

Procedure for IPR Protection through Geographical Indication (GI) Act 1999



Textiles Committee, Mumbai



Sponsored under the project:

“Strategies & Preparedness for Trade & Globalisation in India”

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Procedure for IPR Protection through Geographical Indication (GI) Act, 1999

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UNCTAD and DFID

Prepared by



Textiles Committee, Ministry of Textiles
Government of India, Mumbai



Preface

The potential of unique products for economic development of India has been well demonstrated in the globalised era. The increasing integration of the global economy under the WTO framework has not only brought about window of opportunities by market expansion but also created plethora of challenges for the unique products of the country in the form of large scale infringement of these products by other sectors, manufacturers and also other countries. It has threatened the very existence of these unique products and adversely affected the livelihood of the economically backward stakeholders of these products. In view of the growing threat to the intellectual properties of these products, the member countries of WTO including India have signed the TRIPS agreement in 1994 with a pledge to protect the intellectual property of the member countries. In pursuance of the TRIPS Agreement, the Indian Parliament has passed the Geographical Indication Act in 1999 and Rules in 2002, the same has been implemented in the year 2003. The Act provides guidelines for IPR protection of the unique products of different sectors like textiles and clothing, agriculture, handicrafts, horticulture, etc. The much needed protection will help the genuine producers to protect them from the counterfeit goods for their own advantage.

Keeping these aspects in mind, the Textiles Committee under the project “Strategies and preparedness for trade and globalisation in textiles and clothing sector” is spearheading the GI registration of unique textile products of the country. However, the process of filing of the application and registration is complex and cumbersome. The general stakeholders may not be able to grasp the legal and procedural aspects involved in the process and incorporated in the GI act. In order to eliminate the bottleneck, we have tried to translate the complex legal aspects of the act into easily digestible language. As a part of this endeavour, the Textiles Committee has prepared a manual on “Procedure for IPR protection through Geographical Indication (GI) Act, 1999” for the thousands of stakeholders associated with unique products of the country.

I appreciate the efforts put in by Dr. P. Nayak, Director (Market Research) & Shri T.K Rout, Market Research Officer for preparing this user friendly manual. We hope the manual will be handy to understand the process for filing GI of any product.

Place: Mumbai

Date: 22.10.2008



(Pradeep Gupta)
Secretary

Textiles Committee



Raisins & Strawberries from
California

Florida Sunshine Tree
for Citrus



Vidalia for Onions

Jamaica Blue
Mountain for Coffee





PROCEDURE FOR FILING APPLICATION FOR REGISTRATION UNDER GEOGRAPHICAL INDICATION (GI) ACT, 1999

Geographical Indications (GI)

GI is the newest addition to Intellectual Property Rights (IPRs) and defined as Indications, which identify a good as originating in the territory of a member country, or a region or locality in that territory, where a given quality, reputation or other characteristics of a good is essentially attributable to its geographical origin. In other words, some geographical regions acquire a reputation for origin of a product with some specific quality and uniqueness. It is the quality or reputation that distinguishes the product from others all over the world. When a geographical Indication acquires such reputation, there may be attempts by others to utilise it for their own advantage. Such action by others harms both innovator and consumer of the products. The genuine producer loses part of the market share of his product and the consumer gets counterfeit goods without original quality and uniqueness. Keeping these aspects in mind, geographical Indications are included as an important part of Trade Related Intellectual Property Rights (TRIPS) agreement, 1994.

Protection

The TRIPS Agreement on GI provides two levels of protection i.e (a) Basic protection and (b) Additional protection.

A BASIC PROTECTION

Article 22 of TRIPS agreement stipulates the general standard of protection that must be available to all GIs against deceptive or misleading business practices and other sorts of unfair competition. In the second clause, the agreement provides that “the member must have legal means to prevent use of Geographical Indications, which mislead the public with regard to the geographical origin of the product, which constitute as a set of unfair competition within the meaning of Article 10 of the Paris Convention”.



B ADDITIONAL PROTECTION

Article 23 of TRIPS agreement stipulates an additional protection for the GI designated wines and spirits only. It states that the member countries should prevent any abusive application of such GIs irrespective of whether the consumers are misled or whether it constitutes an act of unfair competition. There are three elements of enhanced protection provided to wines and spirits under TRIPS: (i) A Geographical Indication can't be used even when the true origin is indicated, or the geographical indication is used in translation or is accompanied by words such as “imitation”, “type”, “style” or “kind”, (ii) at the request of the interested party or ex- officio, if the law so provides, the registration of the trademarks containing a geographical indication must be refused or invalidated if it concerns wines or spirits, and, (iii) the TRIPS Agreement calls for negotiations aimed at providing additional protection for individual geographical indications concerning wines and spirits.

The last element is disputed by some member countries, which maintain that the obligation for increasing the level of protection should cover not only to wines and spirits but also to other products. Besides the above-mentioned protections, two further elements of enhanced protection has been provided to wines only i.e. (i) There is a stipulation for protection of homonymous indications for wines (Article 23.3) and (ii) The second relates to the establishment of a multilateral system of notification and registration of geographical indications (Article 23.4).



Some exceptions to GI protection:

The TRIPS agreement enumerates a series of exceptions to the protection of Geographical Indications (GI). Article 24 of the TRIPS agreements lists five exceptions i.e.

- i If a name has been used for at least 10 years preceding the conclusion of the Uruguay Round or in “Good faith for shorter period of time preceding that date, the user can continue to do so,
- (ii) The IPR will remain valid, if it was registered in good faith before the TRIPS agreement came into force, or it has been registered before the geographical Indication was protected in its country of origin (Article 24.5 & 24.7),
- (iii) When a geographical Indication has become a common term for the type of goods in the language of a particular members country (i.e. generic), protection must no longer be accorded in that states (Article 24.5),
- (iv) The protection through GI does not prevent a person to use his name, which correspond to GI in commercial operation but it should not be used for any misleading way. (Article 124.8), and,
- (v) There is no obligation to protect geographical Indications, which are not or have ceased to be protected in the country of origin or which have fallen into disuse in that country.



The enhanced protection of GIs provided to wines and spirits under TRIPS (i.e. in Article 23) has turned out to be controversial. Some member countries considered the protection accorded to wines and spirits is discriminatory, as it has not given additional protection to other products having geographical indications. Therefore, discussion over the extension of protection to the products other than wines and sprits started in September 2000. A controversy with regard to interpretation of Article 24.1, which calls for multilateral negotiation on GI, also persists. While European Union (EU) holds that the contents on the Article is exclusively related to wines and spirits only, the other developing countries are insisting on the multilateral negotiations as stipulated for other products.

B ARGUMENTS FOR EXTENDED PROTECTION TO PRODUCTS OTHER THAN WINE AND SPIRIT

The arguments of the developing countries centre around four import issues. (i) The enhanced protection given to wines and spirits was a trade off during the Uruguay Round (UR), and the built in agenda of GIs contains reference to extension of protection to other goods. Hence, there is no logical or legal reason, which would justify two different levels of protection in the field of GIs, (ii) Article 22 further describes that any infringement of GI are to be proved in the court of law by the



While European Union (EU) holds that the contents on the Article is exclusively related to wines and spirits only, the other developing countries are insisting on the multilateral negotiations as stipulated for other products.

producer with concrete explanation that the consumer is misled or the producer faces unfair competition. It, of course, puts an undue burden on the producer, as the producer has to prove it. This problem could be eliminated if additional level of protection will be provided to other products in the similar line of wines and spirits. The proponents of extension of protection make another argument in favour of extension by stating that “to rely in the consumer (referred to as “Public in TRIPS) in order to determine whether or not the use of a GI is misleading or constitutes an act of unfair competition makes protection dependent on consumers, which may not be adequate and effective protection of an Intellectual Property Rights” (IPR) (iii) It is also felt that the trade distortions are caused by “inadequate” level of protection provided in Article 22. Therefore, a high and effective level of protection of GI is a corollary of the efforts to liberalise trade in all sectors in order to increase the exchange of goods with higher added value. In view of the above, the requirement of the misleading test in Article 22 is tailored to suit unfair competition or consumer protection regulations but not intellectual property protection.

MULTILATERAL SYSTEM:

Article 23.4, of the TRIPS Agreements calls for the multilateral system of notification and registration of GIs for wines eligible for protection in those member countries participating in the system. The negotiation on the establishment of a multilateral system started on the TRIPS council in July 1998, but there is not much progress due to differences in opinion between countries on the legal status of GI protection and their utility in short run and long run situations.

B ARGUMENTS AGAINST EXTENSION OF PROTECTION

The countries those are opposing extension of protection to other products other than wines and spirits are of the opinion that (i) Article 24.1 in the TRIPS Agreement calls for negotiations aimed at increasing the protection for individual GIs concerning wines and spirits only, (ii) There will be considerable cost to government in form of implementing new laws and putting appropriate mechanism in place, if other products having G.I. is protected under Article 23, (iii) Many countries have a system of protecting GIs based on trademark, collective mark, certification mark and unfair competition law. Extension of the scope of Article 23 will dilute the present system of protection in that country, (iv) Another argument against enhanced protection is that “one member may only have a few GIs” for domestic products but would be obliged to provide the means to protect thousands of GIs of other members, and, (v) The enhanced protection given to wines and spirits was because of the concessions given by the EU during the Uruguay Round in some other fields to member countries in order to bring to a desirable negotiation. They therefore insist for additional concessions in form of extra protection to wines and spirits in lieu of providing extended protection to other products.

Geographical Indications in India

Initially, the products with uniqueness and originating from a place in India are protected through some existing laws

- (i) under consumer protection Act,
- (ii) through passing off actions in courts, and,
- (iii) through certification marks.

Such legal provisions are not sufficient to protect the geographical indications of India in the changing world scenario as innumerable foreign companies and traders are free riding on the goodwill and reputation associated with such renowned geographical names of Indian products for years. India being a signatory of WTO and TRIPS requires protection of its different products originated in India with specific quality and geographical origin so that other countries cannot replicate the products for their own advantage. If not protected in time, the producer of other countries can use these quality and uniqueness for exploiting the market for their own advantage. For example, the tea producers of Kenya can use the world famous appellation of “Darjeeling” on the package of their tea with the aim of free riding on the renown associated with it, and encroach upon the existing market of Darjeeling tea. Ultimately, the producer of the Darjeeling tea will be the loser. India could not prevent a Texas based company from selling rice produced in America as traditional Basmati type or American Basmati. It is because the Basmati rice is not protected under geographical Indications. These products if allowed to be produced by other countries will become generic name over a period and lose its geographical identity.

The Indian parliament passed the Geographical Indications Act (Registration and Protection) Act 1999 in December 1999. The Geographical Indications (Registrations & Protections) rules were also come into being in the year 2002. The act has come into force with effect from 15th September 2003. Under this act, the Central Government has established a “Geographical Indications Registry” with all India jurisdiction at Chennai, where the right-holders can register their respective GIs. The GI Act is to be administered by the Controller General of Patents, Designs and Trademarks who is the Registrar of Geographical Indications. It is interesting to note that though Article 23 of TRIPS provides a higher level of protection only to

Pochampally Ikat



India being a signatory of WTO and TRIPS requires protection of its different products originated in India with specific quality and geographical origin so that other countries cannot replicate the products for their own advantage. If not protected in time, the producer of other countries can use these quality and uniqueness for exploiting the market for their own advantage.

BENEFITS OF THE GI REGISTRATION

- It confers legal protection to the product, safeguards unauthorised use of the product by others,
- The registered proprietor and authorized users can initiate infringement actions.
- The authorized users can exercise the exclusive right to use the geographical indication.
- It promotes economic prosperity of producers of goods produced in a geographical territory.
- The consumers are also benefited as they are supposed to get the original products in the market
- It provides a form of “collective monopoly right” assigned to the producer(s) either within or outside the relevant geographical area,
- It reduces/eliminates such unfair competition for the benefit of both genuine producers and consumers.



GI PROTECTION

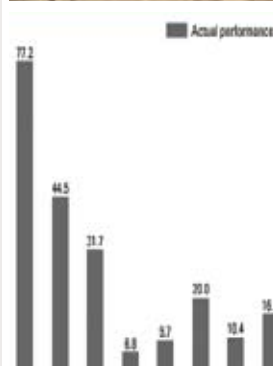
ECONOMIC BENEFITS

ENHANCING INDIAN TRADITIONAL BRANDS

CULTURAL PROSPERITY & PERPETUITY



MARKET ACCESS



EMPLOYMENT OPPORTUNITIES

PROTECTION OF NATIONAL HERITAGE



Thanjavur Art Plate

GIs relating to wines and spirits, the corresponding provisions in the Indian Act does not restrict themselves to wines and spirits alone. Rather it has been left to the discretion of the central government to decide which goods or classes of goods should be granted such a higher level of protection. This discretion has deliberately been maintained by Indian Lawmakers with the aim of ensuring the ‘absolute’ protection of Article 23 for the GIs associated with products of India’s export interest. Once a product registered under GI Act, the applicant or a group of applicants can be the registered proprietor of that product. In order to identify the goods, which can be registered under GI, the act stipulates that the persons dealing with three categories of goods are covered as producer for GI registration i.e. (i) agricultural goods including production, processing, trading or dealing of such goods (ii) natural goods including exploiting, trading or dealing of such goods, (iii) handicrafts or industrial goods including making, manufacturing, trading or dealing of such goods.

Procedure for Registration

The Geographical Indication Act 1999 and Rules 2002 stipulate a specific and systematic procedure for registering a product in the country. As per the Act passed by Indian Parliament and implemented by Government of India, the responsibility of administering the Act has been given to the Controller General of Patents, Designs and Trademarks. The Controller General is appointed under Sub-Section (I) of Section (3) of the Trademarks Act, 1999 as Registrar of GI. The Government of India has established the office in Chennai and the detailed address is as follows:

Registrar General
Geographical Indications Registry,
IPR Building,
GST Road, Guindy, Chennai-600 032
Phone: 044-22502091 Fax: 044-22502090

The act provides registration in two parts i.e. Part A is related to the registration of GI designated products and Part B relates to the registration of authorised users /proprietors such as name, addresses and description, etc. However the act stipulates protection to manufactured/agricultural/natural products of the country, which originated from specific geographical area having uniqueness associated with that region. Unlike other instruments of Intellectual Property Rights (IPRs) like patents, trademarks, etc, the geographical Indication stipulates community ownership. It means that the entire community, who are associated with the process of production, distribution or marketing and providing support service to the manufacturers should acquire the legitimate ownership right by registering the products through Geographical Indication Act, 1999. Since the act stipulates the involvement of entire community, the procedure involved in the process of registration is also quite complex. The following procedures can be followed for protecting the products through Geographical Indication:

Unlike other instruments of Intellectual Property Rights (IPRs) like patents, trademarks, etc, the geographical Indication stipulates community ownership.

A ACTIVITIES PRIOR TO APPLICATION

I IDENTIFICATION OF STAKEHOLDERS

The stakeholders could be producers, support service providers like distributors, suppliers of raw materials, traders, exporters and govt. agencies, etc working for the development of the product and the producers. The stakeholders can be categorised as Grass root level, Blue collar and White collar depending upon their intervention & contribution to the development at product production centre.

In the process of evaluation of the production centre cluster, all stakeholders play

GRASS ROOT LEVEL STAKEHOLDERS:

The manufacturers associated with the production and distribution of the product at the cluster level can be categorised under this head. In case of textiles, the weavers, master weavers, designers based at the cluster, dyers, processors etc., who are associated in the process of production and the traders, exporters, associated in the process of distribution of the products can be categorised as grassroot level stakeholders.

BLUE COLLAR

Nowadays the civil society organisations and different associations including international agencies are working in different clusters for the development of the grassroot level stakeholders and the products as well. Their presence in the cluster is also equally important for the betterment of the product and the producers. Hence, they are also act as a part of the system for upgradation of the economic well beings of the grassroot level stakeholders. These stakeholders can be categorised as Blue Collar.

WHITE COLLAR

The state governments and their agencies, the agencies of government of India are also working around the corner for the development of the cluster. Their contribution for increasing the production base and marketability of the product in the present Globalised Framework is utmost important for the sustainability of the product. Hence these stakeholders can be categorised as White Collar.

a crucial role for the sustainable development of the centre as a leading SMEs centre. Hence their participation in the process of registration of the product under the Geographical Indication Act is utmost necessary.

II AWARENESS CREATION:

Even though the Act does not stipulate the creation of awareness as one of the pre-requisites for filing application, it is one of the important components for IPR Protection of any product. Geographical Indication stipulates ownership for community as a whole who are associated with the process of production and distribution of the potential products. As such, it is necessary to make them aware of the different aspects of the GI Act and how it is going to benefit them. In India, most of the stakeholders are poor and not acquainted with the rules of law of the land. Hence, without their active participation in the process it is difficult to protect any product under the said Act. Therefore, the awareness creation is appears to be mandatory for bringing dynamism in the process and creating a platform for the stakeholders to take the initiatives to a desirable end. However efforts should be made to bring all the stakeholders to the workshop so that their concerns can be recorded and a platform for filing application



Mysore Rose Wood Inlay

could be created. The workshops for awareness creation should also be utilised for the following aspects:

- For identifying the potential applicants for filing application.
- Creating a platform consisting of all stakeholders for taking up the activities.
- Formation of the consortium.
- Sensitizing the state governments and other agencies working for the development of the product and producers.

III FORMATION OF CONSORTIUM

Consortium is an association of two or more individuals or companies and/or organisations, associations, co-operative societies, with the objective of pulling their resources together for achieving common and mutually agreeable objectives. Basically the consortium should be a legal entity/open industry forum formed for mutual execution of some pre-determined objectives.

Geographical Indications (GI's) Act stipulates collective ownership right for the manufacturers/stakeholders of the products produced and originated in a specific geographical region having unique qualities associated with the region. Since the historically originated products are produced by a group of manufacturers/farmers/weavers/artisans, etc, the GI registration requires bringing the entire stakeholders under one-fold by formation of consortium. The formation of consortium is not mandatory under the Act but seems to be necessary for taking up post registration activities for optimising the benefits of IPR Protection of the products.

Consortium is an association of two or more individuals or companies and/or organisations, associations, co-operative societies, with the objective of pulling their resources together for achieving common and mutually agreeable objectives.



Who could be a Member?

All stakeholders involved either in the process of production, marketing or for the development of the products or stakeholders can be a member of consortium. They can be:

- Manufacturers producing the products and/or their Associations.
- Traders/Exporters involved in the process of marketing the product and/or their associations.
- Non-Government Organisations working for the development of the stakeholders/products.
- Government organisations (Central or State) actively participating for the development and growth of the product.



Banarasi Sarees & Brocades

Objectives:

The objectives of the consortium should be determined by the members of the consortium initially in the informal meetings with the help of legal experts depending upon the requirements of the stakeholders and product. For IPR Protection of the traditional knowledge, some of the objectives could be:

- Preparation of a comprehensive study and documentation of the product for identifying the historical origin, geographical area, production process, different products with specifications, uniqueness, socio-economic profile of the stakeholders and threat perceptions.
- Preparation and finalisation of the application and statement of case as per the procedures defined in the GI Act.
- Follow up action with the Controller General of Patents, Trade Marks and GI, Chennai.
- Constitution of inspection mechanism for maintaining the existing quality of the product.
- Devising strategy for optimising the benefits of IPR protection through brand building, market linkage with international and domestic market, etc as part of the Post-Registration activities.

Structure of the Consortium:

The type and function of consortium will depend on the number of participating associations/stakeholders and substances that are registered by the consortium. If the number of members is limited, the consortium may have a general assembly to take all necessary decisions for the concern of the consortium and the attainment of its objectives together with a Secretariat to prepare the meetings and to manage the day-to-day programme. For large consortiums, it could be appropriate for members to designate a Steering Committee to meet regularly and to decide on issues relating to the action plan for achieving the objectives.

In case of GI registration, the structure may vary depending upon the number of members and the area of functioning. Since, GI Registration requires an extensive work for minimum one year, it will be appropriate if a Steering Committee is formed and the entire responsibility is fixed on the Committee with adequate power.

Registration of the Consortium:

The consortium should be a legal entity as the ownership of the product would be vested on the consortium. In case of infringement, the consortium is supposed to take the legal action against the infringer. Therefore, the consortium should be registered under one of the following Acts:

- Indian Company Act.
- Indian Society Act

However, the Company Act will make the consortium a limited company having sole objective of profit making and hence may not be suitable for the purpose. On the other hand, the registration under the Society Act could be a better option.



IV STUDY & DOCUMENTATION

The very definition of the Act indicates that the goods which are originated/ manufactured in a territory of the country/region/locality in that territory having given quality, reputation or other characteristics associated with the Geographical area are eligible for registration. It means the products should have some unique characteristics with respect to quality or reputation associated with that particular area are eligible for registration. For example, in case of Darjeeling Tea, the flavour is associated with the altitude and the quality of soil of that particular area of the country and not found in any other tea in the world. Hence, the quality and the flavour of the tea are

It means the products should have some unique characteristics with respect to quality or reputation associated with that particular area are eligible for registration. For example, in case of Darjeeling Tea, the flavour is associated with the altitude and the quality of soil of that particular area of the country and not found in any other tea in the world.



Darjeeling Tea

closely associated with the Geographical condition of that area. Further, the Act stipulates that the product should have originated from that particular area of the country. Besides, the production process, the stakeholders, the area of marketing of the products, the inspection mechanism, specifications along with the production process and the raw materials used in the process of production should be clearly defined for registering any product under the Geographical Indication Act 1999. Therefore, in order to identify this aspect, an exhaustive study and documentation should be undertaken before filing the applications. The study should mainly focus on the following issues:

- Identifying the Historical Origin of the Product with written proofs. In case of non-availability of the written proofs of origin, the applicant should record the origin of the product from the stakeholders or from any unpublished source available.
- The different stages of production along with photographs should be collected. Every effort should be made to record the specifications of raw materials used in the process of production along with the products.
- The uniqueness of the products should be established with a proof that the uniqueness has been come up from the geo climatic condition of the product or due to the human skills associated in the process of production or any other parameters.
- The geographical spread of the production centre should also be identified along with the authenticated maps.
- Every effort should be made to rope in each and every stakeholder involved in the process of production or distribution of the product. No stakeholders should be left out in the process of documentation.
- The inspection mechanism for maintaining the quality of the product should also be identified.
- Socio-Economic conditions of the stakeholders needs to be elaborated and efforts should be made to define why GI Registration is essential for the product and how it will be helpful for the stakeholders.

V DRAFTING OF APPLICATION:

Once the study and documentation is completed, it needs to be presented before the stakeholders for recording their views or for incorporating of any additional information available with them. Once the stakeholders agreed with the documents, the application along with statement of case could be prepared. In the process of preparation of application the following statement of cases should be taken into consideration.

- Identify actual traditional knowledge having unique quality to a particular geographical region for protection.
- Written prior consent of the producers of the good needs to be collected. No

genuine stakeholder should be left out.

- Pre-empt possible objections and possess their counter.
- Technical specification should be in detail as much as possible
- Covering of the entire product range by applying for all the relevant classes of 4th schedule of the act simultaneously.
- Planning of an independent inspection body before hand is essential.
- Application is to be filed jointly with the proprietor of GI designated products.
- In the absence of consent, the application for registration is to be forwarded to proprietor of registered GI

VI PRESCRIBED FORMAT OF APPLICATION-FORM

Application for registration

Part A of the GI register Section(191), Rule23(2)

Part A of the GI register for different classes by single application Section 11 (1), 84(1), Rule23(3)

Part A of the GI register for different classes by single application Section 11(3), Rule23(5)

Part A of the register from a convention country for different classes by single application Section 11(3), Rule 23(4)

* The Application Form GI-I is attached in Annexure – 1.



Hadagali Malligai

VII Contents of the Application:

Every application for the registration must contain-

- A statement as to how the GIs serves to designate goods as originating from the concerned territory of the country/region/locality in the country as the case may be in respect of specific quality, reputation or other characteristic which are exclusively or essentially to the geographical environment, with its inherent natural or human factors and the production, processing or preparation of which takes place in such territory.
- The class of goods to which the GI shall apply (Refer Annexure 4 on Pg 53)
- The Geographical map of the country, region or locality in the country in which the goods originate or are being manufactured.
- The particulars regarding the appearance of the GIs as to whether it comprises of the words or figurative elements or both.
- Shall be in prescribed format
- A statement showing how Geographical Indications serves the designate products as originating from a territory with specific quality.
- Mechanism to ensure quality, standards, uniqueness
- Special human skills
- Name and address of the associations
- Inspection structure for maintaining quality
- Protection measures for eliminating infringement



Bihar Applique Work

FILING UP OF APPLICATION:

Once the application is ready in all respects, it can be filed before the registrar of Geographical Indications in the following address at

Registrar

Geographical Indications Registry,

IPR Building,

GST Road, Guindy,

Chennai - 600 032

Phone: 044-22502091 Fax: 044-22502090

PROCESSING OF THE APPLICATION:

After receiving the application the Registrar examines every application in the predetermined manner. He may refuse the application or may accept it absolutely or may ask for some amendments, modification or

conditions if any as he thinks fit.

ADVERTISEMENT OF APPLICATION: SECTION 13 OF THE APPLICATION PROVIDES THAT

- Where an application for registration of a Geographical Indication has been accepted, whether absolutely or subject to conditions or limitations, shall as soon as may be after acceptance, cause the application as accepted together with the condition or limitation if any subject to which it has been accepted to be advertised in prescribed manner to be advertised in such a manner as may be prescribed. Where after advertisement of an application (a) an error in the application is corrected or (b) the application has been permitted to be amended under section 15, the registrar may in his discretion cause the application to be advertised again or instead of causing the application to be advertised again or instead of causing the application to be advertised again, notified in the prescribed manner the correction made in the application.

OPPOSITION OF THE APPLICATION:

Section 14 of the GI Act prescribes about the opposition: Accordingly any person may within the three month from the date of advertisement can give notice in writing in the prescribed

manner to the registrar about the details of the opposition.

CORRECTION AND AMENDMENTS:

Section 10 empowers the registrar to carry out correction of any error and amendments in an application whether before or after an acceptance, if any errors are found in the application.

REGISTRATION:

Under section 12, when an application for registration of a geographical indication has been accepted and either

- a. The application has not been opposed or the time for notice of opposition has expired or
- b. The application has been opposed and the opposition has been decided in favour of the applicant.

The registrar shall, unless the central Govt. otherwise directs, registers the said geographical indication and the authorized user, if any mentioned in the application and the geographical indication and the authorized user it shall be registered as of the date of the making of the said application and the date shall subject to the provisions of the section 84 be deemed to be the date of registration.

However if the registration is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the registrar may treat the application as abandoned.

DURATION OF REGISTRATION:

The registration of GI shall be for a period of ten years but may be renewed from time to time in accordance to the provision.

RENEWAL OF REGISTRATION:

The Registrar shall on application made in the prescribed format can apply for the renewal of the registration before the expiry of the regist
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If the registration is not completed within twelve months from the date of the application by reason of default on the part of the applicant, the registrar may treat the application as abandoned.

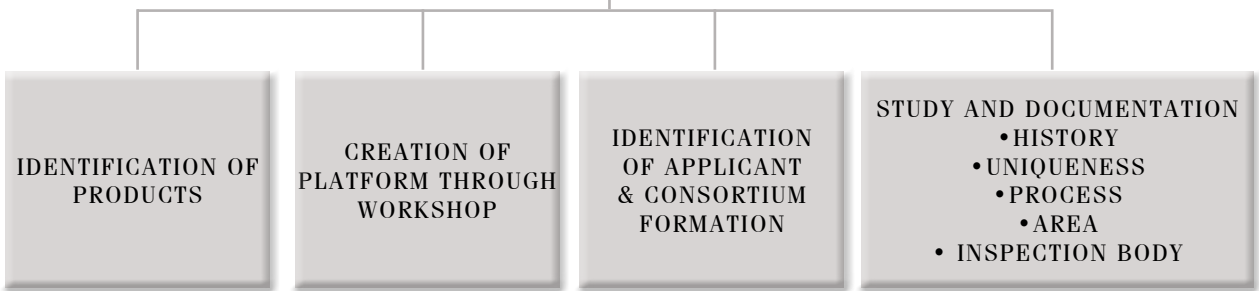


Bihar Applique Work

Flow Chart of the Procedure for GI Registration

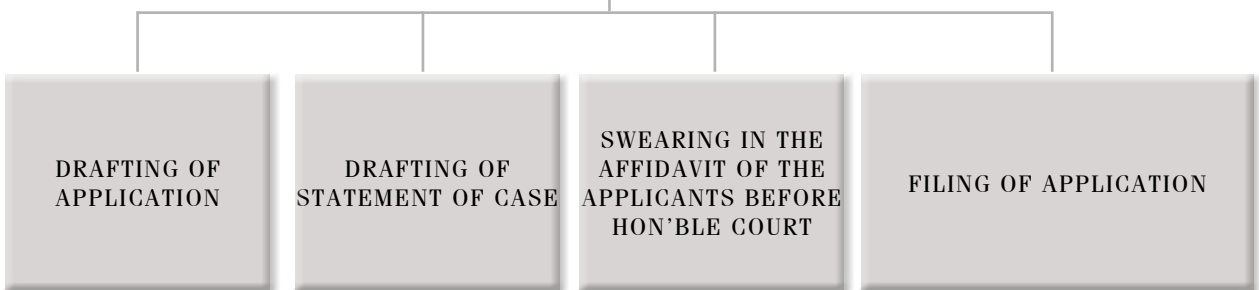
STAGE I

PRE-APPLICATION ACTIVITIES

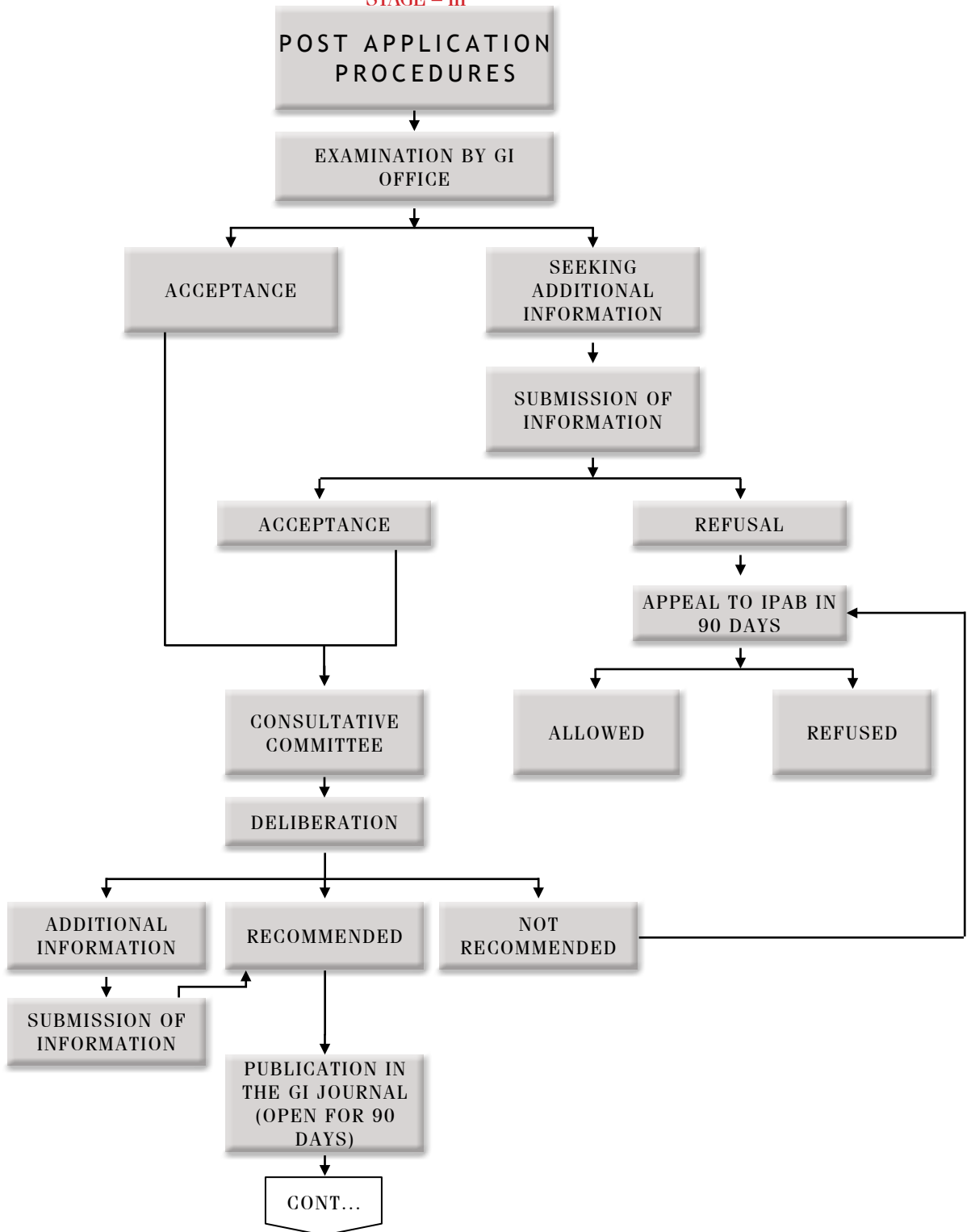


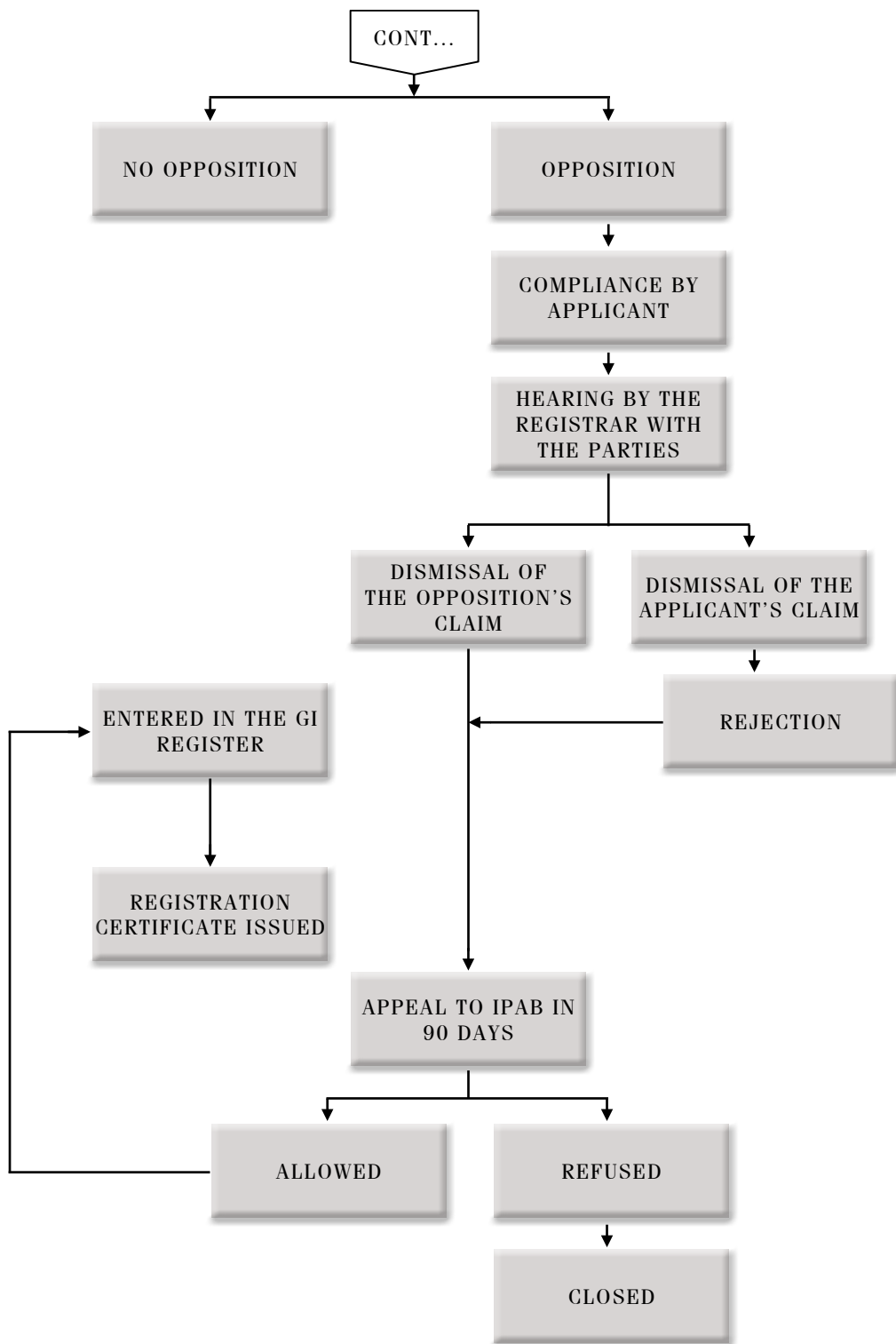
STAGE II

FILING OF APPLICATION



STAGE – III





Annexure-I

THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

FORM G1-1C

1

APPLICATION IS HEREBY MADE FOR THE REGISTRATION IN PART A OF THE REGISTER OF THE ACCOMPANYING GEOGRAPHICAL INDICATION FURNISHING THE FOLLOWING PARTICULARS:-

1A	Name of the Applicant	
1B	Address	
1C	List of association of persons/producers/organization/ authority	
1D	Type of Goods	
1E	Specification	
1F	Name of the geographical indication (and particulars)	
1G	Description of the goods	
1H	Geographical area of production and map	
1I	Proof of origin (Historical records)	
1J	Method of Production	
1K	Uniqueness	
	Inspection Body	
	Others	

Along with the Statement of Case in Class 24 in respect of the name(s) of whose addresses are given below who claim to represent the interest of the producers of the said goods to which the geographical indication relates and which is in continuous use in respect of the said goods.

1. The Application shall include such other particulars called for in rule 32(1) in the Statement of Case.
2. All communications relating to this application may be sent to the following address in India.
3. In the case of an application from a convention country the following additional particulars shall also be furnished.
 - a. Designation of the country of origin of the Geographical Indication.
 - b. Evidence as to the existing protection of the Geographical Indication in its country of origin such as the title and the date of the relevant legislative or administrative provisions, the judicial decisions or the date and number of the registration, and copies of such documents.



Parma's Ham

SIGNATURE

NAME OF THE SIGNATORY

DATED THIS _____ DAY OF _____ 20 _____

SIGNATURE

NAME OF THE SIGNATORY

DATED THIS _____ DAY OF _____ 20 _____

STATEMENT OF CASE OF THE PRODUCT (TO BE PREPARED & ATTACHED)

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION AND PROTECTION) ACT, 1999
FORM G1-1C**

1

APPLICATION IS HEREBY MADE FOR THE REGISTRATION IN PART A OF THE REGISTER OF THE ACCOMPANYING GEOGRAPHICAL INDICATION FURNISHING THE FOLLOWING PARTICULARS: -

1A	Name of the Applicant	The list of Applicants are attached in the Annexure-A
1B	Address	The Addresses of the applicants are also attached in the Annexure-A
1C	List of association of persons/producers/organization/ authority	A detailed list containing the list of association, co-operative societies, are prepared and attached in Annexure-1
1D	Type of Goods	Class-24: Textiles Good not classified elsewhere i.e Pipili Applique Craft like Samiana/Chandua (Canopy), Jhhalara, Chatti (Traditional Umbrella), Alata (Manual fan used for religious purpose), Garden Umbrella, Taras (used for religious purpose), Textile Make Wall Hanging, Batua (an unique bag for storing betel leaves, nuts, etc) , Letter Box, Ladies Vanit Bag, Banners, Cushion cover, Sofa Cover, Bed cover, Door screen, Money Purse, Lamp shade etc.
1E	Specification	The detailed specification of the different products is also attached in the Annexure-2
1F	Name of the Geographical Indication (and particulars)	Pipli Applique Craft: The appliqué work, which is mainly practised at Pipli, other parts of Puri and Khurda district of Orissa is popular in India as Pipli appliqué work.
1G	Description of the goods	Appliqué craft is decorative technique of attaching different pieces of one or different types of fabric onto the base fabrics by embroidery or stitches. The traditional items made of appliqué crafts at Puri and Pipili are “Canopies”, locally called “Chanduas”/”Samiana”, Chhati (a class of big umbrella attached with a long wooden hand). Tarasa, (a heart shaped wooden piece covered by appliqué cloth and supported by a long wooden pole and used for religious purpose). Jhalara (used for the border of Samiana/Canopies), Batua, (a semi – circular shape with stretchable to P; used for storing materials such as betel leaf, areca nut, lime, etc).
1H	Geographical area of production and map	The Appliqué craft is practised in the districts of Puri and Khurda of Orissa. The Khurda district is located at 20.11 N latitude and 85.40 E longitudes. The Puri district is located 19.48N latitude and 85.52 E longitudes. The maps of the districts are attached here to and marked as Annexure- 4. Former, Khurda was within the dist of Puri, which now has been bifurcated as a separate district by govt. of Orissa.

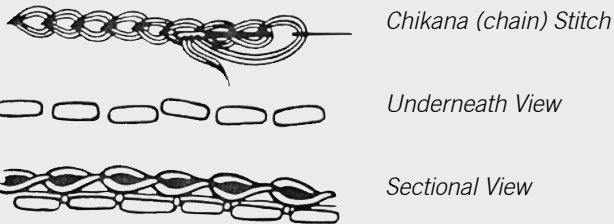
<p>1I</p>	<p>Proof of origin (Historical records)</p>	<p>The Applique craft is closely associated with rituals of Lord Jagannath of Puri. Traditionally the appliqué work is used as canopies during the annual Chariot Festival (Rath Yatra) at Puri to decorate the Chariots of Lord Jagannath (Lord of Universe), Balabhadra and Subhadra (brother and sister of Lord Jagannath). As per the tradition the colour of scheme canopies of the three chariots are predetermined and finds place in Shree Jagannath Temple Manual.</p> <p>(a). The Chariot of Balabhadra known as Taladhwaja has the appliqué cloth covering of bright green and red.</p> <p>(b). The Chariot of Subhadra known as “Padmadhwaja or Darpadalana” has the applique cloth covering of bright red and black.</p> <p>(c). The Chariot of Lord Jagannath called “Nandighosh” has the cloth covering of bright red and yellow. True copies of the manual are annexed as A.</p> <p>From the time immemorial, some Darjis (Tailoring Masters) of Puri have been authorised by the temple administration to do the work of Canopies for the chariot. The certificate copy one of the darji of Sri Krushna Chandra Mohapatra (5) is attached and called as Annexure- 5</p> <p>The district gazetteer of Puri (1977) clearly mentioned about the Applique craft and its origin. (The relevant part of the gazetteer is enclosed and is marked as Annexure-6)</p>
<p>1J</p>	<p>Method of Production</p>	<p>The method of production of the appliqué craft basically involves the process of cutting and stitching of the colourful fabrics with predetermined motifs for providing a specific shape to the products with definite quality and designs. The process is used during last 800 years by the artisans of Pipili. The following processes are involved in the various stages of production.</p> <p>(a). Procurement of Raw materials. The raw materials used in the process are poplin cloth, Rotto cloth, Velvet cloth, Glass beads, Chumki, Mudia no-0, 25 and 100, yarn, Small glass pieces no-0, 25 & 100 and Jean cloth,</p> <p>(b). Creation of motif on the cardboard/ metal board with the help of stencil. The process is called drawing of Namuna (sample).</p> <p>(c). Cutting of the fabrics in accordance to the drawn motifs by superimposing the sketched motifs on different coloured cloths. The cutting processes involved in the process are</p> <ol style="list-style-type: none"> ❶ Tikili & Pania. ❷ On machine cutting ❸ Off machine cutting like manual cut, Die cut, plotter cut. ❹ Stitching of the motifs on the base cloth by using the different stitching methods like chikana stitch (chain stitch), taropa stitch, machine stitch, ganthi stitch, zig zag stitch, and khadiali stitch. <p>The detailed method of production is prepared and attached in the Annexure-7.</p>

1H Uniqueness

The uniqueness of the Pipli Applique craft lies in the following:

- (a) The carefully designed motifs such as birds, animals, flowers, leaves, etc.
- (b) Use of Chowka in the making of Samiana/ Chandua (Canopies).
- (c) Use of specific design with a combination of embroidery, different stitches and a floral motif called “Surya Mukshi” (sunflower) at the centre of the Samiana/ Chandua (Canopies).
- (d) Stitching of Chowka on the basis of motifs and designed.
- (e) Systematic use of different stitching methods in the making process.
- (f) The density of the stitches used in the process of production. Generally the following stitches with predetermined density are used in the process.

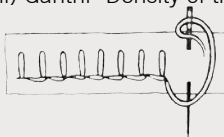
(i) Chikana Stitch- Density of the stitch is 6 to 8 for one inch.



(ii) Bakhia- Density of the stitch is 6 to 8 for one inch.



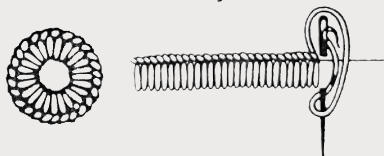
(iii) Ganthi- Density of the stitch is 6 to 8 for one inch.



(iv) Taropa- Density of the stitch is 4 to 6 for one inch.



(v) Button holes- Density of the stitch is 10 to 15 for one inch.



(vi) Ruching Stitch- Density of the stitch is 2 to 3 for one inch.

Inspection Body	<p>1) The Department of Handicrafts, Government of Orissa, (2) Development Commissioner (Handicraft), Govt of India having office at Bhubaneswar involved in quality control of the appliqué products. (3) Besides the master artisans of the product have their own method of quality control. During the process of production like motifs creation, cutting and stitching the master artisans use to inspect the different predetermined parameters and quality before permitting the production the final/ finishing stage. However, providing the specification of the quality inspection of the master artisans is difficult as it varies from one master artisan to other. (4) At present, the Textiles Committee, a statutory body under the Ministry of Textiles, Government of India, Which is known all over country for quality inspection and testing of different textiles and clothing products is also actively participating in educating the artisans and other stakeholders about the quality control and its importance, marketing strategies, brand building of the product, and other development activities relating to the artisans of the Pipli Applique Craft. Since the majority of the artisans are women in this craft, special care is being taken to protect their interest and for their economic upliftment while undertaking developmental activities. Even the traders and exporters involved in the marketing of the unique product are also specifying specific quality while providing orders to the manufacturers on the basis of demand patterns in the market and subsequently inspect the various stages of production & final product before procurement.</p>
Others	<p>The Pipli Appliqué craft is socio-culturally associated with the people of Orissa due to its confluence with the culture of Lord Jagannath.</p>



Along with the Statement of Case in Class 24 in respect of the name(s) of whose addresses are given below who claim to represent the interest of the producers of the said goods to which the geographical indication relates and which is in continuous use in respect of the said goods.

3. The Application shall include such other particulars called for in rule 32(1) in the Statement of Case. The statement of case attached.

4. All communications relating to this application may be sent to the following address in India.

1. Shri B Bhuyan & Associate
Advocates, Orissa High Court,
Bangali Sahi,
Cuttack. Orissa-753009
Phone: (O)-0671-2619736 (M)-9437167935

5. In the case of an application from a convention country the following additional particulars shall also be furnished.

- a. Designation of the country of origin of the Geographical Indication.
- b. Evidence as to the existing protection of the Geographical Indication in its country of origin such as the title and the date of the relevant legislative or administrative provisions, the judicial decisions or the date and number of the registration, and copies of such documents.

Applicants

1	Puri Creative Arts Co-operative Society, Regd No. at Dist-Puri, Orissa represented by its President, presently Sri Devi Prasad Nanda	_____
2	Kulamani Arts and Crafts Regd No. , at Dist-Puri, Orissa represented by its President, presently Sri Bivekananda Dash	_____
3	Sree Jaganath appliqué Workers, Regd no. at Dist-Puri, Orissa represented by its President, presently Sri Krushna Chandra Mohapatra	_____
5	Women Development Association, Regd no. at Dist-Puri, Orissa represented by its Secretary, presently Smt. Sailabala Sahu	_____
5	Maa Mangala Art & Craft Association Regd no. at Dist-Puri, Orissa represented by its Secretary, presently Sri Bouri Bandhu Mohapatra	_____
6	Rural Association for Development of Handicrafts in Knitting Area (RADHIKA), Regd no. at Dist- represented by its Secretary, presently Sri Saroj Kumar Behera	_____
7	Satyanarayan Chandua Silpa Samabaya Samity, Regd no. at Dist-Pipili represented by its Secretary, presently Sri Zahiruddin Kha	_____
8	Kalayanmayee, Regd no. at Dist-Pipili represented by its Secretary, presently Sri Surya Prasad Nayak	_____
9	Somnath Applique Workers Industrial Co-operative Society, Regd no. at Dist-Khurda represented by its President, presently Sri Ramesh Mohapatra	_____
10	ADAR, Regd no. at Dist-Pipili represented by its Secretary, Presently Sri Devananda Mohanty	_____
11	Sakuntala Women Chandua Hastashilpa Co-operative Society, Regd no. at Dist-Bhubaneswar represented by its President, presently Smt. Sakuntala Harichandan	_____
12	Bapuji Applique Workers Industrial Co-operative Society, Regd no. at Dist-Khurda represented by its President, presently Sri Mana Ranjan Moharana	_____
13	Pipili Applique Workers Industrial Co-operative Society, Regd no. at Dist-Pipili represented by its President, presently Sri Jogendra Mohapatra	_____
14	Sidheswari Applique workers Industrial Co-operative Society, Regd no. at Dist-Khurda represented by its President, presently Sri Surendra Das	_____
15	Darbar Sahitya Sansad, Regd no. at Dist-Khurda represented by its Secretary, presently Sri Rajani Kanta Mohanty	_____
16	Maa Santoshi Mahila Samity, Regd no. at Dist-Puri represented by its President Smt. Susama Behera	_____
17	Bharati Arts & Crafts Co-operative Society, Regd no. at Dist-Puri represented by its President, presently Sri Pravat Mohapatra	_____

Signature

Name Of The Signatory

Dated This _____ Day Of _____ 20 _____

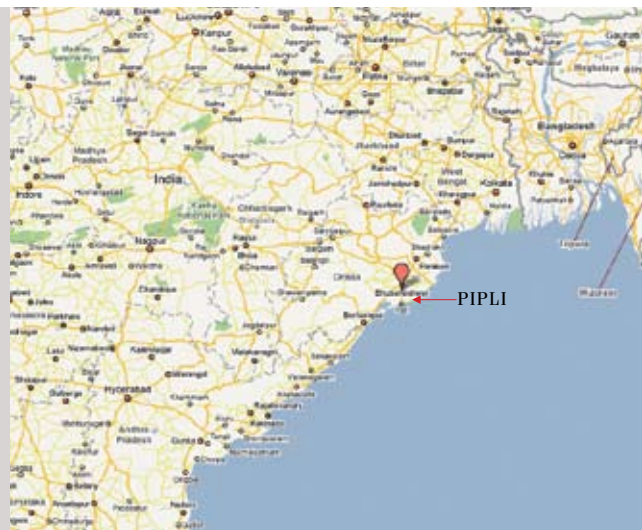


STATEMENT OF CASE FOR PIPLI APPLIQUE CRAFT

1 The handicraft sector constitutes a timeless facet of the rich cultural heritage of India. As an economic activity, the handicraft sector contributes immensely to the economic development of the country in general and artisans of the rural area in particular as most of the handicraft products belong to rural area of the country. The element of art and craft present in handicrafts and its appreciation by the customers of the foreign country and in domestic market make it the potential sector for both development of rural India and increasing the export of the country. Further, the handicraft products constitute a precious part of the generational legacy and exemplify the richness and diversity of the country and the artistry of the artisans of the country. The production of traditional products and integration of it to the modern designs and as per the demand pattern of domestic and international buyers also providing a very good platform to these traditional products.

2 The handicraft is unparalleled in its flexibility and versatility, permitting experimentation and encouraging innovation. Innovative artisan with their skilful blending of myths, faiths, symbol and imagination provide the craft an appealing dynamism. The strength of the sector lies in introducing innovative and new designs. which the infringers cannot replicate easily. The Government of India, state Government, Non-Government Organisations are working at various levels to provide various kind of socio-economic and legal protection to the sector as a whole in various ways in order to make it sustainable in the globalised era. There have been constructive efforts to provide them legal ownership under existing law. As a result the sector can mitigate the negative effects of globalisation and harvest the benefits from it.

3 Pipli, a small town about 20 km away from Bhubaneswar, the state capital of Orissa has a rich and glorious historic heritage in form of appliqué craft. Now the town is coming under the geographical area of the district Puri that is famous all over the world for Lord Jagannath temple.



4 Historically the Pipli owes its origin and importance for Lord Jagannath Temple. A section of artisans in Pipli called darjee (stitching community in Orissa) were allotted the work of temple as Sevakas (servants of the God) for stitching different decorative and ornamental cloths for Lord Jagannath (Lord of Universe), Devi Subhadra and Lord Balabhadra (Brother & Sister of lord). In exchange, the Sevakas are provided with the ownership right of some specific earmarked cultivable lands of Jagannath temple for earning their livelihood. The Puri city, which is situated around 40 km away from Pipli, is also involved in the process of production of decorative and ornamental cloth for Lord Jagannath and other deities. Subsequently the decorative clothes were known all over as Pipli appliqué as per the name as its origin points. Therefore, Pipli has a distinction of providing a special artistic name and fame to the creativity involved in the process of appliqué work and the products produced.

5 The origin of the appliqué work goes back to the 11th century AD when the artisans from the derjee caste (stitching community) are appointed by the king (Gajapati) as sevakas for regular supply of appliqué articles required for the day-to-day seva (rites in the temple) of Lord Jagannath. During that time the Gajapati (king) also used to determine the quantity, quality and price of the appliqué work and accordingly the artisans were provided with remuneration in terms of cultivable and residential land. A sample land deed executed in favour of one Sri Ganesh Mohapatra is attached at Annexure – 5. Maharaj Birakishore Dev of Puri Kingdom appointed Shri Jagannath Mohapatra, Shri Banamali Mohapatra, Shri Rama Maharana, Shri Siba Maharana and others as Sevakas for the purpose in the year 1054 AD. Maharaj Mukunda Dev appointed Shri Ganesh Mohapatra for the same purpose in the year 1280 AD. A certificate was issued approximately in 1754-55 AD indicating that Shri Padan Moharana, Shri Narayan Moharana and Shri Lokanath Moharana served as Sevak for the same purpose (copy enclosed as marked Annexure-8).

6 The appointment of sevaka is hereditary in nature. Hence the act of appliqué making has been transferred from generation to generation along with the evolution and development of the appliqué work in this region.

Historically the Pipli owes its origin and importance for Lord Jagannath Temple. A section of artisans in Pipli called darjee (stitching community in Orissa) were allotted the work of temple as Sevakas (servants of the God) for stitching different decorative and ornamental cloths for Lord Jagannath (Lord of Universe), Devi Subhadra and Lord Balabhadra (Brother & Sister of lord).



7 The historical perspective of the Appliqué craft of Pipli was also found mentioned in the Orissa District Gazetteer of Puri published by Department of Revenue, Government of Orissa in 1977. It has been mentioned (pg 702) that “Pipli is a village situated in 85° 50/E. and 20° 7/N. and about 40 km. away from Puri and 19 km from State Capital is famous for appliqué work, which is a traditional craft of the local tailors called Darji. They prepare ceremonial umbrellas, cloth wares, purses, embroidery quilts, canopies (Chandua) and other appliqué work which have a good market in the state and outside (copy enclosed and marked as Annexure 9).

With regards to the appliqué products, the Gazetteer (pg. 237) has briefly outlined, “Samiana/Chandua (canopies) and Chhatries (umbrellas) which bear magnificent appliqués and designs of great artistic skill are manufactured in the district at Pipili and Puri.

The District Gazetteer (pg 132) has also mentioned about the artisan of the Applique work. It has been mentioned, “The Darji belongs to the tailor caste. Originally tailoring profession was a monopoly of the Muslim community. The Darji caste in Orissa is mainly divided into two groups, viz., Kayastha and Sudra. The former consists of the immigrants from Bengal who have taken to sewing and have gradually crystallized into a separate endogamous group. The Sudra Darjis appear to be recruited from various castes. The usual surnames of Darjis are Mohapatra, Mahanti and Das. There are Darji Sevakas in the temple of Lord Jagannath at Puri. They sew dresses etc. for the deities of the Lord Jagannath Temple on ceremonial occasions. The Darji of Pipli, in Puri district, are famous for their appliqué work. They prepare beautiful appliqué umbrellas, canopies and fans (tarasa), which are traditionally used in the temples on ceremonial occasions. The beautiful appliqué canopies of different sizes and the garden umbrellas prepared by them are master-pieces of their traditional craft and have found a good market both inside and outside India”. (Copy enclosed & marked as Annexure 9A).

With regards to the appliqué products, the Gazetteer (pg. 237) has briefly outlined, “Samiana/Chandua (canopies) and Chhatries (umbrellas) which bear magnificent appliqués and designs of great artistic skill are manufactured in the district at Pipili and Puri. The appliqué work at Pipli is a hereditary craft. Brightly coloured patches of red, blue, black, white and yellow clothes are stitched together in required form to produce a colourful and harmonious pattern. Canopies and tarasas made in appliqué process are increasingly finding place in festivities, while graceful umbrellas are used on the beach and in the garden. Sixteen co-operative societies have been formed at Pipili and Puri to encourage and unite the artisans whose products are also exported to many foreign countries. (Copy enclosed marked as Annexure 9B).

8 The appliqué work is centred around Puri and Khurda district of Orissa. With the growing demand of the craft in the country and appreciation by the foreign tourist visiting to the famous tourist designations of the state, the artisans of the other districts are also now producing the craft. However, the contribution of Puri and Khurda Districts in the overall production is enormous and is above 90% of the total production.

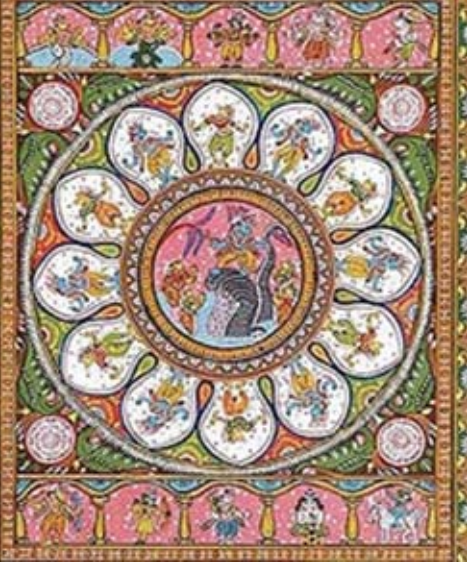
9 Initially the Darji caste of Pipli and Puri used to produce the appliqué but now a days the other community people like Khandayat, Brahmins, etc are also practising the craft making. Even the Muslims from Pipli and other parts are also using appliqué craft making, as their profession. Hence from the above mentioned facts the Pipli appliqué can be considered as a secular product.

10 The main products of appliqué from Puri and Pipli are Chandua/Samiana (Canopy), Chatti (traditional umbrella), Alata (manual fan used for religious purpose), garden chhata (garden umbrella), tarasa, batua (used for keeping betel), letter box, ladies vanit bag, ladies umbrella, lamp shade, Jhalar, etc.



11 With the passage of time, the artisans of the appliqué craft have also started product diversification by producing new products like bed cover, cushion cover, sofa cover, door screen, round and flat gate (used on festival like marriage and rituals for decorating pendals), etc. The ladies dress materials like sari, blouse are also being decorated by patchwork and appliqué now a days. These products may become the mainstream product of the appliqué craft after some time.

12 Now-a-days the artisans of appliqué craft have added production of more intricate and beautiful items as per the demand of the customers, these are termed as modern appliqué work. The production process of the modern appliqué work is an extension of traditional appliqué work. But the basic theme of the products remain the mainstream of the design and materials.



The artisans of this famous craft use to provide the most important and artistic work to the products by using very few manufacturing sets but with the artistic mind and intellectual received from the forefathers.

13 Method of production:

(A) PROCESS

The process is fairly simple and has been succinctly summarized by Shri B.C.Mohanty in his monograph on “Applique craft of Pipili, Orissa – Study of contemporary textile crafts of India” (Copy enclosed and marked as Annexure-10). As per the process of production flat motifs are first cut from cloth and specially prepared motifs are made separately. If more than one of the same cut motifs are required, a stencil is used. These cut and specially prepared motifs are then superimposed on a base cloth in predetermined layout and sequence. The edges of the motifs are turned in and skillfully stitched by embroidery or without turning as necessary. The specially prepared motifs may be coloured or white. The base cloth is usually coloured. Some of the specially prepared motifs have exclusive embroidery work and some have mirror work. In heavy canopies, a backcloth for strength additionally supports the base cloth.

In general, the process of production starts with the procurement of raw material from the market. The raw material is available in the local market also at nearby towns i.e. Bhubaneswar and Puri, which are nearer to the clusters. The process ends with packing of product & sending it to the market. The artisans of this famous craft use to provide the most important and artistic work to the products by using very few manufacturing sets but with the artistic mind and intellectual received from the forefathers. The appliqué making is a hereditary occupation. Generally the art of appliqué making is passed from generation to generation. When the generational legacy interacted with the innovativeness of each and every generation associated with the appliqué work, it gives rise to the development of new designs and attractive products. The production process can be summarised as follows:

(B) PROCUREMENT OF RAW MATERIAL

The cotton cloth is most preferred raw material. However, to make the product more decorative and attractive, the artisans also use other decorative cloths along with the cotton cloth. The different cloths used in the process are poplin cloth, rotto cloth velvet cloth and jean cloth. The price of the cotton cloth generally varies between Rs.15/- to Rs.23/- per metre. The price varies between Rs.55/- to Rs.85/- for velvet cloth per meter and in case of Jean cloth the average price is Rs.80/- per meter. Besides cloth, other raw materials used in the process are glass pieces (Kacha in Oriya), Chumuki (small dazzling pieces), Mudia (small round pieces), small aluminum wire, chain, etc.

In appliqué, three categories of clothes are used i.e. base cloth, backcloth and appliqué cloth. The base cloth is usually stronger than the appliqué cloth. Several years back hand-spun and hand-woven cotton clothes were being used in making Pipili appliqué, which added weight and strength to the material. Although it appeared a little coarse. Velvet and fret pieces are also used for patchwork and motif creation, which were usually embroidered. Leather is never used in the appliqué work of Pipili. At present the cotton cloth used are mostly markin, salu, varieties materials, satin and poplin. Jean cloth is used for making the backcover cloth for its durability. Markin is invariably used for backing cloth in chandua (Canopy), jhalar etc, which are comparatively heavier. Salu is of light weight. The specification of the different clothes used in the process of appliqué are as follows:

Sl. No	Cloth	Count of warp	Count of weft	Ends/cm.	Picks/cm
1.	Markin	19s	18.8s	19.7s	18.3s
	(Long cloth)	17s	18s	23.2s	17.3s
		27.3s	24.9s	28.9s	19.3s
2.	Salu	21.5s	28.3s	22.2s	17.1s
	(Long Cloth)	21.0s	26.2s	23.2s	15.2s
		18.4s	26.8s	21.9s	16.9s
		25.1s	29s	20.0s	15.7s
		18.8s	32.6s	22.6s	15.7s
		17.2s	33.5s	22.6s	14.6s
		23.7s	24.7s	19.5s	15.7s
3.	Poplin	31.2s	29.3s	35.2s	19.7s
		29.2s	39.4s	45.5s	23.6s
		29.8s	41.2s	40.6s	19.7s
		33.9s	24.5s	41.1s	20.9s
		32.1s	33.2s	26.8s	20.7s
		25.2s	36.7s	40.4s	20.1s
		36.7s	28.1s	42.7s	20.9s
(Source: As discussed with the artisans of Pipli and Puri)					

In some specially prepared motifs, small mirror-beads are also used. Appliqué stitching is done with machine made sewing thread usually of 40s and 60s count. For strengthening the heavy and big chanduas newar (long strip made up of cloth) is used in between the backcloth and base cloth. For heavy chanduas (canopy) sometimes mudias (rings) made of brass are fixed all round instead of making buttonholes in the border at about 4ft to 6ft apart but now a days it has very rare use.

It is important to mention here that while the motifs drawn from the social and Mythical field like war procession and durbar with motifs of bullock cart, camels, riders of horse, king or queen, lady on the skirt and blouse, soldiers are widely used in the states like Gujarat, Rajasthan and Bihar, these are more or less absent in the appliqué motifs of Pipli.



(C) CREATION OF MOTIFS

Once the raw material is procured, and then starts the process of shaping the imagination of the designers into reality. Initially, the designers use to draw the different motifs on the cardboard and cut the cardboards accordingly to shape of the motifs. Once the motifs on the card board are prepared and then super imposed on the cloth to produce different intricate appliqué motifs all imaginable motifs arise out of the imagination of artisans in geometric, abstract, schematized, actual life and stylized forms from social, mythological and natural aspects The religious aspects are clearly visible from the appliqué motifs of Pipli as the craft is closely associated with the 11th century Lord Jagannath temple, Puri. The different motifs used in the process of appliqué craft of Orissa is as follows:



- (i) Animals – Hathi (Elephant), Musa (Rat), machha (fish), Singha (Lion)
- (ii) Birds - Mayura (Peacock), Gandamayur (Double headed peacock), Bataka (Duck), Sua (Parrot), Tohi (Creeper), etc.
- (iii) Floual Motifs- Malli (Hirana), Padma (Lotus), Uthaphula (raised flower), Suryamukhi (sunflower) etc
- (iv) Leaf – Bela patra (Golden apple leaf), Siju Patra (leaf of Siju plant), Pana patra (Betel leaf), etc.
- (v) God and Goddess- Ganesh (Lord Ganesh), Jagannath (Lord Jagannath), Durga (Goddess Durga), Shive (Lord Shiva), Surya (Sun God)

Besides the above the motifs of the tree and leaf strips, small ball shaped special motif (ghundi) etc are also prepared by the artisans of the Pipli.

It is important to mention here that while the motifs drawn from the social and Mythical field like war procession and durbar with motifs of bullock cart, camels, riders of horse, king or queen, lady on the skirt and blouse, soldiers are widely used in the states like Gujarat, Rajasthan and Bihar, these are more or less absent in the appliqué motifs of Pipli.



(D) CUTTING OF FABRIC

The most crucial stage of the appliqué making is cutting of fabric into different shapes. The cutting of fabric is undertaken in the following procedure.

(i) Folding of fabrics: As a first step the fabrics are folded into different shapes as per the pre-determined procedure, for making designs in the Chandua (Canopies). The folding process is called Tikili and pania. For folding work, the fabrics are measured as per the requirement by the local artisans, who have specialization on the process.

(ii) Cutting of Fabrics: The folded fabrics are cut into different motifs, the appliqué embroidery is only as good as the neatness with which the appliqué, or patch as it is commonly called, is cut and held in its place by embroidery stitches. Therefore, once sufficient care is taken in cutting the appliqué, half the battle is won. There can be several methods of doing it. But the artisans of Pipli generally uses the following cutting method.

(E) 'ON MACHINE' CUTTING METHOD'

This is the oldest and, in many cases, the most reliable of all methods used for appliqué cutting. In this method scissors cut the appliqué manually after the 'holding' stitch has been embroidered on the appliqué material. For this also, the planning has to be done right at the 'punching' stage. First, an outline in 'running' stitch is punched for marking the area for the positioning of the basic appliqué material. After this a 'stop' code (or a colour change code) is given so that the machine stops after marking the position for appliqué on the base fabric. This gives the operator enough time to place the appliqué material in the marked area.

The appliqué material should be about 1 cm larger (in all directions) than the required size. Then the holding stitch is embroidered to secure the appliqué with the base material. Once the holding stitch is over, another stop code in the design stops the machine so that the excess fabric outside the holding stitch outline can be manually cut. If the appliqué command is given in the design, most machines would automatically bring the frame forward to facilitate cutting whenever they read the code.

This method is useful when making a sample of a basic appliqué or when the nature of the design does not permit pre-cutting.

This method, even though reliable, has its shortfalls. Costing for one and then neatness as close second. As the cutting process is totally manual, the machine is kept idle for the entire period of cutting, which in most cases can take substantial time. The cost of production goes up. Also, in most of the intricate designs, it becomes very difficult to cut complicated shapes accurately due to limited mobility while cutting on the machine, requiring compromise on the neatness.

(F) OFF MACHINE METHOD:

This method is the most preferred as it is a neater, quicker and cheaper way to produce appliqué embroidery as valuable time is saved by avoiding manual cutting of appliqué on the machine. This is achieved by pre-cutting the appliqué. Even though the basic preparation during the punching stage is almost the same as the 'on machine' method, the difference comes in because of 'pre-cutting' the appliqué.

There are different methods of cutting off machine cutting but the artisans of appliqué craft generally use the following methods.

- I. Manual Cut
- II. Die Cut and
- III. Plotter Cut

This is a very effective method when the embroidery order is very small or when the design is in sampling stage and chances of modification are there. In such situations, getting a die made for cutting is not viable both due to time and cost.

(i). Manual Cutting: First an outline of the shape of the appliqué is punched in running stitch. Then the appliqué fabric is fixed on the machine as per requirement, either in frames or on the pantograph and the outline design is embroidered onto the fabric close to each other, leaving enough margins for cutting. Once the desired number of units has been embroidered, the fabric is removed from the frame and the help of scissors using the embroidered outline as a guide cuts out individual appliqués. This is a very effective method when the embroidery order is very small or when the design is in sampling stage and chances of modification are there. In such situations, getting a die made for cutting is not viable both due to time and cost. However, as in this method the cutting is done manually, care should be taken for accuracy and ample time should be given for the same for best results.

(ii). Die Cut: This has been the most widely used method of pre-cutting the appliqués. Simply put, an outline of the desired shape is given to the die-maker on paper that bends a special steel blade a cardboard into the required shape. This metal 'die' is then put on top of few layers of stacked appliqué material. The number of layers directly depends upon the height of the blade and the thickness of the material to be cut. Normally, a layer of fabric measuring about 1 cm to 1.50 cms height is used for cutting. External pressure is required to press the die to cut through the material. A die press machine that can be either manual or pneumatically controlled supports the above operation. Pneumatically controlled machines are commonly known as 'clickers'. Needless to mention here is that the manual machines are relatively cheaper. Even with higher cost, the pneumatically controlled machine has distinct advantages. Not only it is very efficient but can extend the life of the die considerably by exerting only the

required amount of pressure on the blade. This avoids the 'over cutting' by the blade as well as prevents distortion of the die due to repeated use. Distorted dies can be a real source of trouble. If the distortion of the die is minor and escapes attention, then large amounts of appliqué material may get wasted, as the distortion in the die would make the cut appliqué a misfit in the design. Therefore, it is advised that a duplicate set of die should be kept as a stand-by and the die in use should be regularly checked for any distortions.

(G) STITCHING PROCESS

The stitching process varies from item to item and come under six broad categories namely, (i) Bakhia, (ii) Taropa, (iii) Ganthi, (iv) Chikana, (v) Button hole and (vi) Ruching.

(I) BAKHIA:

It is a simple running stitch which is used either for keeping the patches in position temporarily on the base cloth till they are finally stitched to it, or for fixing the motifs which are specially made and stitched on the base cloth. Some of the examples of the stitch are malli flowers, etc. Under the bakhia stitch several stitches may be picked up quickly at each insertion of the needle. The density of the stitch is 6 to 8 for one inch.

(II) TAROPA:

Under the stitching process the appliqué patches are stitched with the base cloth where the edges of the patches are turned in and then stitched. In the process the stitch is almost concealed underneath the patch. Density of the stitch is 4 to 6 for one inch.

(III) GANTHI:

The Ganthi stitch, which is similar to blanket stitch, and buttonhole stitch, is used for attractive embroidered motifs. Density of the stitch is 6 to 8 for one inch.

(IV) CHIKANA

The chikana stitch, which is also called chain stitch, is popular in appliqué work. It is an embroidery stitch built up by looping of threads and is used in binding the edges of the appliqué patch without turning, as well as for making textual and ornamental effects on motifs. The density of the stitch is 6 to 8 for one inch.

(V) BUTTON HOLE STITCH

The buttonhole stitch is used for mudias (rings) fixed to large canopies for hanging and for fixing round-shaped small mirrors for decoration. It is similar to blanket stitch although the needle is inserted from outer edge in this stitch.



(VI) RUCHING

The ruching stitch is used for gathering a strip of cloth to make an appliqué motif like malli. Density of the stitch is 2 to 3 for one inch.

(VII) RUNNING STITCH

This is the primary or the most basic of the embroidery stitches used. It should be used when a net or a very thin fabric is being used for appliqué. The stitch length should be kept small (say, 1 – 1.5 mm) which would help in holding on to even a net fabric through the spaces. For extra safety a loose zig zag stitch can also be used along with running stitch. However, in many cases only a running stitch is required to hold the appliqué.

(VIII) E-STITCH OR APPLIQUÉ STITCH

This is the most commonly used stitch for holding appliqué material in place. As shown in picture the shape of the stitch gives it its name. It is used in most applications in combination of running stitch.

(IV) ZIG ZAG STITCH

This or the loose satin stitch (vale 1.0 – 2.0) can be used for holding the appliqué. Mostly this stitch is used when the stitches holding the appliqué have a width of more than 2.5 – 3.0 mm can be independently used or in combination of running or satin.

Sometimes embroidered patterns are also used and in a few items mirror work is also incorporated. The layout of various motifs and patterns vary according to the shape of the piece. The canopy has a large centerpiece, which may be a square. Several borders of different widths, one outside the other then bound this centerpiece, till the edge is reached. In the umbrella and Chhati the inner field is arranged in circles, each circle having patches of one motif placed side by side. Patterns are laid in the same way as the shape of the Tarasa, with a large motif or two placed at the center. The layout for covers for horses consists of a series of concentric strips in the portion which covers the neck, each strip having patches of one motif, while the portions which fall on either side of the body are plain, having border all round with or without a motif at the center of the plain field.

The motifs used are fairly varied yet fixed and consists of stylized representations of flora and fauna as well as a few mythical figures. Of the more common of these motifs are the elephant, parrot, peacock, ducks, creepers, trees, flowers like lotus, jasmine, half-moon, the Sun and Rahu (a mythical demon who devours the sun). Just as there are a few fixed motifs only a limited number of colours are used in the traditional appliqué craft. These are green, red, blue, ochre and black. The creative urge of the



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Basically, appliqué is a decorative technique of attaching pieces of one or different types of fabric onto the base fabric by embroidery or stitching.

Depending on the technique and the skill of the person, the finish results can be breathtakingly beautiful.

craftsmen however are released in the endlessly various combination of motifs as well in the mixing of these limited colours. While there has been very little change in the use of motifs, there has been a trend towards greater experimentation in colour combinations.

Superimposition of coloured cloths on gray marking cloth is quite common today as the use of cloth of all colors and hues. Similarly, with the changing times the craft has also adopted itself to the needs of modern man. Among the more popular appliqué items today are garden umbrellas, a variant of chhati with wooden or aluminum stands, shoulder bags, ladies hand bags, wall hangings, lamp shades, bed covers, pillow covers, letter pouches, etc. Appliqué items are also being used in combination with other handicrafts to produce composite products. An interesting use is the super imposition of appliqué on grass mats and used as partitions. Though earlier the art form was restricted to Darji caste, today it is practiced by non-caste members, notably by some young Muslim boys. Unlike many other handicrafts, appliqué items are attractive artifacts of daily use apart from being decorative. They are also comparatively cheaper.

Basically, appliqué is a decorative technique of attaching pieces of one or different types of fabric onto the base fabric by embroidery or stitching. Depending on the technique and the skill of the person, the finish results can be breathtakingly beautiful. Not only the colour and texture of the appliqué fabric gives an added dimension to the embroidery but in the cases where large sized appliqués are being used, it also helps in reducing the total cost.



In Orissa particularly Pipili appliqué work has been used since time immemorial and has been integral part of local cultures of many regions. Wall hangings, shopping bags, decorative umbrellas, waistcoats, omnipresent saris etc. The list is long. The reason for their popularity has been due to the fact that for making traditional appliqué designs, relatively lesser skill and time is required and in rural areas, the leftover fabric from the dressmaking could be utilized. Therefore, it is generally cheaper to produce a design using appliqué than making the same design filled with embroidery thread.

14 Uniqueness

(i) The uniqueness of the appliqué craft lies at the carefully crafted motifs of different design of figurative like animals, birds, geometrical & diamonds/motifs; and trees and leafs. The motifs are unique in the sense that the artisans of Pipili has designed these motifs out of their imagination and know-how derived from their ancestors.

(ii) The stitches used by the artisans with different densities are also unique. The stitches used are Bakhia stitch, taropa, ganthi, chikana, bottom wholes. The densities used are

Bakhia – density of stitch 6 to 8 per inch.

Chikana – density of stitch 6 to 8 per inch.

Ganthi - density of stitch 6 to 8 per inch.

Taropa - density of stitch 4 to 6 per inch.

Bottom hole - density of stitch 10 to 15 per inch.

Ruching - density of stitch 2 to 3 per inch.

(iii) The products by the artisan like chandua (Canopy), Alata (Manual fan for lord Jagannath), Tarasa, etc. are produced only by the appliqué artisans of Orissa.

15 An analytical study of the appliqué craft of Orissa and the other state like Rajasthan, Gujarat, Bihar where the art is practiced at present reveals that there exists some difference in making proles, motifs. Following are the few differences and other parameters used:

(A) PRODUCTION PROCESS:

At Pipili and the other areas the motifs are first cut from cloth and some times the specially prepared motifs are made separately. If more than one of the same cut motifs are required a stencil is used. As far as the stitching process is concerned, the edges of the cut motifs are turned in and skilfully stitched on to the base cloth or stitched by the embroidery without turning as necessary. The specially prepared motifs are similarly stitched on to the base

The motifs are unique in the sense that the artisans of Pipili has designed these motifs out of their imagination and know-how derived from their ancestors.

cloth as pre-determined places. The artisans of the Pipli and the other clusters of Orissa use colour cloth as the base cloth and superimpose different colour motifs with different dimensions on it with the help of different stitches. Within the motifs some of the specially prepared motifs have embroidery work and some other have mirror or Chumki work for making the product beautiful and attractive. In some of the products, a backcloth is attached with the base cloth to support it and to enhance the durability. The backcloth is used in case of chandua (Canopy), wall hanging and some other selected products.

The making process adopted in northern Gujarat, Rajasthan and Bihar is somehow different to that of Pipli appliqué work. In these areas, a cloth having specific size is folded over and over again and pressed. The folded cloth is being used to draw motifs and layouts using stencils and the portion is cut into paper flowers or resembling fretwork to a predetermined layout and motifs. It is then superimposed on a base cloth of equal size. The edges of the two cloth are stitched all round and then the edges of cut out portions are stitched to the base cloth. The artisans use white and different coloured cloths alternatively as the base cloth and the superimposed cloth i.e. if the base cloth is white, the superimpose cloth is coloured and vice-versa. In some cases, the coloured inlays shows up in the cut-out forms if the white cloth is superimposed and in some other, the white inlays show up in the cut out forms if the colour clothes are superimposed. The process of folding and clothing out permits of an elaborate but mostly symmetrical geometric pattern. The design pattern and its movement are free and depends on the imagination of the artisan. Sometimes the backcloth is used to strengthen the product.

From the above analyses, it is established that the production process of Pipli differs from other production centres of Gujarat, Rajasthan and Bihar.



The making process adopted in northern Gujarat, Rajasthan and Bihar is somehow different to that of Pipli appliqué work.

(B) MOTIFS:

The motifs drawn from the social & mythical field like war procession and durbar with motifs & bullock cart. Camels, rides of horses king or queen, land on the skirt and blouse, soldiers are widely used in the state like Gujarat, Rajasthan & Bihar, these are more or less absent in the appliqué profits of Pipli. Similarly the motifs created by artisan of Pipli appliqué like Gando Mayura (double headed peacock), surya mukhi (sunflower), etc are absent in the appliqué craft of Rajasthan, Gujarat & Bihar.

16 The appliqué has three categories of players, viz, (a) Trader entrepreneur, (b) Artisan Entrepreneur and (c) Artisan worker. The definition of these players are as given under

(a) A trader entrepreneur is one who may or may not be an artisan. He may

The legal protection will make the stakeholders secure from the fearer infringement. At the same time the protection will also make the consumers secure out of duplicate products. In view of the above GI registration of Pipli appliqué craft is essential.

or may not engage himself in making the craft. He collects products from others and sells those either through his own showroom or to others who have showrooms or other business houses. For this activity he invests capital and bears the risk associated with the business.

(b) An artisan entrepreneur is one who is as artisan himself, makes the craft either himself or by using family labour and /or hired labour. He sells the goods fully or partly by himself. He may sell a part to intermediaries like trader entrepreneur. He invests capital for this purpose and, therefore, considered as entrepreneur.

(c) An artisan worker is one who sells his labour and skill to earn wages either on a daily/monthly or piece rate basis. He does not invest any capital but may use his own tools, which do not have much monetary value. He bears no risk.

Though there are artisan entrepreneurs and trader entrepreneurs exist in the centre, they are unable to market the all products produced in the centre. The extent of middlemen grabbing the scene is approximately 52 percent. This shows the control of middlemen over the business in Pipili.

The major constraint for the overall development of the stakeholders is finance since there is a limited access to the institutional sources. Around 70 percent of the artisan entrepreneurs and 40 percent of the trader entrepreneur of Pipili have reported about this.

17 In Orissa, about 15000 artisans are earning their livelihood by appliqué work out of which or more than 60 percent are women. Hence the craft not only helps in the economic development of the backward states like Orissa by providing self-employment to the rural poor but also contributes immensely for the development of women and reducing gender inequality. Hence the protection of the craft will help in the different ways for the development of a poor state like Orissa.

18 In the aforesaid given circumstances, it is thus apparent that the appliqué craft needs requisite legal protection and also qualifies for protection under the Geographical Indication (GI) Art. The traditional handicraft product of the country is national heritage and emotionally attached to the stakeholders associated with it. It also contributes immensely for the economic development of the country. The legal protection will make the stakeholders secure from the fearer infringement. At the same time the protection will also make the consumers secure out of counterfeit products. In view of the above GI registration of Pipli appliqué craft is essential.



Annexure-II

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Annexure-III

Some useful tips on GI Registration

TIP 1 WHO CAN APPLY FOR THE REGISTRATION OF A GEOGRAPHICAL INDICATION?

- Any association of persons, producers, Organisation or authority established by or under the law:
- The applicant must represent the interest of the producers
- The application should be in writing in the prescribed form.
- The application should be addressed to the Registrar of Geographical Indications along with prescribed fee.

TIP 2 WHO IS A REGISTERED PROPRIETOR OF A GEOGRAPHICAL INDICATION?

- Any association of persons, producers, Organisation or authority established or under the law can be a registered proprietor.
- Their name should be entered in the Register of Geographical Indication as registered proprietor for the Geographical Indication applied for.

TIP 3 WHO IS AN AUTHORISED USER?

- A producer or group of producers of goods can apply for registration as an authorised user
- It must be in respect of a registered Geographical Indication
- The authorized user should apply in writing in the prescribed form along with prescribed fee

TIP 4 WHO IS A PRODUCER IN RELATION TO A GEOGRAPHICAL INDICATION?

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

- Agricultural goods including production, processing, trading or dealing of such goods.
- Natural goods including exploiting, trading or dealing of such goods.
- Handicrafts or Industrial goods including making, manufacturing, trading or dealing of such goods.



Bastar Dhokra



TIP 5 IS A REGISTRATION OF A GEOGRAPHICAL INDICATION COMPULSORY AND HOW DOES IT HELP THE APPLICANT?

- Registration is not compulsory
- Registration affords better legal protection to facilitate an action against infringement
- The registered proprietor and authorised users can initiate infringement actions
- The authorised users can exercise the exclusive right to use the Geographical Indication.

TIP 6 WHO CAN USE THE REGISTERED GEOGRAPHICAL INDICATION?

An authorised user has the exclusive rights to the use of Geographical Indication in relation to goods in respect of which it is registered.

TIP 7 HOW LONG THE REGISTRATION OF GEOGRAPHICAL INDICATION IS VALID?

The registration of a Geographical Indication is valid for a period of 10 years.

TIP 8 CAN A GEOGRAPHICAL INDICATION BE RENEWED?

Yes, GI registration can be renewed from time to time for further period of 10 years each, if the authorised user so desires.

TIP 9 WHAT IS THE EFFECT IF IT IS NOT RENEWED?

If a registered Geographical Indication is not renewed it is liable to be removed from the register. As such the product will not enjoy legal protection provided by the Act and the product may lose its unique quality in the long run.

TIP 10 WHEN A REGISTERED GEOGRAPHICAL INDICATION SAID TO BE INFRINGED?

- When an unauthorised user uses a Geographical Indication that indicates or suggests that such goods originate in a geographical area other than the true place of origin of such goods in a manner, which mislead the public as to the geographical origin of such goods.
- When the use of Geographical Indication result in an unfair competition including passing off in respect of registered geographical indication.
- When the use of another Geographical Indication results in false representation to the public that goods originate in a territory in respect of which a registered Geographical Indication relates.



Thanjavur Paintings

TIP 11 WHO CAN INITIATE AN INFRINGEMENT ACTION?

The registered proprietor or authorised users of a registered Geographical Indication can initiate an infringement action.

TIP 12 CAN A REGISTERED GEOGRAPHICAL INDICATION BE ASSIGNED, TRANSMITTED, ETC?

No. A Geographical Indication is a public property belonging to the producers of the concerned goods. It shall not be the subject matter of assignment, transmission, licensing, pledge, mortgage or such other agreement. However, when an authorised user dies, his right devolves on his successor in title.

TIP 13 CAN A REGISTERED GEOGRAPHICAL INDICATION OR A REGISTERED AUTHORISED USER BE REMOVED FROM THE REGISTER?

Yes. The Appellate Board or the Registrar of Geographical Indications has the power to remove the Geographical Indication or an authorised user from the register. Further, on application by an aggrieved person action can be taken.

TIP 14 WHICH OF THE GEOGRAPHICAL INDICATIONS CANNOT BE REGISTERED?

- The use of which would likely to deceive or cause confusion or contrary to any law.
- This comprises or contains scandalous or obscene matter or any matter likely to hurt religion susceptibility of any class or section of citizens of India.
- Which would otherwise is disintitiled to protection in a court, which are determined to be generic names or indications of goods and are,
- Therefore, not or ceased to be protected in their country of origin or which have fallen into disuse in that country.
- Which, although literally true as to 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.

TIP 15 WHAT IS THE PUNISHMENT IN THE ACT FOR FALSIFYING GI?

A sentence of imprisonment for a term between 6 months to 3 years and a fine between fifty thousand rupees and two lakh rupees or stipulated in the Act. However, the court may reduce the punishment under special circumstances.

TIP 16 WHAT ARE EXCEPTIONS TO GI PROTECTION UNDER TRIPS AGREEMENT?

The TRIPS Agreement enumerates a series of exceptions to the protection of Geographical Indications such as prior use in good faith and continued use of Geographical Indications that have become generic terms.

Article 24 of the TRIPS Agreement lists five exceptions:

- If a name has been used for at least 10 years preceding to the conclusion of the Uruguay Round or in “good faith” for a shorter period of time preceding that date, the user can continue to do so;
- A trademark will remain valid if it was registered in good faith before the TRIPS Agreement came into force, or if it has been registered before the Geographical Indication was protected in its country of origin;
- When a Geographical Indication has become a common term for the type of goods in the language of a particular Member State (i.e. generic), protection must no longer be accorded in that State;
- The protection of Geographical Indications does not prevent a person whose name corresponds to a Geographical Indication to use that name in their commercial operations as long as that name is not being used in any misleading way.
- There is no obligation to protect Geographical Indications which are not, or have ceased to be, protected in their country of origin or which have fallen into disuse in that country.



Madhubani Paintings

WHY ARE PRODUCERS INTERESTED IN GIS?

GIs are anchored to the particular region for which they come from and as such contribute to the socio-economic dynamics in many regions of the world. They also create and support jobs and encourage diversification in production. They allow producers and manufacturers to dedicate themselves to the commercialisation of traditional products in response to the demands of quality-conscious consumers. GIs also contribute to the conservation of natural resources and the preservation of native traditions and cultural heritage often reaching back to distant ancestors. As such, GIs are of importance to producers and manufacturers throughout the world, especially those in developing countries who need the means to put products in the market, which are easily differentiated and identifiable via their geographic origin.

TIP 17 WHY DOES THE CURRENT LEGAL PROTECTION FOR GEOGRAPHICAL INDICATIONS NEED IMPROVEMENT?

There are multiple reasons for revising and improving the protection of geographical indications, in particular with global markets now increasingly open, it is indispensable that:

- Consumers can immediately recognize the origin of products. The improvement of protection for GIs at the international level will help the fight against the public being misled. A product

whose name refers to or evokes a certain geographical region must be from that region.

- Producers and manufacturers of products identifiable by their GIs can position and defend their local products with an effective legal protection. Such a protection facilitates the preservation of diversity and the quality of production in different parts of the world. Without this protection, producers of specific products will continue to be exposed to abusive uses of their Geographical Indications by producers in other countries who free ride on the reputation and recognition already established by those names in order to better sell products that do not bear the same qualities as the originals.

The TRIPS Agreement currently does not provide for adequate or sufficient protection of Geographical Indications. The TRIPS Agreement does not automatically protect all GIs. Protection must be sought on a country-by-country basis. This is often too costly for small GI producers. Thus, a simplified mechanism to help producers achieve worldwide protection is needed.



Coorg Oranges

TIP 18 HOW CAN BETTER PROTECTION FOR GEOGRAPHICAL INDICATIONS BE ACHIEVED?

- The better protection for GI can be achieved through the extension of protection to products under Article 23 of TRIPS, which currently benefits only wines and spirits. The extension of protection will be granted to the products other than wine and spirit, producers would be able to easily defend their rights. They would no longer have to prove that the public has been misled of their Geographical Indications.

- Establishment of a multilateral registry

At the same time, the establishment of a multilateral registry for GIs would constitute a powerful complementary tool for concretely defending this intellectual property right.

A registry at the international level would require a list of GIs to be officially recognized by all economic players in all countries of the world. Registration of a name in the registry would also make it possible to reverse the burden of proof. In the current situation, it is the producer who is the victim of usurpation who must demonstrate that is the true owner of the GI. In the future, from the moment a GI is registered in the registry, it will be the producer accused of usurpation that will have to demonstrate his innocence.

Annexure-IV

Classification of goods– Name of the classes

(Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes).

Class 1

Chemical used in industry, science, photography, agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesive used in industry

Class 2

Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordents; raw natural resins; metals in foil and powder form for painters; decorators; printers and artists

Class 3

Bleaching preparations and other substances for laundry use; cleaning; polishing; scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions, dentifrices

Class 4

Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels(including motor spirit) and illuminants; candles, wicks

Class 5

Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax; disinfectants; preparation for destroying vermin; fungicides, herbicides

Class 6

Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores

Class 7

Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs

Class 8

Hand tools and implements (hand-operated); cutlery; side arms; razors

Class 9

Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus

- Class 10** Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials
- Class 11** Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying ventilating, water supply and sanitary purposes
- Class 12** Vehicles; apparatus for locomotion by land, air or water
- Class 13** Firearms; ammunition and projectiles; explosives; fire works
- Class 14** Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and other chronometric instruments
- Class 15** Musical instruments
- Class 16** Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks
- Class 17** Rubber, gutta percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal]
- Class 18** Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides, trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery
- Class 19** Building materials, (non-metallic), non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.
- Class 20** Furniture, mirrors, picture frames; goods(not included in other classes) of wood, cork,reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother- of-pearl, meerschaum and substitutes for all these materials, or of plastics
- Class 21** Household or kitchen utensils and containers(not of precious metal or coated therewith); combs and sponges; brushes(except paints brushes); brush making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes

- Class 22** Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes) padding and stuffing materials(except of rubber or plastics); raw fibrous textile materials
- Class 23** Yarns and threads, for textile use
- Class 24** Textiles and textile goods, not included in other classes; bed and table covers
- Class 25** Clothing, footwear, headgear
- Class 26** Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles artificial flowers
- Class 27** Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings(non-textile)
- Class 28** Games and playthings, gymnastic and sporting articles not included in other classes; decorations for Christmas trees
- Class 29** Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats
- Class 30** Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces, (condiments); spices; ice
- Class 31** Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt
- Class 32** Beers, mineral and aerated waters, and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages
- Class 33** Alcoholic beverages(except beers)
- Class 34** Tobacco, smokers' articles, matches



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