

Registration of Geographical Indication: Chennai Registry and Access to People of India, Especially From North India

Abstract

Geographical Indications has become increasingly important in research for researchers. It is important to government to aware about the indigenous and traditional knowledge. Geographical indication being an intellectual property is very much useful to indigenous people living in developing countries especially in India. People living in hilly areas are rich by their traditional knowledge. Their knowledge and products need to access market both national as well as international. There is need to think about common market for these goods.

Keywords: Intellectual Property Rights, Geographical Indication, Traditional Knowledge, Intellectual Property Management.

Introduction

"... Besides communal unity I had recommended to the nation only one thing, viz., handspun yarn with which alone we could bring swaraj nearer.

"The spinning-wheel has almost been forgotten. There is all this talk of militarization and industrialization. But it is my conviction that a day will come when they will all see for themselves that for India there is no way other than that of village industries and non-violence. We shall not find a way out unless we develop these. But I am still optimistic."¹

Mahatma Gandhi

Aim of the Study

This paper specifically addresses the problems of non-registration of goods particularly from northern states. Indian geographical indication registry is situated in Chennai. Northern States like Punjab, and Himachal Pradesh, Haryana and Uttarakhand are not registered their products. The peoples of this region do not have sufficient knowledge about the Geographical Indication. Local producers are not financially strong, like the owner of a multinational company.

Father of nation, Mahatma Gandhi has said that if the villages perish, India will perish too. It will be no more India. Her own mission in the world will get lost. India being a village civilization is a home of waste traditional knowledge and geographical indication goods. But unfortunately the goods and traditional knowledge is still waiting for protection, encouragement and reorganization. Registration is the only way to protect the rights of proprietors as well as the consumers. Governments are entrapped elsewhere, The Geographical Indication (Registration and Protection) Act, 1999 accompanies its GI Rule, 2002 seeming as a dead later without its proper implementation. It's the urgent acceptance from the government to securing fair returns for the qualities of products of producers from remote areas, encouragement of social media and electronic media to take part in the promoting and educating the poor producers about the value of the goods the preserve from ancient period and providing clear information on the value-adding attributes of the product to consumers. Being a controversial and sensitive issue, it need extra efforts from the government and the citizens to secure protection in national as well as international level.

In India Geographical indication Registry has been established in Chennai to administer the Geographical Indication Act, 1990. The registry is itself under the controller general of Patent, Design & Trademark at Antop Hill, Mumbai. As provided under section 3 (1) of the GI Act 1999, controller general of Trademark shall be Registrar of the geographical Indication. Other officers are to be appointed by the Central Government. Registrar shall maintain a register of all registered geographical indication which shall be kept at the head office at Chennai. The register of

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Geographical indication is divided into Part A and Part B. the particulars relating to the registration of geographical indications are incorporated and form part of Part A of the Register. The particulars relating to the registration of the authorized users are incorporated and form part of Part B of the Register.²

A geographical indication can be registered in respect of any or all the goods comprised in a prescribed class of goods and in respect of any definite territory of a country or a region or locality. It is also provided that the classification as far as possible, confirm the international classification of goods, viz; agricultural, handicraft manufacturing goods. If the use of a goods is deceptive or cause confusion or against the law for the time being in force or contained scandalous or obscene matters or any matter which affect the religious feeling of a section of citizen of India or a good which are not protected in the country of origin or falsely represented place of origin, such goods are prohibited to be registered as geographical indications. The procedure of registration starts with the presentation of an application for the registration to the Registrar in Chennai. Any association of person or producers or any organizations or authority established by or under law, representing interest of producers of the concerned goods can apply to the registrar for the registration of geographical indication or for the registration of authorized users of registered geographical indications. Registrar may accept or reject the application that should be after giving proper hearing to the applicant. Suppose an application is accepted, the registrar shall cause the same to be advertising detailing material particular of the application. If an application has been accepted unopposed after advertisement or has been opposed but decided in favor of applicant, the registrar shall, register the geographical indication and the authorized users, if any, mentioned in the application.³

Registration of goods as geographical indication provides legal as well as economical protection to goods and provides social security to the consumers and producers. A person may be entitled to institute any proceeding to prevent infringement or recover damages for the infringement of a registered geographical indication. Geographical indication being a public property authorized devolution of successor in title. On the death of an unauthorized user his right in a registered geographical indication shall devolve on his successor in title. Any right to a registered geographical indication is not a subject matter of assignment, transmission, licensing, pledge, mortgage or any such other agreement.⁴

Registration of geographical indications confers legal protection to Geographical Indications in India, Prevents unauthorized use of a Registered Geographical Indication by others, It provides legal protection to Indian Geographical Indications which in turn boost exports and It promotes economic prosperity of producers of goods produced in a geographical territory.⁵

Geographical Indication extension is generally thought to be in the interest of the OECD⁶ who have been its chief promoters at the World Trade

Organization (WTO) and whose home-based industries are frequently associated with geographical indications: Swiss chocolate, for instance, or Bordeaux wine, Scotch Whisky. But WTO should promote Geographical Indication extension as a "tool of sustainable development" capable of protecting traditional knowledge and promoting local community production. "Geographic indications are the best legal tool for the protection" of goods in developing countries⁷. It is unfair that some products have higher protection than others, so we support Geographical Indication extension. Protection of Geographical Indications should be efficient and less costly, explained Samper, adding that the goal would be made more achievable with an effective registry.⁸

Even Protection = Even Benefits? Not all are convinced that GI extension and a legally binding registry are necessarily development benefits. The GI issues are "not to be confused with developing countries" said Sunjay Sudhir.⁹ There are examples of geographic indications in India, he said "but that doesn't make it a developing country issue." Some countries, including several developing countries like India, China or Thailand stand to gain a lot, while other countries stand to lose a lot. It's not a North-South division, but perhaps more of a "new versus old culture" divide. Just registering a GI won't change anything, What is needed also is investment. But the problem is a great deal of investment is needed to promote a new GI, to export it and to build name recognition outside the country. For small producers this may be very difficult. The EU and the US had more than 10 geographical indication protected in India, whereas India had only one. One source suggested that the push for geographical indications might be a European strategy to protect as many goods as possible under special "distinctive product" markings, in case they are forced to lower agricultural subsidies as a part of wider negotiations. Making generic versions of other countries' geographical indications is not a sound development strategy. Looking at development "with a mirror" is ineffective; it will be necessary for developing nations to "sell their own products, and make them world market products."¹⁰

As according to Indian Geographical Indication registry Chennai, From 15th September 2003 to till date, around two hundred and thirty five goods have been registered as geographical indication at Chennai registry. Among the registered goods some are very well known i.e. Darjeeling Tea (word & logo), Mysore Agarbathi, Kashmir Pashmina, Scotch Whisky, Feni, Hyderabad Haleem and many more, others are less known i.e. Bagru Hand Block Print, etc. after analyzing all registered geographical indications in India, an ordinary person frequently come to conclusion that around 60-70 % of registered goods belongs to four southern state. Even all goods from southern states could not get registered as geographical indication yet but the condition in north is strictly needed to improve.

If we particularize the goods, needed protection belongs to the state of Uttarakhand, it would not be wrong to say that though Uttarakhand is

a land of god, saints and diversity in culture, agriculture, foodstuff and handicraft but not even a single goods have been register so far. Numbers of goods i.e. Dehraduni Basmati etc have recognized as quality goods due to climate but still not protected. Failure is not arises just because of one particular cause, it occurs by many contemporary causes. Thus there are may factors for not registering the goods for Uttarakhand as a geographical indication i.e. Uttarakhand is a new state, it is far away from Chennai (a common cause for all north Indian states), natural calamity, lack of awareness about Geographical Indication, Governments passive policy towards registration.

A great American politician Chris Christie has said "Our state is in crisis. Our people are hurting. Now is the time when we all must resist the traditional, selfish call to protect your own turf at the cost of our state. It is time to leave the corner, join the sacrifice, come to the center of the room and be part of the solution"¹¹. Thus, people as well as the state administration should join to work for common betterment of the people living in Uttarakhand and aware them about the Geographical indication Act. In Uttarakhand states, the following goods are suitable to register as a geographical Indication. Dehraduni Litchi, Dehraduni Basmati, Bal Mithai.

With the available resources and constraints of nature, the man learnt the art of living and thus resulting unique traditional technologies of their own, of different socio cultural regions. Handicrafts of any such region like Kumaun in Himalayas in addition to the involved art cover the socioeconomic aspect of the rural life. Out of these Himalayan line handicrafts some are very rare and remain on the highest demand. The table below shows the name, place of manufacture and approximate range of rates¹²

Name Of Handicraft	Place of Manufacture	Price Range (As on 1.6.1998)
Pasmina Shawls	Munsyari, Dharchula	5,000-20,000
Woolen Products (Shawls, Chutka, Carpet, Thulma)	Almora, Ranikhet, Bageshwer, Munsyari, Didihat, Dharchula	200-20,000
Ringal Products (Musta, Dalia)	Nachani, Dharmghar	50- 5,000
Kumauni Folk Art	Nainital	10- 5,000
Decorative Candles	Nainital	5-10,000
Drift Wood (Ekabana and Statue etc)	Nainital, Tanakpur, Bageshwer	25- 5,000
Copperware	Almora Town, Uder Khani,Chaug aonchina.	5-10,000

Uttarakhand did not yet register even single goods at Chennai. Though, It's around 15 years of statehood to Uttarakhand, but not even single steps

have been taken by the government of Uttarakhand for the protection of its goods. It's the time for initiating and implementing the

Punjab has a rich tradition of arts and crafts. The richness of the land is reflected in its handicraft. The people of Punjab lay much importance on their artistry and the minute details of their work. You get to see their skill woven even into the footwear, daily dresses, carpets and almost every other thing. The artistic creations of Punjab are acclaimed all over the world. The skilled and dexterous artisans of the state produce a variety of handicrafts and even the rural women have a major contribution in the production of these fascinating art works. Mud work is a famous rural practice in Punjab, prevalent from the ancient times. It is a trend in Punjab to mud-plaster the walls of the house and then, creates motifs and designs on the mudded walls.¹³

Punjab is a land of science, technology, tradition and culture. People of this region which includes Himachal, Punjab and Haryana are very much hardworking and their traditional knowledge is world famous. Except all, Punjab is rich in economy, culture tradition and handicraft from very ancient time. But only following four goods have been registered as geographical indication at Chennai so far: Kinnauri Shawl a Handicraft goods from Himachal Pradesh, Phulkari another Handicraft goods from Punjab, Haryana & Rajasthan, Kullu ShawL (Logo) a Textile goods from Himachal Pradesh and Kangra Paintings a Handicraft goods from Himachal Pradesh.¹⁴

There are many other handicrafts goods may be specific in Punjab Region, with the most popular ones being described i.e.

Basketry in Punjab

Basketry is a longstanding handicraft followed in most parts of Punjab. Mostly, the womenfolk in villages are oriented towards basketry as a means of employment initially, these baskets were predominantly used for household purpose.

Durries of Punjab

Durries are the flat woven rugs that are functional as well as striking in nature. They are used either as carpets on the floor or as bed sheets. What makes them distinct from the normal carpet and the bedcover is the intricate blend of artistic designs.

Folk Toys of Punjab

Folk toys of Punjab are the products of the perfect amalgamation of artistry and social values. The earliest handmade toys of Punjab can be traced back to the Indus Valley Civilization, from 2500 to 1700 BC. Among the most prominent toys of Indus Valley Civilization is the exceptionally large number of small terracotta carts.

Juttis of Punjab

Punjabi juttis represent the traditional footwear of Punjab, which is known worldwide for its exquisite design and intricate pattern. It can be described as a traditional Indian shoe, which some other states like Rajasthan and Haryana also manufacture.

Mud Works of Punjab

Mud work is an ancient handicraft of Punjab, which is popular in the state till date. It marks the

zenith of Punjabi creativity, in turning out dull objects into masterpieces of art. Punjabis have a special art called Chowk-Poorna, which involves the plastering of the house walls with mud and then decorating them with eye-catching designs.

Punjabi Paintings

In the grand collection of Punjabi arts and crafts, one name that deserves a mention is the mural paintings and frescoes. These types of paintings are mainly done on permanent surfaces like walls, ceiling, gates etc. Punjabi people, by nature are lively and juvenile.

Punjabi Paranda

Paranda is one of the traditional handicrafts of Punjab. It is a colorful hanging worn by the Punjabi women in their hair. Most of the Punjabi women have long hair, which they plait and then tie a paranda at the end. Parandis are available with a great variety in designs and colors. They are made out of a bunch of silk threads, intricately woven with other skillful works.

Punjabi Phulkari

'Phulkari, literally meaning the flower working, is designed to enhance the beauty of attire. It is an art form, in which exquisite embroidery is done over shawls, dupattas and headscarves, in a simple and sparse design. In some cases, the entire cloth is covered with dense designs, so that the ground cloth becomes invisible.

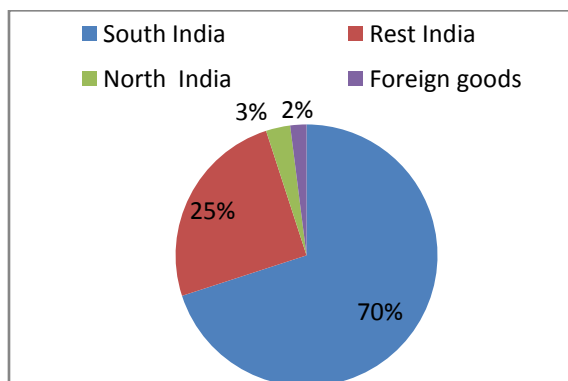
Punjab Weaving

Punjab has a rich tradition of weaving and embroidery, which is very popular all over the world. Embroidery is the form of art wherein fabrics are decorated using needle and colorful thread or yarn. This has a tempting attraction owing to the different fancy materials it uses, like pearls, small mirrors, beads, quills, sequins, etc.

Punjab Woodwork

Punjab is well known for its artistic woodwork. Punjabi carpenters are highly skilled in making strong, durable and at the same time, visually attractive furniture. Their specialty lies in making a creative bed that has the back fitted with mirrors and has beautifully carved, colorful legs called pawas.¹⁵

Figure 1: Comparative Analysis of Goods Registered at Chennai Registry



Karnataka (33), Tamil Nadu (24), Kerala (22), Uttar Pradesh (20), Odisha (15), Andhra Pradesh(12), Telangana (11), Gujarat (10), Maharashtra (10), West Bengal (10), Rajasthan (10),

Madhya Pradesh (8), Himachal Pradesh (6), Jammu & Kashmir (5), Bihar (5), Chhattisgarh (5),

Assam (5), Manipur (4), Portugal (3), France (2), Pondicherry (2), Nagaland (2), Goa (1), Peru (1), Punjab (1), United Kingdom (1), United States of America (1), Mexico (1), Meghalaya (1),

Mizoram (1), Sikkim (1), Tripura (1), Arunachal Pradesh (1), and Total No. of GI Registered 235. thus according to the figure it is crystal clear that the share of Punjab Uttarakhnad and other north Indian geographical region is very low even equal to almost nil.¹⁶

Suggestions and Conclusion

This topic of geographical indication concerns the registration of goods at Chennai registry. This paper specifically addresses the problems of non-registration of goods particularly from northern states. Indian geographical registry is situated in Chennai. Northern States like Punjab, and Himachal Pradesh, Haryana and Uttarakhand are not registered their products. The peoples of this region do not have sufficient knowledge about the Geographical Indication. Local producers are not financially strong, like the owner of a multinational company. They are not fully aware about the market. Thus, it is not easy for them to travel thousands of kilometers for registering their goods. About 60% of the registered Geographical Indication in India registered from the four southern states; viz. Karnataka, Kerala, T.N., A.P., other states producers in India could not reach Chennai for the registration of their goods as Geographical Indication. One of the main reason for the less number of registrations of goods as Geographical Indication by the producers of other states is the long distance between these states and Chennai. The government of India should establish branches of Geographical Indication registry at every district. The Geographical Indications are not the public property but the property of the producers of a particular region.

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