

# Kerala sees bright future in GI tagging

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Kerala has great potential in GI tagging agricultural and manufactured products. Till date, the state has received GI tags for 24 of its products from the geographical indications registry (GI registry) in Chennai. Geographical indication (GI) is an intellectual property right (IPR), just like patents and copyrights, which is described in Trademark Intellectual Property Right chapter of GATT/ WTO. Clauses dealing with GI is found in Articles 22, 23, 24 of Section 3 of the chapter that deals with protection of products that are unique to certain geographical locations. Following WTO agreements, India also formulated Acts/ regulations or formulated new ones to protect IPRs and a GI registry was set up in Chennai to register unique products in the country. "Kerala is considered to be a treasure trove of unique GIs, which we have to register more," said professor CR Ely (plant breeding & genetics), who is also the convener of Kerala Agricultural University's (KAU) IPR cell.

Her team, responsible for the successful GI tagging of 24 products in Kerala, is now involved in GI tagging of Marayoor jaggery, Attapadi red gram and Attapadi dolichos. The immediate benefit of GI tagging is defending property rights of local products.

"Then, there is the second aspect, which is the monetary benefit it could bring to the local community. Chengalokodan nendran banana, which received the tag in 2014, traditionally commanded a premium of Rs 10/kg in the local market. Last Onam, farmers who cultivated that variety informed me that the premium had grown to Rs30/kg. They attributed it to GI tagging. As a bunch weighs 25kg, this gives a substantial monetary benefit to farmers," she said.

Protected property rights of local products received attention of the common man after a US company Rice Tee's attempt to patent basmati rice in the 90s. Since then, Indian organizations - both governmental and non-governmental - kept a watch to stop similar attempts. Tea Board of India, the nodal agency for marketing Indian tea in domestic and international markets, had been watching overseas markets for infringements on the use of 'Darjeeling' tag for teas. The board endorsed the successful rejection of an attempt by an American firm, Republic of Tea Inc that tried to register 'Darjeeling Nouveau' trademark in the US in 2001. Similarly, the board quashed a French company Delia Langerie's move to register the trademark 'Darjeeling' in Taiwan.

However, the whole process of application leading to the GI tagging is a time consuming and exhausting experience quite often, which the farmers alone will not be able to undertake by farmers. "Darjeeling tea was the first agri product, but the application process was managed by the board, a governmental organization," he said.

The State Has Already Registered 24 Products And Marayoor Jaggery, Attapadi Red Gram And Attapadi Dolichos Are Awaiting Recognition From Geographical Indications Registry

## Legal costs forced varsity's IPR cell to file applications

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The relatively high fee charged by intellectual property law firms forced the intellectual property rights (IPR) cell of Kerala Agricultural University (KAU) to file GI applications directly with geographical indications registry (GI registry) in Chennai. Ten years later, the cell is at the forefront of GI tag applications from Kerala, advising others on the topic.

"When we first approached legal firms specializing in IPR applications, they were demanding Rs 60,000 to Rs 70,000 per application - that too after us doing all the documentation required for the registration. Then we thought, why should we pay somebody for just complet-

ing the applications process? I got a book on the topic, studied the Act, looked at the previous applications and finally sent an application to GI registry for Pokkali rice," said professor CR Ely (plant breeding & genetics), who is also the convener of KAU's IPR cell.

"When our presentation on Pokkali rice, was completed, GI registry officials in Chennai said it was one of the best applications they had received. As a notice in this IPR regime, this was a morale booster," Ely said. The lessons Ely and her team learnt were valuable.

Over the past decade, the cell has received eight GI tags, as a result of their direct applications or combined efforts with research institutes or NGOs.

## 'Application from Thikkinampallil Trust being examined'

Continued from P1

"We have a certificate given by the Travancore ruler to one of our family members in the 1940s to attend an exhibition to support our claim that our family had traditionally been into Aranamulla mirror making. The formula, however, leaked through workshop assistants," he said.

The website of GI registry shows that the application from Thikkinampallil Trust is being examined. "The first sitting on our application is over, we are awaiting the examination report," said Fabin James, legal counsel to Thikkinampallil Trust.

The immediate provocation for the petition with the GI registry was the opposition from VAMMNS to Sureshbabu's mother Maniammal opening a mirror dealership near Aranamulla temple nearly three years ago. "We have a certificate given by the Tra-

vancore ruler to one of our family members in the 1940s to attend an exhibition to support this. The formula, however, leaked through workshop assistants," Sureshbabu said.

Society founding president A K Selvaraj said it tried to stop the sale of mirrors at Maniammal's shop had been sourcing them from a relative's workshop in Chertala. "When something is GI tagged, it should be produced in that region only," he said. "A member of Thikkinampallil Trust was the founder treasurer of VAMMNS but the relationship soured after VAMMNS decided to impose holograms on products."

James said VAMMNS couldn't insist on manufacturing mirrors in Aranamulla. "Unlike the Darjeeling tea, which is very much tied to the locality where it is grown, the Aranamulla mirror is a technology-based product and it could be made anywhere," he said.

## Scotch, cognac tagged in India

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Many of our local breweries tries to pass off Indian-made whisky as 'scotch' whisky; then it might attract a very serious legal concern. Geographical indications registry (GIR), the agency responsible for administering the laws relating to Geographical Indication of Goods (Registration and Protection) Act of 1999, has granted GI tag 'scotch' to Scotch Whisky Association of Edinburgh, UK. Since 2004, 12 GI tags were registered by foreign organizations or governments in the Indian registry to protect their products.

The trend started with the embassy of Peru registering Peruvian Pisco, a colourless or yellow/amber-coloured brandy produced in their country, in 2005 with GIR in Chennai. Three years later, Comité Interprofessionnel du Vin de Champagne (Inter-professional Committee

of Champagne Wine) from France registered 'champagne' in India. The same year, Napa Valley Vintners Association from the US registered 'Napa Valley', another wine of distinguished taste and quality tethered to their region, historically.

Similarly the Italians registered 'prosciutto di Parma' (Parma's ham), 'parmigiano reggiano' (Parmesan cheese), 'prosecco' (an Italian white wine made from that variety of grapes) and 'Asiago' (cheese from Asiago region of Italy).

'Tequila', another famous drink, was protected in India in 2011 by Consejo Regulador Del Tequila, a regulatory body for tequila, from Mexico. A Portuguese organisation - Instituto dos Vinhos do Douro e Porto (Institute of Wine from Douro and Porto) - registered 'porto' and 'douro', two of their famous varieties, in India in 2010.

