

DARJEELING TEA ON WAY TO BE REGISTERED AS GEOGRAPHICAL INDICATION

IN EUROPEAN UNION

Geographical indications (GI) as a form of intellectual property have a great potential unlocking value in a brand so much so that emphasis is made by participating countries in any trade talk for giving higher Intellectual property protection to product names deriving from geographical locations. They are signs and indications necessarily linked to a particular territory and GI products constitute a genuine interest for producers as they unlock value by capitalizing on consumers' desire for diversity, typical, quality products.

Darjeeling tea already registered as a GI in India is now all set to be included in the European Union registry for geographical indications (GI). The application along with a domestic certification system and document evidencing a unified supply chain system for all gardens in Darjeeling has been submitted towards completion of all formalities.

Application for a GI in EU is a step in the right direction, feels the Tea Board as it could prevent misuse of the name Darjeeling Tea. Tea Board has fought more than 15 cases against infringement and misuse of the Darjeeling name in the last few years including from Sri Lanka, the US and France. It was successful in seeking rejection of trademark application for "Darjeeling Nouveau" by Republic of Tea (ROT), a US company. The Trademark Trial & Appeal Board of the US ruled that ROT had not been able to prove that consumers view Darjeeling tea as a generic type, as opposed to tea from the Darjeeling region in India. Another important victory for Tea Board was against Dusong, a french company, adoption of the Darjeeling mark with a kettle device. The Court of Appeal of Paris ruled that Dusong's mark impaired the GI Darjeeling and is prejudicial to the Tea Board's interest.

The system created to provide protection throughout EU for the geographical indications and designations of origin of certain agricultural products and foodstuffs is "Protected Designation of Origin" system. It covers foodstuffs produced, processed and prepared in a given geographical area using recognized know-how. Under the system, the geographical link must occur in at least one of the stages of production, processing or preparation and such link between the characteristics of the product and the geographical area must be proven. Under the Commission Regulation 1898/2006 laid for the implementation of Regulation 510/2006, registrations of GIs by producers in third countries can be made directly to the Commission. The rules also allow individuals in third countries to object to an application for the protection of GI directly to the commission rather than through their governments.