and traders. This system ensures the bonafide of a GI product dealt with or produced by a genuine person and further ensures the protection to the consumers.</p> <p data-bbox="329 1052 1195 1157">Authorised Users gets the exclusive right to use the Registered Geographical Indication and can independently sue an infringer.</p> <p data-bbox="329 1199 1195 1524">The Authorised User can also renew or restore a registered Geographical Indications, if the Registered Proprietor fails to renew the same. He further gets the right to be impleaded in any rectification proceedings against a Registered Geographical Indication or Appellate Board.</p> <p data-bbox="329 1566 1195 1818">It is imperative that every producer / dealer / manufacturer/ trader/ exporter to register as an Authorised User for their respective Registered GI for better protection, increase market value and brand promotion of GI.</p>	<p data-bbox="1256 392 1390 426">Section 17</p> <p data-bbox="1256 1052 1430 1085">Section 21(1)</p>
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08.02	<p>GI Authorised User Application</p> <ol style="list-style-type: none"> 1. Any person, who produces, makes, manufacturers, trades, packages or dealing with a Registered Geographical Indications can apply for Registration as an authorised user of that GI. 2. An application for registration of Authorised User shall be made in triplicate in Form GI-3 (A) alongwith required fee. The Application shall be jointly made by the registered proprietor and the proposed authorised user. A consent letter from the Registered Proprietor clearly recommending the Application can also be enclosed. 3. It shall be accompanied by a Statement of Case as to how the Applicant claims to be the Producer and shall be in the form of an affidavit. The Statement may be supported by documents such as Artisans Card issued by Central or State Government, Purchase Agreement from a Producer / Manufacturer of GI. 4. When a consent letter as required from the Registered Proprietor is not enclosed with the Application, the Applicant shall endorse a copy of Application to the Registered Proprietor and the proof of service of the same should be provided to the Registrar. The Registrar may in addition seek consent of the Registered Proprietor before proceeding further on the matter. In case Registered Proprietor objects for the Registration of the Application the Registrar may communicate the objection to the 	<p>Rules 56, 57, 58 & 59</p> <p>Form GI -3(A)</p> <p>Specimen Consent letter</p> <p>Specimen Affidavit</p> <p>Rule 56 (2)</p>
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	<p>Applicant through the Examination Report.</p> <p>5. The Application will be examined and if found to be in order the same will be published in the ensuing Geographical Indications Journal.</p> <p>6. Any person may file an opposition against Registration of Authorised User within four months of publication of the Application in the GI Journal.</p> <p>7. The Opposition will be dealt with in the same manner as in the case of a Geographical Indication Application as explained in Chapter - 5.</p>	
08.03	<p>Entry in the Register</p> <p>1. If no notice of opposition is filed within the four months of publication of the Journal or when the Opposition has been dismissed and the appeal period of three months is over, the Application shall be registered and entered in the Part – B of the GI Register.</p> <p>2. If any condition has been imposed in the Part –A of the Register the same shall be entered in Part-B of the Register.</p> <p>3. The Applicant may make a request in Form –GI -3 (B) alongwith the required fee, for issuance of Registration Certificate and such certificate shall be issued within Fifteen days of receipt of such request.</p>	Form-GI-3(B)

CHAPTER - 9
RECTIFICATION

<p>09.01</p>	<p>Rectification</p> <p>Application to rectify or remove a Geographical Indication from the register</p> <p>An application can be made to the Registrar for cancelling, expunging or varying of any entry relating to a geographical indication or of the Statement of Case referred to under rule 32(1).</p> <p>It shall be made in triplicate on Form GI-6 or Form GI-5, as the case may be in respect of what is recorded in the Register of Geographical Indication or an authorised user in the register.</p> <p>It shall be accompanied by a statement in triplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks.</p> <ol style="list-style-type: none"> 1. The Registrar shall serve a copy of the Application and Statement of Case within two months to the Registered Proprietor or to any other person who appears from the Register to have an interest in the Geographical Indications. 2. A counterstatement would be forwarded within two months or within such further period not exceeding two months in the aggregate from the receipt by a registered proprietor of the copy of the application from the Registrar. 3. It shall be send to the Registrar and to the person making the 	<p>Section 27</p> <p>Rule 65</p> <p>Form GI-6</p> <p>Form GI-5</p> <p>Rule – 66</p>
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	<p>application on Form GI-2.</p> <p>4. It shall be served in triplicate of the grounds on which the application is contested.</p> <p>5. The Registrar shall serve a copy of the counterstatement on the person making the application within one month of the receipt of the same.</p> <p>6. The provisions of Rules 44 to 51 shall thereafter apply <i>mutatis mutandis</i> to the further proceedings on the application.</p> <p>7. The Registrar shall not, however, rectify the register or remove the geographical indication or any authorised user from the register merely because the registered proprietor or the authorised user has not filed a counterstatement unless he is satisfied that the delay in filing the counterstatement is wilful and is not justified by the circumstance of the case.</p>	Form GI-2
09.02	<p>Intervention by third parties</p> <p>1. Any person alleging interest in a registered geographical indication in respect of which an application is made may apply on Form GI-6 for leave to intervene, stating the nature of his interest.</p> <p>2. The Registrar may refuse or grant such leave after hearing.</p>	<p>Rule - 67</p> <p>Form GI-6</p>
09.03	<p>Rectification of the register by the Registrar of his own motion</p> <p>1. The notice, which the Registrar is required be given shall be sent in writing to the registered proprietor and to any other person who appears from the register to have any interest.</p>	Rule – 68

	<p>2. It shall state the grounds on which the Registrar proposes to rectify the register and shall also specify the time, not being less than one month from the date of such notice, within which an application for a hearing shall be made.</p> <p>3. Any person so notified fails to send to the Registrar within the specified time a statement in writing, he may be treated as not desiring and the Registrar may act accordingly.</p> <p>4. If the Registrar decides to rectify the register he shall communicate his decision in writing to all concerned.</p>	
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CHAPTER – 10

APPEALS

	APPEALS	Sec.31, Rule 98
	<p>1. An appeal to the Intellectual Property Appellate Board from any decision of the Registrar under the Act or the rules shall be made within three months from the date of receipt of such decision or within such further time as the said Appellate Board may allow.</p> <p>2. A copy of every application to the said Intellectual Property Appellate Board under the Act or the rules shall be served on the Registrar.</p>	<p>Sec. 31, Rule 98</p>

CHAPTER - 11

ENFORCEMENT OF GIS

11.01	<p>Offences</p> <p>The Act details certain acts as offences punishable by imprisonment or with fine or with both. The legislature has taken a strong view of infringement, piracy, falsification, misrepresentation and has now made them penal offences. The chapter apart from listing penalties for the above-mentioned offences also details the penalty and procedure of prosecution.</p>	Chapter VIII
11.02	<p>The following are the acts deemed as offences:-</p> <ul style="list-style-type: none">▪ In the context of offences what constitutes the meaning of ‘applying geographical indication’ has been dealt with in Section 37 and the expression geographical indication has been defined in Section 2 (1) (e).▪ Section 38 list two kinds of offences namely:-<ul style="list-style-type: none">(a) falsifying a GI and(b) falsely applying a GI.▪ The penalty for falsification of GIs and the circumstances in which a person applies false GI are enumerated in Section 39.▪ Selling goods to which false GI is applied as outlined in Section 40.▪ Enhanced Penalty for subsequent convictions for the offences of falsifying, falsification of GIs or selling goods with false GIs.▪ Falsely representing a GI as registered as listed in Section 42.	Section - 37

	<p>Misrepresenting the GI as Registered, which has not been actually registered is an Offence.</p> <ul style="list-style-type: none"> ▪ Improperly describing a place of business as connected with the GIs Registry as listed in Section 43. ▪ Falsification of entries in the Register as listed in Section 44. ▪ No offence in certain cases ▪ Forfeiture of Goods ▪ Exemption of certain persons employed in ordinary course of business ▪ Procedure where invalidity of registration is pleaded by the accused 	
11.03	<p>Cognizance of certain offences – Search & Seizure:</p> <ul style="list-style-type: none"> ▪ Section 50 (2) clearly lays down that no court inferior to that of a Metropolitan Magistrate or judicial Magistrate of first class shall try an offence under this Act. ▪ Subsection (3) lays down that the above stated offences under Sections 39, 40 and 41 shall be cognizable. ▪ Sub section (4) enacts that a police officer not below the rank of Deputy Superintendent of Police or equivalent, if he is satisfied that a cognizable offence has been committed or is likely to be committed, may search and seize- without warrant- the goods, die, block, machine, parts, plates, or other instruments or things involved in the commission of the offence, and whenever found shall be produced before the magistrate at the earliest. 	Section – 50

	<p>However, the proviso to sub section (4) clearly mandates that the police officer before making any search and seizure shall obtain the opinion of the Registrar on the facts involved in the offence relating to the GI and shall abide by the opinion of the Registrar.</p> <p>In Addition to the above, the Registered Proprietor or Authorised User can obtain relief in respect of infringement of the Geographical Indications in the manner provided by this Act.</p>	
11.04	<p>Offences by Companies</p> <p>When an Offence is committed by a Company, the Company as well as person responsible in the company for conducting the business of the Company shall be liable.</p>	Section - 49

CHAPTER – 12

RENEWAL OF REGISTRATION AND RESTORATION

12.01	<p>Renewal of Registration</p> <p>An application for the renewal of the registration of a geographical Indication or an authorised user of a registered geographical indication shall be made on Form GI-4 or Form GI-3.</p> <p>It can be made at any time not more than six months before the expiration of the last registration of the Geographical Indication or the authorised user.</p> <p>Notice before removal of Geographical Indication or authorised user from register</p> <p>The renewal of the registration of a geographical indication or of an authorised user together with the prescribed fee has to be filed at a date not less than one month and not more than three months before the expiration of the last registration on application on Form GI-4 or Form GI-3 as the case may be.</p> <p>If no application on Form GI-4 or Form GI-3 as the case may be, for renewal of the registration of a geographical indication or of an authorised user together with the prescribed fee has been received the Registrar shall notify the registered proprietor or the authorised user of the approaching expiration of the GI and the renewal due information in writing on Form - O3 or O5, as the case may be.</p> <p>In the case of an association of persons or producers of a registered</p>	<p>Rule – 60</p> <p>Form GI-4</p> <p>Form GI-3</p>
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	<p>geographical indication each of the association of persons, producers registered as registered proprietors or the person authorised to act on their behalf would be intimated.</p> <p>This information would be communicated to the address of their respective principal places of business in India as entered in the register or where such registered proprietor or authorised user has no principal place of business in India at his address for service in India entered in the Register.</p> <p>Advertisement of removal of geographical indication or the authorised user from the register</p> <p>If at the expiration of last registration of a geographical indication or an authorised user, the renewal fee has not been paid, the Registrar may remove the geographical indication or the authorised user, as the case may be, from the register and advertise the fact forthwith in the Journal.</p> <p>Provided the Registrar shall not remove the geographical indication or the authorised user from the Register if an application is made in Form GI-4 within six months from the expiration of the last registration of the geographical indication or the authorised user.</p> <p>Restoration and renewal of registration</p> <p>An application for the restoration of a geographical indication or authorised user to the register and renewal of its registration, shall be made in Form GI-4 after six months and within one year from the</p>	
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	<p>expiration of the last registration of the geographical indication or the authorised user as the case may be.</p> <p>Notice and advertisement of renewal and restoration</p> <p>Upon the renewal or restoration and renewal of registration, a notice to that effect shall be sent to the registered proprietor or the concerned authorised user and the said renewal or restoration and renewal shall be advertised in the Journal.</p>	
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CHAPTER – 13

GENERAL SERVICES

13.01	Certificate for Legal use A copy of any entry in the Register or of any document certified by the Registrar and sealed with the seal of the Registry is admissible as evidence. It can be produced in all courts and in all proceedings without production of the original.	
13.02	Certificate for Use in Obtaining Registration Abroad <ol style="list-style-type: none">1. Where a certificate relating to the registration of a Geographical indication is desired for use in obtaining registration in any territory outside India, The Registrar shall include in the certificate a copy of the geographical indication for use in obtaining registration in any territory outside India.2. The Registrar may require the applicant for the certificate to furnish him with a copy of the geographical indication suitable for that purpose.3. The Registrar may refuse to issue the certificate, if the applicant fails to do so.4. Where a Geographical indication is registered without limitation of colour, the copy of the geographical indication to be included in the certificate, may be either in the colour in which it appears upon the register or in any other colour or colours and it shall be stated in the certificate that the geographical indication is registered without	

	<p>limitation of colour.</p> <p>5. The Registrar may state in the certificate such particulars concerning the application for registration or the registration of the geographical indication as may deem fit to him, and may specify the terms and conditions and other limitation appearing on the Register.</p>	
13.03	<ul style="list-style-type: none"> • Inspection of Documents <p>1. The documents mentioned in sub-section (1) of section 78 shall be available for inspection at the Head office of the Geographical Indications Registry.</p> <p>2. The inspection shall be on payment of the prescribed fee and at such times on all the days on which the offices of the Geographical Indications Registry are not closed to the public, as may be fixed by the Registrar.</p> <p>3. Distribution of copies of Journal and other documents. The Central Government may direct the Registrar to distribute the journal and any other document which it may consider necessary, to such places as may be fixed by the Central Government in consultation with the State Governments and notified from time to time in the Official Gazette.</p>	
13.04	<p>Certified Copies of Documents</p> <p>Upon receipt from any person of an application on Form GI-7 accompanied by the prescribed fee.</p> <p>1. The Registrar may furnish certified copies of any entry in the</p>	Form GI-7

	<p>register or certified copies of any documents.</p> <p>2. Any decision or order of the Registrar, or give a certificate other than a certificate under sub-section (2) of section 16 as to any entry, matter or thing which he is authorised or required by the Act or the rules.</p> <p>3. The Registrar shall not be obliged to include in any certificate or certified copy a copy of any geographical indication unless he is furnished by the applicant with a copy thereof suitable for the purpose.</p>	<p>Sub-section (1) of Section 78.</p>
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CHAPTER – 14

MISCELLANEOUS PROVISIONS

14.01	<p data-bbox="362 394 492 426">Affidavits</p> <ol style="list-style-type: none"><li data-bbox="362 468 1247 646">1. Every affidavit filed before the Registrar in connection with any of the proceedings under the Act or the rules shall be duly stamped under the law for the time being in force.<li data-bbox="362 678 1247 783">2. The Affidavits required shall be headed in the matter or matters to which they relate.<li data-bbox="362 825 1247 1003">3. It shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, as far as practicable, be confined to one subject.<li data-bbox="362 1035 1247 1287">4. Every affidavit shall state the description and the true place of abode of the person making the same, shall bear the name and address of the person filing it and shall state on whose behalf it is filed.<li data-bbox="362 1329 1247 1507">5. Where two or more persons join in an affidavit, each of them shall depose separately to such facts which are within his personal knowledge and those facts shall be stated in separate paragraphs.<li data-bbox="362 1539 1247 1864">6. Affidavits shall be taken-<ol style="list-style-type: none"><li data-bbox="410 1612 1247 1791">a. In India -before any court or person having by law authority to receive evidence, or before any officer empowered by such Court as aforesaid to administer oaths or to take affidavits,<li data-bbox="410 1822 1247 1864">b. in any country or place outside India - before a diplomatic or	
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	<p>consular officer, within the meaning of the Diplomatic and Consular Officers (Oaths and Fee) Act, 1948, of such country or place, or before a notary public, or before a judge or magistrate, of the country or place.</p> <p>7. Any affidavit purporting to have affixed, impressed or subscribed thereto or therein the seal or signature of any person authorised by sub-rule (3) to take an affidavit, in testimony of the affidavit having been taken before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of that person.</p> <p>8. Alterations and interlineations shall, before an affidavit is sworn or affirmed, be authenticated by the initials of the person before whom the affidavit is taken.</p> <p>9. Where the deponent is illiterate, blind or unacquainted with the language in which the affidavit is written, a certificate by the person taking the affidavit that the affidavit was read, translated or explained in his presence to the deponent, that the deponent seemed perfectly to understand it and that the deponent made his signature or mark in his presence, shall appear in the jurat.</p>	
14.02	<p>Translation of Documents</p> <p>Where a geographical indication contains a word or words in characters other than Devnagari or Roman, in the Applicant shall provide a sufficient transliteration and translation of the same.</p>	

	<p>Where an application for a geographical indication or authorised user contains a word or words in a language other than Hindi or English, the Registrar may ask for an exact translation.</p> <p>Where a document in a language other than Hindi or English is referred to in any proceedings before the Registrar, counter-statement or an affidavit filed in an opposition, an attested translation thereof in English or Hindi shall be furnished in duplicate.</p>	
14.03	<p>Procedure for Giving Notice of Non-Completion of Registration</p> <ol style="list-style-type: none"> 1. The notice which the Registrar is required by sub-section (3) of section 16 to give to an applicant, shall be sent to the applicant at the address of his principal place of business in India. 2. If he has no principal place of business in India at the address for service in India as stated in the application. 3. If the applicant has authorised an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant. 4. The notice shall specify twenty one days time from the date thereof or such further time as the Registrar may allow on a request for completion of the registration. 	<p>Form-O1</p> <p>Form GI-9</p>
14.04	<p>Power of Registrar</p> <p>The registrar is conferred with the following powers in respect of the proceeding under the Act.</p> <p>(a) The powers of the civil court or the purposes of received evidence,</p>	

	<p>administering oath, enforcing the attendance of witness, compelling the discovery and production of documents and issuing commissions for the examination of witnesses;</p> <p>(b) To make such order as to costs as he considers reasonable, subject to any rules made under section 87.</p> <p>(c) To review his own decision, on an application made in that behalf.</p> <p>Exercise of discretionary power by Registrar</p> <p>The Registrar can exercise of discretionary or other power vested in him by the Act or the Rules.</p> <p>The Registrar shall not exercise these powers without giving to the person against whom he intends to use an opportunity of being heard, following the principles of natural justice.</p> <p>This section is however circumscribed by the provision of <i>relating to grant of extension of time</i> for which the law provides that the Registrar is not bound to hear the parties before disposing off an application for extension of time.</p> <p>The decision of the Registrar in the exercise of any discretionary power given to him by the Act or the Rules shall be notified to the person affected.</p>	<p>Section 87</p> <p>Section 61</p> <p>Section 64</p> <p>Rule 85</p>
14.05	<p>Awards of Costs</p> <p>Awards of costs may be made by the Registrar following decisions, / when proceedings come to a close prior to a hearing.</p> <ul style="list-style-type: none"> The Registrar may depart from the standard scale, but this will 	

	<p>usually only be in exceptional circumstances. Such circumstances may include abuses of process, unnecessary delays and the like.</p> <ul style="list-style-type: none"> • Parties who are successful in proceedings which come to a conclusion before a hearing are also entitled to awards of costs, and these will be made in accordance with the standard scale. • Parties involved in proceedings should endeavor to come to an agreement as to costs before withdrawing from a proceeding. If no agreement as to costs is made, the successful party may request the Registrar to make an award of costs. • A “successful” party may request that costs be awarded. 	
14.06	<p>Review</p> <p>The Registrar is empowered to review his own decision, on an application made in the prescribed manner. Normally review is preferred when the application is abandoned and applicant is serious in prosecuting his application and with no intention to abandon it, as an alternative to filing of fresh application.</p> <p>Review of Registrar’s decision:</p> <p>It is open to the applicant to file an application on Form GI-7 for review of the Registrar’s decision, setting out the grounds in a statement to be annexed to the request.</p> <p>The application for review has to be filed within a period of one month from the date of the decision or within such period not exceeding one month thereafter as the Registrar may, upon request, allow.</p>	<p>Section 60(c)</p> <p>Rule 92</p>

	<p>Where the decision in question concern any other person in addition to the applicant, such application and statement shall be left in triplicate and the Registrar shall forthwith transmit a copy each of the application and statement to the other person concerned.</p> <p>The Registrar may, after giving the parties an opportunity of being heard, reject or grant the application either unconditionally or subject to any conditions or limitation, as he thinks fit.</p>	
14.07	<p>GI Agent</p> <p>The following categories of persons, who are duly authorized, can act on behalf of another person before the Registrar in respect of any matters under the Act:</p> <ul style="list-style-type: none"> (a) a legal practitioner; (b) a person registered in the prescribed manner as a GI agent ; (c) a person in the sole and regular employment of the principal. <ul style="list-style-type: none"> • The authorization of an agent for is to be executed in Form GI-10. • When there is a proper authorization, service upon the agent of any document relating to the proceeding is deemed to be service upon the person so authorizing him. • The Registrar, however, may require the personal signature or presence of an applicant or opponent, authorized user, etc, in any particular case. • The duly authorized agent is entitled to perform any act required to be done before the Registrar on behalf of his client, except the 	Section 76

	<p>making of an affidavit.</p> <ul style="list-style-type: none"> • It has been held that an agent is entitled to enter into a compromise, acting in a bona fide manner, unless there are express directions to the contrary. • Rules 102 to 114 prescribed detailed rules concerning registration of a person as a GI Agent. • It relates to the qualification, manner of making application, qualifying requirements, registration, continuance of the name in the Register, removal, restoration of removed names, alteration of name or address etc. in the Register of GI Agents and power of Registrar to refuse to deal with certain agents. 	
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CHAPTER 15

TIME SCHEDULES

S. No.	ACTIVITY	TIME SCHEDULE
1	Issuance of Formality Check Report under rule 31 to remedy the deficiencies in the application for Registration of G.I	Within Two <i>months</i> from the date of Receipt of the Application
2	Compliance of the notice under rule 31 to remedy the deficiencies in the application for Registration of G.I	Within one <i>month</i> from the date of Receipt of the Notice
3	Finalization of examination of application by the Consultative Group	Within three <i>months</i> from the date of constitution of the consultative group
4	Advertisement	Within three <i>months</i> of the acceptance of the application
5	Registration	Average time taken Twelve <i>months</i> from the date of Receipt of Application
6	Notice of opposition	Within three <i>months</i> or further period not exceeding one <i>month</i> in the aggregate from the date when the Journal was made available to the public
7	Forwarding of the copy of notice of opposition to the applicant	Within two <i>months</i> of the receipt of the notice by the Registrar
8	Filing of counter statement	Within two <i>months</i> from the receipt of the applicant of the copy of the notice of

		opposition from the Registrar
9	Serving of the counter statement on Opponent	Within two <i>months</i> from the date of receipt of the counter statement by the Registrar
10	Evidence in support of opposition by the opponent	Within two <i>months</i> from the date of serving of the copy of the counter statement or within such further period not exceeding <i>one month</i> in the aggregate thereafter as the Registrar may on request allow
11	Evidence in support of application by the applicant	Within two <i>months</i> or within such further period not exceeding <i>one month</i> thereafter in aggregate as the Registrar may on request allow, on the receipt by the applicant of the copies of affidavits in support of opposition or of the intimation that the opponent doesn't desire to adduce any evidence.
12	Filing of Evidence in reply by opponent	With in <i>one month</i> from the receipt by the opponent of the copies of the applicant's affidavits or within such further period not exceeding <i>one month</i> thereafter as the Registrar may on request allow
13	Notice for Hearing	Within <i>3 months</i> of completion of the evidence
14	Transmission of application and statement for the rectification.	Within two <i>months</i> of receipt of the application by the Registrar
15	Filing of Counter-Statement by Registered Proprietors	Within two <i>months</i> or within further period not exceeding two <i>months</i> in the aggregate from the receipt of the copy of the application for rectification by Registered Proprietor

16	Serving of the counter statement on the applicant	Within one <i>month</i> from the date of receipt of the counter statement by the Registrar
17	Evidence in support of Rectification by the Applicant	Within two <i>months</i> from the date of serving of the copy of the counter statement or within such further period not exceeding one <i>month</i> in the aggregate thereafter as the Registrar may on request allow
18	Evidence in support of Registered G.I. by the Registered Proprietor	Within two <i>months</i> or within such further period not exceeding one <i>month</i> thereafter in aggregate as the Registrar may on request allow, on the receipt by the Registered Proprietor of the copies of affidavits in support of rectification or of the intimation that the applicant doesn't desire to adduce any evidence.
19	Filing of Evidence in reply by Applicant	With in <i>one month</i> from the receipt by the applicant of the copies of the Registered Proprietor's affidavits or within such further period not exceeding <i>one month</i> thereafter as the Registrar may on request allow
20	Notice for Hearing	Within <i>3 months</i> of completion of the evidence
21	Appeal to the Appellate Board	Within <i>3 months</i> from the date on which the order or decision sought to be appealed against is communicated to such person preferring the appeal

