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The following Act of Parliament received the
assent of the President on the 30th December, 1999, and is
hereby published for general information:-

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION AND PROTECTION) ACT, 1999
No.48 of 1999

[30th December, 1999]

An Act to provide for the registration and better protection
of geographical indications relating to goods.

BE it enacted by Parliament in the Fiftieth Year of the
Republic of India as follows:-

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Geographical
Indications of Goods (Registration and Protection) Act,
1999.

Short title,
Extent and
Commencement.

(2) It extends to the whole of India

(3) It shall come into force on such date as the
Central Government may, by notification in the Official
Gazette, appoint, and different dates may be appointed for
different provisions of this Act, and any reference in any
such provision to the commencement of this Act shall be
construed as a reference to the coming into force of that
provision.

Definitions
And
interpretation

unless the context otherwise requires:-

(a) “Appellate Board” means the Appellate Board established under Section 83 of the Trade Marks Act, 1999;

(b) “authorised user” means the authorised user of a geographical indication registered under Section 17;

(c) “deceptively similar” A geographical indication shall be deemed to be deceptively similar to another geographical indication if it so nearly resembles that other geographical indication as to be likely to deceive or cause confusion;

(d) “district court” has the meaning assigned to it in the Code of Civil Procedure, 1908;

5 of 1908

(e) “geographical indication”, in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of such goods is essentially attributable to its geographical origin and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality, as the case may be.

Explanation:- For the purposes of this clause, any name which is not the name of a country, region or locality of that country shall also be considered as the geographical indication if it relates to a specific geographical area and is used upon or in relation to particular goods originating from that country, region or locality, as the case may be;

(f) “goods” means any agricultural, natural or manufactured goods or any goods of handicraft or of industry and includes food stuff;

(g) “indication” includes any name, geographical or figurative representation or any combination of them conveying or suggesting the geographical origin of goods to which it applies;

(h) “name” includes any abbreviation of a name;

(i) “package” includes any case, box, container, covering, folder, receptacle, vessel, casket, bottle, wrapper, label, band, ticket, reel, frame, capsule, cap, lid, stopper and cork;

(j) “prescribed” means prescribed by rules made under this Act;

THE SCHEDULE OF TRADE MARKS ACT, 1999

(k) “producer”, in relation to goods, means any person who:-

- (i) if such goods are agricultural goods, produces the goods and includes the person who processes or packages such goods;
- (ii) if such goods are natural goods, exploits the goods;
- (iii) if such goods are handicraft or industrial goods, makes or manufactures the goods, and includes any person who trades or deals in such production, exploitation, making or manufacturing, as the case may be, of the goods

(l) “register” means the Register of Geographical Indications referred to in Section 6;

(m) “registered” [with its grammatical variations] means registered under this Act;

(n) “registered proprietor” in relation to a geographical indication, means any association of persons or of producers or any organisation for the time being entered in the register as proprietor of the geographical indication;

(o) “Registrar” means the Registrar of Geographical Indications referred to in Section 3;

(p) “tribunal” means the Registrar or, as the case may be, the Appellate Board before which the proceeding concerned is pending.

(2) Words and expressions used and not defined in this Act but defined in the Trade Marks Act, 1999 shall have the meanings respectively assigned to them in that Act.

(3) In this Act, unless the context otherwise requires, any reference:-

- (a) to the use of a geographical indication shall be construed as a reference to the use of a printed or other visual representation of the geographical indication.
- (b) to the use of a geographical indication in relation to goods shall be construed as a reference to the use of the geographical indication upon, or in any physical or in any other relation whatsoever, to such goods;
- (c) to a registered geographical indication shall be construed as including a reference to a geographical indication registered in the register;
- (d) to the Registrar shall be construed as including a reference to any officer when discharging the functions of the Registrar in pursuance of sub-section (2) of Section 3;
- (e) to the Geographical Indications Registry shall be construed as including a reference to any office of the Geographical Indications Registry.

CHAPTER II

THE REGISTER AND CONDITIONS FOR REGISTRATION

3. (1) The Controller-General of Patents, Designs and Trade Marks appointed under sub-section (1) of Section 3 of the Trade Marks Act, 1999, shall be the Registrar of Geographical Indications.

Registrar of Geographical indications

(2) The Central Government may appoint such officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar, such functions of the Registrar under this Act, as he may from time to time authorise them to discharge.

4. Without prejudice to the generality of the provisions of sub-section (2) of Section 3, the Registrar may, by order in writing and for reasons to be recorded therein, withdraw any matter pending before an officer appointed under the said sub-section (2) and deal with such matter himself either *de novo* or from the stage it was so withdrawn or transfer the same to another officer so appointed who may, subject to special directions in the order of transfer, proceed with the matter either *de novo* or from the stage it was so transferred.

Power of Registrar to Withdraw or Transfer cases etc.

5. (1) For the purpose of this Act, there shall be established a Registry which shall be known as the Geographical Indications Registry.

Geographical indications Registry and offices thereof

(2) The head office of the Geographical Indications Registry shall be at such place as the Central Government may, by notification in the Official Gazette, specify, and for the purpose of facilitating the registrations of geographical indications, there may be established at such places as the Central Government may think fit branch offices of the Geographical Indications Registry.

(3) The Central Government may, by notification in the Official Gazette, define the territorial limits within which an office of the Geographical Indications Registry may exercise its functions.

(4) There shall be a seal of the Geographical Indications Registry.

6. (1) For the purposes of this Act, a record called the Register of geographical indications shall be kept at the Head office of the Geographical Indications Registry, wherein shall be entered all registered geographical indications with the names, addresses and descriptions of the proprietors, the names, addresses and descriptions of authorised users and such other matters relating to registered geographical indications as may be prescribed and such registers may be maintained wholly or partly on computer.

Register of Geographical Indications

(2) Notwithstanding any thing contained in sub-section (1) it shall be lawful for the Registrar to keep the records wholly or partly in computer floppies or diskettes or in any other electronic form, subject to such safeguards as may be prescribed.

(3) Where such register is maintained wholly or partly in computer floppies or diskettes or in any other electronic form under sub-section (2), any reference in this Act to any entry in the register shall be construed as the reference to the entry as maintained on computer floppies or diskettes or in any other electronic form, as the case may be.

(4) No notice of any trust, express or implied or constructive, shall be entered in the register and no such notice shall be receivable by the Registrar.

(5) Subject to the superintendence and direction of the Central Government the register shall be kept under the control and management of the Registrar.

(6) There shall be kept at each branch office of the Geographical Indications Registry a copy of the register and such other documents mentioned in Section 78 as the Central Government may, by notification in the Official Gazette, direct.

Part A and Part B
of the Register

7. (1) The register referred to in Section 6 shall be divided into two Parts called respectively Part A and B.

(2) The particulars relating to the registration of the geographical indications shall be incorporated and form part of Part A of the register in the prescribed manner.

(3) The particulars relating to the registration of the authorised users shall be incorporated and form part of part B of the register in the prescribed manner.

Registration to be
in respect of
Particular goods
And area

8. (1) A geographical indication may be registered in respect of any or all of the goods, comprised in such class of goods as may be classified by the Registrar and in respect of a definite territory of a country, or a region or locality in that territory, as the case may be.

(2) The Registrar shall classify the goods under sub-section (1), as far as may be, in accordance with the International classification of goods for the purposes of registration of geographical indication.

(3) The Registrar may publish in the prescribed manner an alphabetical index of classification of goods referred to in sub-section (2).

(4) Any question arising as to the class within which any goods fall or in the definite area as referred to in sub-section (1) in respect of which the geographical indication is to be registered or where any goods are not specified in the alphabetical index of goods published under sub-section (3) shall be determined by the Registrar whose decision in the matter shall be final.

Prohibition of
Registration of
certain
geographical
indications

9. A geographical indication:

(a) the use of which would be likely to deceive or cause confusion; or

(b) the use of which would be contrary to any law for the time being in force; or

(c) which comprises or contains scandalous or obscene matter; or

(d) which comprise or contains any matter likely to hurt the religious susceptibilities of any class or section of the citizens of India; or

(e) which would otherwise be disentitled to protection in a court; or

(f) 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; or

- (g) 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, shall not be registered as a geographical indication.

Explanation 1: For the purposes of this section, “generic names or indications” in relation to goods, means the name of a goods which, although relates to the place or the region where the goods was originally produced or manufactured, has lost its original meaning and has become the common name of such goods and serves as a designation for or indication of the kind, nature, type or other property or characteristic of the goods.

Explanation 2: In determining whether the name has become generic, account shall be taken of all factors including the existing situation in the region or place in which the name originates and the area of consumption of the goods.

10. Subject to the provisions of Section 7, a homonymous geographical indication may be registered under this Act, if the Registrar is satisfied, after considering the practical conditions under which the homonymous indication in question shall be differentiated from other homonymous indications and the need to ensure equitable treatment of the producers of the goods concerned, that the consumers of such goods shall not be confused or misled in consequence of such registration.

Registration of homonymous geographical indications

CHAPTER III

Procedure for and duration of registration.

11. (1) Any association of persons or producers or any organization or authority established by or under any law for the time being in force representing the interest of the producers of the concerned goods, who are desirous of registering a geographical indication in relation to such goods shall apply in writing to the Registrar in such form and in such manner and accompanied by such fees as may be prescribed for the registration of the geographical indication.

Application for registration

- (2) The application under sub-section (1) shall contain-
- (a) statement as to how the geographical indication serves to designate the goods as originating from the concerned territory of the country or region or locality in the country, as the case may be, in respect of specific quality, reputation or other characteristics of which are due exclusively or essentially to the geographical, environment, with its inherent natural and human factors, and the production, processing or preparation of which takes place in such territory, region or locality, as the case may be;

- (b) the class of goods to which the geographical indication shall apply;
- (c) the geographical map of the territory of the country or region or locality in the country in which the goods originate or are being manufactured;
- (d) the particulars regarding the appearance of the geographical indication as to whether it is comprised of the words or figurative elements or both;
- (e) a statement containing such particulars of the producers of the concerned goods, if any, proposed to be initially registered with the registration of the geographical indication as may be prescribed; and
- (f) such other particulars as may be prescribed.

(3) A single application may be made for registration of a geographical indication for different classes of goods and fee payable therefor shall be in respect of each such class of goods.

(4) Every application under sub-section (1) shall be filed in the office of the Geographical Indications Registry within whose territorial limits, the territory of the country or the region or locality in the country to which the geographical indication relates is situated:

Provided that where such territory, region or locality as the case may be, is not situated in India, the application shall be filed in the office of the Geographical Indications Registry within whose territorial limits the place mentioned in the address for services in India as disclosed in the application, is situated.

(5) Every applications under sub-section (1) shall be examined by the Registrar in such manner as may be prescribed.

(6) Subject to the provisions of this Act, the Registrar may refuse the application or may accept it absolutely or subject to such amendments, modification, conditions or limitations, if any, as he thinks fit.

(7) In the case of refusal or conditional acceptance of application, the Registrar shall record in writing the grounds for such refusal or conditional acceptance and the materials used by him in arriving at this decision.

12. Where, after the acceptance of an application for registration of a geographical indication but before its registration, the Registrar is satisfied,

- (a) that the application has been accepted in error, or
- (b) that in the circumstances of the case the geographical indication should not be registered or should be registered subject conditions or limitations or to conditions additional to or different from the conditions or limitations subject to which the application has been accepted,

Withdrawal of acceptance

the Registrar may, after hearing the applicant if he so desires, withdraw the acceptance and proceed as if the application had not been accepted.

Advertisement of application

13. (1) When an application for registration of a geographical indication has been accepted, whether absolutely or subject to conditions or limitations, the Registrar shall, as soon as may be after acceptance, cause the application as accepted together with the conditions or limitations, if any, subject to which it has been accepted, to be advertised in such manner as may be prescribed.

- (2) Where after advertisement of an application-
- (a) an error in the application has been 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, notify in the prescribed manner, the correction made in the application.

Opposition to registration

14 (1) Any person may, within three months from the date of advertisement or readvertisement of an application for registration or within such further period, not exceeding one month, in the aggregate, as the Registrar, on application made to him in such manner and on payment of such fee as may be prescribed allows, give notice in writing in the prescribed manner to the Registrar, of opposition to the registration.

(2) The Registrar shall serve a copy of the notice on the applicant for registration and, within two months from the receipt by the applicant of such copy of the notice of opposition, the applicant shall send to the Registrar in the prescribed manner a counter-statement of the grounds on which he relies for his application, and if he does not do so, he shall be deemed to have abandoned his application.

(3) If the applicant sends such counter-statement, the Registrar shall serve a copy thereof on the person giving notice of opposition.

(4) Any evidence upon which the opponent and the applicant may rely shall be submitted in such manner and within such time as may be prescribed to the Registrar, and the Registrar shall give an opportunity to them to be heard, if they so desire.

(5) The Registrar shall, after hearing the parties, if so required, and considering the evidence, decide whether and subject to what conditions or limitations, if any, the registration is to be permitted, and may take into account a ground of objection whether relied upon by the opponent or not.

(6) Where a person giving notice of opposition or an applicant sending a counterstatement after receipt of a copy of such notice neither resides nor carries on business in India, the Registrar may require him to give security for the costs of proceeding before him, and in default of such security being duly given, may treat the opposition or application, as the case may be, as abandoned.

7) The Registrar may, on request, permit correction of any error in, or any amendment of, a notice of opposition or a counter-statement on such terms as he thinks just.

15. The Registrar may, on such terms, as he thinks just, at any time, whether before or after acceptance of an application for registration under Section 11, permit the correction of any error or in connection with the application or permit an amendment of the application.

Correction and
Amendment

Provided that if an amendment is made to a single application referred to in sub-section (3) of Section 11 involving division of such application into two or more applications, the date of making of the initial application shall be deemed to be the date of making of the divided applications so divided.

16.(1) Subject to the provisions of Section 12, when an application for registration of a geographical indication has been accepted and either =

Registration

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

The Registrar shall, unless the Central Government otherwise directs, register the said geographical indication and the authorised users, if any, mentioned in the application and the geographical indication and the authorised users when registered shall be registered as of the date of the making of the said application and the date shall, subject to the provisions of Section 84, be deemed to be the date of registration.

(2) On the registration of a geographical indication, the Registrar shall issue each to the applicant and the authorised users, if registered with the geographical indication, a certificate in such form as may be prescribed of the registration thereof, sealed with the seal of the Geographical Indication Registry.

(3) Where registration of a geographical indication 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, after giving notice to the applicant in the prescribed manner, treat the application as abandoned unless it is completed within the time specified in that behalf in the notice.

(4) The Registrar may amend the register or a certificate of registration for the purpose of correcting a clerical error or on obvious mistake.

17. (1) Any person claiming to be the producer of the goods in respect of which a geographical indication has been registered under section 16 may apply in writing to the Registrar in the prescribed manner for registering him as an authorised user of such geographical indication.

Application for
registration
as authorised
user

(2) The application under sub-section (1) shall be accompanied by a statement and such documents of facts as may be prescribed and required by the Registrar to determine as to whether such person is the producer of the goods referred to in that sub-section and such fee as may be prescribed.

(3) The provisions of this Chapter relating to-

- (a) the filing and examination of the application;
- (b) the refusal and acceptance of registration;
- (c) withdrawal of acceptance of application;
- (d) advertisement of application;
- (e) opposition to registration;
- (f) correction or error in an amendment of the application and
- (g) registration.

Shall apply in respect of the application and registration of authorised users referred to in sub-section (1) in the same manner as they apply for the application for registration and registration of the geographical indication.

Duration,
renewal,
Removal and
Restoration
Of
registration

18. (1) The registration of a geographical indication shall be for a period of ten years, but may be renewed from time to time in accordance with the provisions of this section.

(2) The registration of an authorised user shall be for a period of ten years or for the period till the date on which the registration of the geographical indication in respect of which the authorised user is registered expires, whichever is earlier.

(3) The Registrar shall, on application made in the prescribed manner, by the registered proprietor or by the authorised user and within the prescribed period and subject to the payment of the prescribed fee, renew the registration of the geographical indication or authorised user, as the case may be, for a period of ten years from the date of expiration of the original registration or of the last renewal of registration, as the case may be (which date is in this section referred to as the expiration of the last registration).

(4) At the prescribed time before the expiration of the last registration of a geographical indication or the authorised user, as the case may be, the Registrar shall send notice in the prescribed manner to the registered proprietor or the authorised user, as the case may be, of the date of expiration and the conditions as the payment of fees and otherwise upon which a renewal of registration may be obtained, and, if at the expiration of time prescribed in that behalf those conditions have not been duly complied with, the Registrar may remove the geographical indication or the authorised user, as the case may be, from the register.

Provided that the Registrar shall not remove the geographical indication or the authorised user, as the case may be, from the register, if an application is made in the prescribed form and the prescribed fee and surcharge is paid within six months from the expiration of the last registration of the geographical indication or the authorised user, as the case may be, and shall renew the registration of

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geographical indication or the authorised user as the case may be, for a period of ten years under sub-section (3).

(5) Where a geographical indication or authorised user, as the case may be, has been removed from the register for non-payment of the prescribed fee, the Registrar shall, after six months and within one year from the expiration of the last registration of the geographical indication or the authorised user, as the case may be, on receipt of an application in the prescribed form and on payment of the prescribed fee, if satisfied that it is just to do so, restore the geographical indication or the authorised user, as the case may be, to the register and renew registration of the geographical indication or authorised user, as the case may be, either generally or subject to such condition or limitation as he thinks fit to impose, for a period of ten years from the expiration of the last registration.

19. Where a geographical indication has been removed from the register for failure to pay the fee for renewal, it shall nevertheless, for the purpose of any application for the registration of another geographical indication during one year, next after the date of removal, be deemed to be a 'geographical indication already on the register, unless the tribunal is satisfied either-

Effect of
Removal from
Register for
Failure to
Pay fee for
renewal

- (a) that there has been no bona fide trade use of the geographical indication which has been removed within the two years immediately preceding its removal; or
- (b) that no deception or confusion would be likely to arise from the use of the geographical indication which is the subject of the application for registration by reason of any previous use of the geographical indication which has been removed.

CHAPTER IV

Effect of Registration

20. (1) No person shall be entitled to institute any proceeding to prevent, or to recover damages for, the infringement of an unregistered geographical indication.

No action
For infrin-
gement of
unregistered
geographical
indication

(2) Nothing in this Act shall be deemed to affect rights of action against any person for passing off goods as the goods of another person or the remedies in respect thereof.

21. (1) Subject to the other provisions of this Act, the registration of a geographical indication shall, if valid, give,-

Rights
conferred
by
registration

(a) to the registered proprietor of the geographical indication and the authorised user or users thereof the right to obtain relief in respect of infringement of the geographical indication in the manner provided by this Act;

(b) to the authorised user thereof the exclusive right to the use of the geographical indication in relation to the

goods in respect of which the geographical indication is registered.

(2) The exclusive right to the use of a geographical indication given under clause (b) of sub-section (1) shall be subject to any condition and limitation to which the registration is subject.

(3) Where the two or more persons are authorised users of geographical indications, which are identical with or nearly resemble each other, the exclusive right to the use of any of those geographical indications shall not (except so far as their respective rights are subject to any conditions or limitations entered on the register) be deemed to have been acquired by anyone of those persons as against any other of those persons merely by registration of the geographical indications, but each of those persons has otherwise the same rights as against other persons as he would have if he were the sole authorised user.

22. (1) A registered geographical indication is infringed by a person who, not being an authorised user thereof,-
(a) uses such geographical indication by any means in the designations or presentation of goods 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 misleads the persons as to the geographical origin of such goods; or
(b) uses any geographical indication in such manner which constitutes an act of unfair competition including passing off in respect of registered geographical indication.

Infringement
Or registered
geographical
indications

Explanation 1:- For the purposes of this clause, “act of unfair competition” means any act of competition contrary to honest practices in industrial or commercial matters.

Explanation 2:- For the removal of doubts, it is hereby clarified that the following acts shall be deemed to be acts of unfair competition, namely:-

(i) all acts of such a nature as to create confusion by any means whatsoever with the establishment, the goods or the industrial or commercial activities, of a competitor;
(ii) false allegations in the course of trade of such a nature as to discredit the establishment, the goods or the industrial or commercial activities, of a competitor;
(iii) geographical indications, the use of which in the course of trade is liable to mislead the persons as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods;

(b) uses another geographical indication to the goods which, although literally true as to the territory, region or locality in which the goods originate, falsely represents to the persons that the goods originate in the territory, region or locality in respect of which such registered geographical indication relates.

(2) The Central Government may, if it thinks necessary so to do for providing additional protection to certain goods or classes of goods under sub-section (3), by notification in

the Official Gazette, specify such goods or class or classes of goods, for the purposes of such protection.

(3) Any person who is not an authorised user of a geographical indication registered under this Act in respect of the goods or any class or classes of goods notified under sub-section (2), uses any other geographical indication to such goods or class or classes of goods not originating in the place indicated by such other geographical indication or uses such other geographical indication to such goods or class or classes of goods even indicating true origin of such goods or uses such other geographical indication to such goods or class or classes of goods in translation of the true place of origin or accompanied by expression such as “kind”, “style”, “imitation”, or the like expression, shall infringe such registered geographical indication.

(4) Notwithstanding anything contained in this section, where the goods in respect of which a geographical indication has been registered are lawfully acquired by a person other than the authorised user of such geographical indication, further dealings in those goods by such person including processing or packaging, shall not constitute an infringement of such geographical indication, except where the condition of goods is impaired after they have been put in the market.

Registration to
Be prima facie
Evidence of
validity

23.(1) In all legal proceedings relating to a geographical indication, the certificate of registration granted in this regard by the Registrar under this Act, being a copy of the entry in the register under the seal of the Geographical Indications Registry, shall be prima facie evidence of the validity thereof and be admissible in all courts and before the Appellate Board without further proof or production of the original.

(2) Nothing in this section shall be deemed to be affect of the right of action in respect of an unregistered geographical indication.

Prohibition
Of assignment
Or transmission,
Etc.

24. Notwithstanding anything contained in any law for the time being in force, any right to a registered geographical indication shall not be the subject matter of assignment, transmission, licensing, pledge, mortgage or any such other agreement;

Provided that on the death of an authorised user his right in a registered geographical indication shall devolve on his successor in title under the law for the time being in force.

CHAPTER V

Special Provisions Relating to Trade Marks and Prior Users

25. Notwithstanding anything contained in the Trade Marks Act, 1999, the Registrar of Trade Marks referred to in Section 3 of that Act, shall, suo motu or at the request of an interested party, refuse or invalidate the registrations of a trade mark which-

Prohibition
Of registration
Of geographical
indication
as trade mark

THE SCHEDULE OF TRADE MARKS

(a) contains or consists of a geographical indication with respect to the goods or class or classes of goods not originating in the territory of a country, or a region or locality in that territory which such geographical indication indicates, if use of such geographical indications in the trade mark for such goods, is of such a nature as to confuse or mislead the persons as to the true place of origin of such goods or class or classes of goods;

(b) contains or consists of a geographical indication identifying goods or class or classes of goods notified under sub-section (2) of Section 22.

26. (1) Where a trade mark contains or consists of a geographical indication and has been applied for or registered in good faith under the law relating to trade marks for the time being in force, or where rights to such trade mark have been acquired through use in good faith either-

- (a) before the commencement of this Act; or
- (b) before the date of filing the application for registration of such geographical indication under this Act;

nothing contained in this Act shall prejudice the registrability or the validity of the registration of such trade mark under the law relating to the trade marks for the time being in force, or the right to use such trade mark, on the ground that such trade mark is identical with or similar to such geographical indication.

(2) Nothing contained in this Act shall apply in respect of a geographical indication with respect to goods or class or classes of goods for which such geographical indication is identical with the term customary in common language as the common name of such goods in any part of India on or before the 1st day of January, 1995.

(3) Nothing contained in this Act shall in any way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to confuse or mislead the people.

(4) Notwithstanding anything contained in the Trade Marks Act, 1999 or in this Act, no action in connection with the use or registration of a trade mark shall be taken after the expiry of five years from the date on which such use or registration infringes any geographical indication registered under this Act has become known to the registered proprietor or authorised user registered in respect of such geographical indication under this Act or after the date of registration of the trade mark under the said Trade Marks Act subject to the condition that the trade mark has been published under the provisions of the said Trade Marks Act, 1999 or the rules made thereunder by that date, if such date is earlier than the date on which such infringement became known to such proprietor or authorised user and such geographical indication is not used or registered in bad faith.

Protection
To certain
Trade marks

CHAPTER VI

Rectification and Correction of the Register.

27. (1) On application made in the prescribed manner to the Appellate Board or to the Registrar by any person aggrieved, the tribunal may make such order as it may think fit for cancelling or varying the registration of a geographical indication or authorised user on the ground of any contravention, or failure to observe the condition entered on the register in relation thereto.

Power to cancel or vary registration and to rectify the register.

(2) Any person aggrieved by the absence or omission from the register of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, may apply in the prescribed manner to the Appellate Board or to the Registrar, and the tribunal may make such order for making, expunging or varying the entry as it may think fit.

(3) The tribunal may in any proceeding under this section decide any question that may be necessary or expedient to decide in connection with the rectification of the register.

(4) The tribunal, of its own motion, may, after giving notice in the prescribed manner to the parties concerned and after giving them an opportunity of being heard, make any order referred to in sub-section (1) or sub-section (2)

(5) Any order of the Appellate Board rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner who shall upon receipt of such notice rectify the register accordingly.

Correction
Of register

28. The Registrar may, on application made in the prescribed manner by the registered proprietor or the authorised user -

(a) correct any error in the name, address or description of the registered proprietor or the authorised user, as the case may be, of a geographical indication, or any other entry relating to the geographical indication on the register;

(b) enter any change in the name, address or description of the association of persons or of producers or any organisation or authority, as the case may be, who is registered as proprietor of a geographical indication on the register;

(c) cancel the entry of a geographical indication on the register;

(d) strike out any goods or class or classes of goods from those in respect of which a geographical indication is registered from the register, and may make any consequential amendment or alteration in the certificate of registration, and for that purpose, may require the certificate of registration to be produced to him.

Alteration of Registered geographical indications

29. (1) The registered proprietor of a geographical indication may apply in the prescribed manner to the Registrar for leave to add to or alter the geographical indication in any manner not substantially affecting the identity thereof, and the Registrar may refuse leave or may grant it on such terms and subject to such limitations as he may think fit.

(2) The Registrar may cause an application under this section to be advertised in the prescribed manner in any case where it appears to him that it is expedient so to do, and where he does so, if within the prescribed time from the date of the advertisement any person gives notice to the Registrar in the prescribed manner of the opposition to the application, the Registrar shall, after hearing the parties if so required, decide the matter.

(3) Where leave is granted under this section, the geographical indication as altered shall be advertised in the prescribed manner, unless the application has already been advertised under sub-section (2).

Adaptation of entries in register to amend or substitute classification of goods

30. (1) The Registrar shall not make any amendment of the register which would have the effect of adding any goods or classes of goods to those in respect of which a geographical indication is registered (whether in one or more classes) immediately before the amendment is to be made or antedating the registration of a geographical indication in respect of any goods:

Provided that this sub-section, shall not apply when the Registrar is satisfied that compliance therewith would involve complexity and that the addition or antedating, as the case may be, would not affect any substantial quantity of goods and would not substantially prejudice the rights of any person.

(2) A proposal so to amend the register shall be brought to the notice of the registered proprietor and every authorised user of the geographical indication affected and advertised in the prescribed manner, and may be opposed before the Registrar by any person aggrieved on the ground that the proposed amendment contravenes the provisions of sub-section (1).

CHAPTER VII
APPEALS TO THE APPELLATE BOARD

31. (1) Any person aggrieved by an order or decision of the Registrar under this Act, or the rules made thereunder, may prefer an appeal to the Appellate Board within three months from the date on which the order or decision sought to be appealed against is communicated to such person preferring the appeal.

Appeals to the Appellate Board

(2) No appeal shall be admitted if it is preferred after the expiry of the period specified under sub-section (1):

Provided that an appeal may be admitted after the expiry of the period specified therefor, if the appellant satisfies the Appellate Board that he had sufficient cause for not preferring the appeal within the specified period.

(3) An appeal to the Appellate Board shall be in the prescribed form and shall be verified in the prescribed manner and shall be accompanied by a copy of the order or decision appealed against and such fees as may be prescribed.

32. No court or other authority shall have or, be entitled to, exercise any jurisdiction, powers or authority in relation to the matters referred to in sub-section (1) of section 31.

Bar of jurisdiction of courts, etc.

33. The provisions of sub-sections (2), (3), (4), (5), (6) of section 84, section 87, section 92, section 95 and section 96 of the Trade Marks Act, 1999, shall apply to the Appellate Board in the discharge of its functions under this Act as they apply to it in the discharge of its functions under the Trade Marks Act, 1999.

Procedure Of the Appellate Board

34. (1) An application for rectification of the register made to the Appellate Board under section 27 shall be in such form as may be prescribed.

Procedure For application for rectification etc., before Appellate Board

(2) A certified copy of every order or judgment of the Appellate Board relating to a registered geographical indication under this Act shall be communicated to the Registrar by the Appellate Board and the Registrar shall give effect to the order of the Board and shall, when so directed, amend the entries in, or rectify, the register in accordance with such order.

35. (1) The Registrar shall have the right to appear and be heard –

Appearance of Registrar in legal proceedings

(a) in any legal proceedings before the Appellate Board in which the relief sought includes alteration or rectification of the register or in which any question relating to the practice of the Geographical Indications Registry is raised;

(b) in any appeal to the Board from an order of the Registrar on an application for registration of a geographical indication or authorised user –

(i) which is not opposed, and the application is either refused by the Registrar or is accepted by him subject to any amendments, modifications, conditions or limitations, or

(ii) which has been opposed and the Registrar considers that his appearance is necessary in the public interest, and the Registrar shall appear in any case if so directed by the Board.

(2) Unless the Appellate Board otherwise directs, the Registrar may, in lieu of appearing, submit a statement in writing signed by him, giving such particulars as he thinks proper of the proceedings before him relating to the matter in issue or of the grounds of any decision given by him affecting it, or of the practice of the Geographical Indications Registry in like cases, or of other matters relevant to the issues and within his knowledge as Registrar, and such statement shall be evidence in the proceeding.

Costs of Registrar In proceedings Before Appellate Board

36. In all proceedings under this Act before the Appellate Board the costs of the Registrar shall be in the discretion of the Board, but the Registrar shall not be ordered to pay the costs of any of the parties.

CHAPTER VIII

Offences, Penalties and Procedure

Meaning of applying geographical indications.

37. (1) A person shall be deemed to apply a geographical indication to goods who-

- (a) applies it to the goods themselves; or
- (b) applies it to any package in or with which the goods are sold, or exposed for sale, or had in possession for sale or for any purpose of trade or manufacture; or
- (c) places, encloses or annexes any goods which are sold, or exposed for sale, or had in possession for sale or for any purpose of trade or manufacture, in or with any package or other thing to which a geographical indication has been applied; or
- (d) uses a geographical indication in any manner reasonably likely to lead to the belief that the goods in connection with which it is used are designated or described by that geographical indication; or
- (e) in relation to the goods uses a geographical indication in any sign, advertisement, invoice, catalogue, business letter, business paper, price list or other commercial documents and goods are delivered to a person in pursuance of a request or order made by reference to the geographical indication as so used.

(2) A geographical indication shall be deemed to be applied to goods whether it is woven in, impressed on, or otherwise worked into, or annexed or affixed to, the goods or to any package or other thing.

Falsifying and falsely applying geographical indications

38. (1) A person shall be deemed to falsify a geographical indication who, either, _

(a) without the assent of the authorised user of the geographical indication makes that geographical indication or deceptively similar geographical indication; or

(b) falsifies any genuine geographical indication, whether by alteration, addition, effacement or otherwise.

(2) A person shall be deemed to falsely apply to goods a geographical indication who, without the assent of the authorised user of the geographical indication,-

- (a) applies such geographical indication or a deceptively similar geographical indication to goods or any package containing goods;
 - (b) uses any package bearing a geographical indication which is identical with or deceptively similar to the geographical indication of such authorised user, for the purpose of packing, filling or wrapping therein any goods other than the genuine goods of the authorised user of the geographical indication.
- (3) Any geographical indication falsified as mentioned in sub-section (1) or falsely applied as mentioned in sub-section (2), is in this Act referred to as a false geographical indication.
- (4) In any prosecution for falsifying a geographical indication or falsely applying a geographical indication to goods, the burden of proving the assent of proprietor shall lie on the accused.

39. Any person who, -

- (a) falsifies any geographical indication; or
- (b) falsely applies to goods any geographical indication; or
- (c) makes, disposes of, or has in his possession, any die, block, machine, plate or other instrument for the purpose of falsifying or being used for falsifying, a geographical indication; or
- (d) applies to any goods to which an indication of the country or place in which they were made or produced or the name and the address of the manufacturer or person for whom the goods are manufactured is required to be applied under section 71, a false indication of such country, place, name or address; or
- (e) tampers with, alters or effaces an indication of origin which has been applied to any goods to which it is required to be applied under Section 72; or
- (f) causes any of the things above-mentioned in this section to be done, shall, unless he proves that he acted, without intent to defraud, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakhs rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.

Penalty for applying false geographical indications.

- 40. Any person who sells, lets for hire or exposes for sale, or hires or has in his possession for sale, goods or things to which any false**

Geographical indication is applied or which, being required under section 71 to have applied to them an indication of the country or place in which they were made or produced or the name and address of the manufacturer, or person for whom the goods are manufactured or without the indications so required, shall unless he proves,-

Penalty for selling goods to which false geographical indication is applied.

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of commission of the alleged offence no reason to suspect the genuineness of the geographical indication or that any offence had been committed in respect of the goods; or

(b) that, on demand by or on behalf of the prosecutor, he gave all the information in his power with respect to the person from whom he obtained such goods or things; or

(c) That otherwise he had acted innocently, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakhs rupees:

Provided that the court may, for adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.

41. Whoever having already been convicted of an offence under section 39 or section 40 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one lakh rupees but which may extend to two lakh rupees:

Provided that the court may, for adequate and special reason to be mentioned in the judgement, impose a sentence of imprisonment for a term of less than one year or a fine of less than one lakh rupees:

Provided further that for the purposes of this section, no cognizance shall be taken of any conviction made before the commencement of this Act.

Enhanced penalty on second or subsequent conviction

Penalty for falsely representing a Geographical indication as registered

42. (1) No person shall make any representation-

- (a) with respect to a geographical indication, not being a registered geographical indication, to the effect that it is a registered geographical indication; or
- (b) to the effect that a registered geographical indication is registered in respect of any goods in respect of which it is not in fact registered ; or

(c) to the effect that registration of a geographical indication gives an exclusive right to the use thereof in any circumstances in which having regard to limitation entered on the register, the registration does not in fact give that right.

(2) **If** any person contravenes any of the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(3) **For the** purposes of this section the use in India in relation to a geographical indication of the words “registered geographical indication” or any other expression, symbol or sign like “R.G.I.” referring whether expressly or impliedly to registration, shall be deemed to import a reference to registration in the register, except-

(a) **where that word or other** expression, symbol or sign is used in direct association with other words delineated in characters at least as large as those in which that word or other expression, symbol or sign is delineated and indicating that the reference to registration as a geographical indication under the law of a country outside India being a country under the law of which the registration referred to is in fact in force; or

(b) where that other expression, symbol or sign is of itself such as to indicate that the reference is to such registration as is mentioned in clause (a); or

(c) Where that word is used in relation to a geographical indication registered under the law of a country outside India and in relation solely to goods to be exported to that country for use in that country.

Penalty for improperly describing a place of business as connected with the Geographical Indications Registry.

43. If any person uses on his place of business, or on any document issued by him, or otherwise, words which would reasonably lead to the belief that his place of business is, or is officially connected with, the Geographical Indications Registry, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

Penalty for falsification of entries in the register.

44. **If** any person makes, or causes to be made, a false entry in the register, or a writing falsely purporting to be a copy of an entry in the register, or produces or tenders or causes to be produced or tendered, in evidence any such writing, knowing the entry or writing to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

No offence in certain cases.

45. **The provisions of sections 39, 40 and 41** shall in relation to a registered geographical indication or authorised user of such geographical indication, be subject to the rights created or recognised by this Act and no act or omission shall be deemed to be an offence under the aforesaid sections if,-

- (a) the alleged offence relates to a registered geographical indication and the act or omission is permitted under this Act; and
- (b) the alleged offence relates to a registered geographical indication and the act or omission is permitted under any other law for the time being in force.

46. (1) Where a person is convicted of an offence under section 39 or section 40 or section 41 or is acquitted of an offence under section 39 or section 40 on proof that he acted without intent or fraud, or under section 40 on proof of the matters specified in clause (a) or clause (b) or clause (c) of that section, the court convicting or acquitting him may direct the forfeiture to Government of all goods and things by means of, or in relation to, which the offence has been committed, or but for such proof as aforesaid would have been committed.

Forfeiture of goods.

(2) When a forfeiture is directed on a conviction and an appeal lies against the conviction, an appeal shall lie against the forfeiture also.

(3) When, a forfeiture is directed on acquittal and the goods or things to which the direction relates are of value exceeding fifty rupees, an appeal against the forfeiture may be preferred, within thirty days from the date of the direction, to the court to which in appealable cases appeal lie from sentences of the court which directed the forfeiture.

(4) When a forfeiture is directed on a conviction, the court, before whom the person is convicted, may order any forfeited articles to be destroyed or otherwise disposed of as the court thinks fit.

47. Where a person accused of an offence under section 39 proves,-

- (a) that in the ordinary course of his business he is employed on behalf of other persons to apply geographical indications, or as the case may be, to make dies, blocks, machines, plates, or other instruments for making, or being used in making, geographical indications;
- (b) that in the case which is the subject of the charge he was so employed, and was not interested in the goods or other things by way of profit or commission depend on the sale of such goods;
- (c) that, having taken all reasonable precautions against committing the offence charged, he had, at the time of the commission of the alleged offence, no reason to suspect the genuineness of the geographical indication; and
- (d) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons on whose behalf

Exemption of certain persons employed in ordinary course of business.

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the geographical indication was applied,

he shall be acquitted.

48. (1) Where the offence charged under section 39 or section 40 or section 41 is in relation to a registered geographical indication and the accused pleads that the registration of the geographical indication is invalid, the following procedure shall be followed:-

- (a) if the court is satisfied that such defence is prima facie tenable, it shall not proceed with the charge but shall adjourn the proceeding for three months from the date on which the plea of the accused is recorded to enable the accused to file an application before the Appellate Board under this Act, for the rectification of the register on the ground that the registration is invalid;
 - (b) if the accused proves to the court that he has made such application within the time so limited or within such further time as the court may for sufficient cause allow, the further proceedings in the prosecution shall stand stayed till the disposal of such application for rectification;
 - (c) if within a period of three months or within such extended time as may be allowed by the court the accused fails to apply to the Appellate Board for rectification of the register, the court shall proceed with the case as if the registration were valid.
- (2)** Where before the institution of a complaint of an offence referred to in sub section (1), any application for the rectification of the register concerning the geographical indication in question on the ground of invalidity of the registration thereof has already been properly made to and is pending before the tribunal, the court shall stay the further proceedings in the prosecution pending the disposal of the application aforesaid and shall determine the charge against the accused in conformity with the result of the application for rectification in so far as the complainant relies upon the registration of his geographical indication.

Procedure where invalidity of registration is pleaded by the accused.

Offences by companies

49. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the

commission of such offence

- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or the officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purpose of this section,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm

Cognizance of certain offences and the powers of police officer for search and seizure.

50 (1) No court shall take cognizance of an offence under section 42 or section 43 or section 44 except on complaint in writing made by the Registrar or any officer authorised by him in writing:

Providing that in relation to clause (b) of sub-section (1) of section 42, a court shall take a cognizance of an offence on the basis of a certificate issued by the Registrar to the effect that a registered geographical indication has been represented as registered in respect of any goods in respect of which it is not in fact registered.

(2) No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try an offence under this Act.

(3) The offences under Section 39 or section 40 or section 41 shall be cognizable.

(4) Any police officer not below the rank of deputy superintendent of police or equivalent, may, if he satisfied that any of the offences referred to in sub-section(3) has been, is being, or is likely to be, committed, search and seize without warrant the goods, die, block, machine, plate, other instruments or things involved in committing the offence, wherever found , and all the articles so seized shall, as soon as practicable, be produced before the Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be:

Provided that the police officer, before making any search and seizure, shall obtain the opinion of the Registrar on the facts involved in the offence relating to geographical indication and shall abide by the opinion so obtained.

(5) Any person having an interest in any article seized under sub-section(4), may, within fifteen days of such seizure, make an application to the

Metropolitan Magistrate, as the case may be, for such article being restored to him and the Magistrate, after hearing the application and the prosecution, shall make such order on the application as he may deem fit.

51. In any prosecution under this Act, the court may order such costs to be paid by the accused to the complainant, or by the complainant to the accused, as the court deemed reasonable having regard to all the circumstances of the case and the conduct of the parties and the costs so awarded shall be recoverable as if they were a fine.

Costs of defence of prosecution

52. No prosecution for an offence Under this Act shall be commenced after the expiration of three years next after the commission of the offence charged or two years after the discovery thereof by the prosecutor, whichever expiration first happens.

Limitation of prosecution

53. An officer of the Government whose duty it is to take part in the enforcement of the provisions of this Chapter shall not be compelled in any court to say whence he got any information as to the commission of any offence against this Act.

Information as to commission of offence.

54. If any person, being within India, abets the commission, without India, of any act which, if committed in India, would, under this Act, be an offence, he may be tried for such abetment in any place in India in which he may be found, and be punished therefor with the punishment to which he would be liable if he had himself committed in that place the act which he abetted.

Punishment for abetment in India of acts done out of India

CHAPTER IX MISCELLANEOUS

55. No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

Protection of action taken in good faith.

56. Every person appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Certain persons to be public servants.

57. (1) where in any suit for infringement of a geographical indication the defendant pleads that registration of the geographical indication relating to plaintiff is invalid, the court trying the suit (hereinafter referred to as the court), shall,-

Stay of proceedings where the validity of registration of the geographical indication is questioned, etc.,

(a) if any proceedings for rectification of the register to the geographical indication relating to plaintiff or defendant are pending before the Registrar or the Appellate Board, stay the suit pending the final disposal of such proceedings;

(b) if no such proceedings are pending and the court is satisfied that the plea regarding the invalidity of the registration of the geographical indication relating to plaintiff or defendant is *prima facie* tenable, raise an issue regarding the same and adjourn the case for a period of three months from the date of the framing of the issue in order to enable the party concerned to apply to the

Appellate Board for rectification of the register.

(2) If the party concerned proves to the court that he has made any such application as is referred to in clause (b) of sub-section (1) within the time specified therein or within such extended time as the court may for sufficient cause allow, the trial of the suit shall stand stayed until the final disposal of the rectification proceedings.

(3) If no such application as aforesaid has been made within the time so specified or within such extended time as the court may allow, the issue as to the validity of the registration of the geographical indication concerned shall be deemed to have been abandoned and the court shall proceed with the suit in regard to the other issues in the case.

(4) The final order made in any rectification proceedings referred to in sub-section (1) or sub-section (2) shall be binding upon the parties and the court shall dispose of the suit conformably to such order in so far as it relates to the issue as to the validity of the registration of the geographical indication.

(5) The stay of a suit for the infringement of a geographical indication under this section shall not preclude the court from making any interlocutory order (including any order granting an injunction, directing account to be kept, appointing a receiver or attaching any property), during the period of the stay of the suit.

Application for rectification of register be made to Appellate Board in certain cases.

58. (1) Where in a suit for infringement

of a registered geographical indication the validity of the registration of the geographical indication relating to plaintiff is questioned by the defendant or where in any such suit the plaintiff questions the validity of the registration of the geographical indication relating to defendant, the issue as to the validity of the registration of the geographical indication concerned shall be determined only on an application for the rectification of the register and, notwithstanding anything contained in section 27, such application shall be made to the Appellate Board and not to the Registrar.

(2) Subject to the provisions of sub-section (1), where an application for rectification of the register is made to the Registrar under Section 27, the Registrar may, if he thinks fit, refer the application at any stage of the proceedings to the appellate Board.

59. Where a geographical indication has

Implied warranty on sale of indicated goods.

been applied to the goods on sale or in the contract for sale of any goods, the seller shall be deemed to warrant that the geographical indication is a genuine geographical indication and not falsely applied, unless the contrary is

expressed in writing signed by or on behalf of the seller and delivered at the time of the sale of goods on contract to and accepted by the buyer.

Powers of Registrar.

60. In all proceedings under this Act before the Registrar,-

(a) the Registrar shall have all the powers of a civil court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses, compelling the discovery and production of documents and issuing commissions for the examination of witness;

(b) the Registrar may, subject to any rules made in this behalf under section 87, make such orders as to costs as he considers reasonable, and any such order shall be executable as a decree of a civil court;

(c) The Registrar may, on an application made in the prescribed manner, review his own decision.

Exercise of discretionary power by Registrar.

61. Subject to the provisions of section 64, the Registrar shall not exercise any discretionary or other power vested in him by this Act or the rules made thereunder adversely to a person applying for the exercise of that power without (if so required by that person within the prescribed time) giving to the person an opportunity of being heard.

Evidence before Registrar.

62. In any proceeding under this Act before the Registrar, evidence shall be given by affidavit:

Provided that the Registrar may, if he thinks fit, take oral evidence in lieu of, or in addition to, such evidence by affidavit.

Death of party to a proceeding.

63. If a person who is a party to a proceeding under this Act (not being a proceeding before the Appellate Board or a court) dies pending the proceeding, the Registrar may, on request, and on proof to this satisfaction of the transmission of the interest of the deceased person, substitute in the proceeding his successor in interest in his place, or, if the Registrar is of opinion that the interest of the deceased person is sufficiently represented by the surviving parties, permit the proceeding to continue without the substitution of his successor in interest.

Extension of time

64. (1) If the Registrar is satisfied, on application made to him in the prescribed manner and accompanied by the prescribed fee, that there is sufficient cause for extending the time for doing any act (not being a time expressly provided in the Act), whether the time so specified has expired or not, he may, subject to such conditions as he may think fit to impose, extend the time and inform the parties accordingly

(2) Nothing in sub-section (1) shall be deemed to require the Registrar to hear the parties before disposing of an application for extension of time, and no appeal shall lie from any order of the Registrar under this section.

65. Where, in the opinion of the Registrar, an applicant is in default in the prosecution of an application filed under this Act, the Registrar may, by notice require the applicant to remedy the default within a time specified and after giving him, if so, desired, an opportunity of being heard, treat the application as abandoned, unless the default is remedied within the time specified in the notice.

Abandoned

66. (1) No suit,-

(a) for the infringement of a registered geographical indication; or

(b) relating to any right in a registered geographical indication; or

(c) for passing off arising out of the use by the defendant of any geographical indication which is identical with or deceptively similar to the geographical indication relating to the plaintiff, whether registered or unregistered, shall be instituted in any court inferior to a district court having jurisdiction to try the suit.

Suit for infringement, etc., to be instituted before district court

(2) For the purpose of clauses (a) and (b) of sub-section (1), a "district court having jurisdiction" shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, or any other law for the time being in force, include a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or proceeding, or, where there are more than one such persons any of them, actually and voluntarily resides or carries on business or personally works for gain.

5 of 1908.

Explanation.- For the purposes of sub-section (2), "person" includes the registered proprietor and the authorised user.

67. (1) The relief which a court may grant in any suit for infringement or for passing off referred to in section 66 includes injunction (subject to such terms, if any, as the court thinks fit) and at the option of the plaintiff, either damages or account of profits, together with or without any order for the delivery- up of the infringing labels and indications for destruction or erasure.

Relief in suit for infringement or for passing off.

(2) The order of injunction under sub-section(1) may include an *ex parte* injunction or any interlocutory order for any of the following matters, namely:-

(a) for discovery of documents;

(b) preserving of infringing goods, documents or other evidence which are related to the subject-matter of the suit;

(c) restraining the defendant from disposing of or dealing with his assets in a manner which may adversely affect plaintiff's ability to recover damages, costs or other pecuniary remedies which may be finally awarded to the plaintiff.

(3) Notwithstanding anything contained in sub-section (1), the court shall not grant relief by way of damages (other than nominal damages) on account of profits in any case-

(a) where in a suit for infringement the defendant satisfies the court-

(i) that at the time he commenced to use the geographical indication complained of in the suit he was unaware and had no reasonable ground for believing that the geographical indication of the plaintiff was on the register; and

(ii) that when he became aware of the existence and nature of the plaintiff's right in the geographical indication, he forthwith ceased to use the geographical indication in relation to good in respect of which it was registered; or

(b) where in a suit for passing off, the defendant satisfies the court-

(i) that at the time he commenced to use the geographical indication complained of in the suit he was unaware and had no reasonable ground for believing that the geographical indication relating to the plaintiff was in use; and

(ii) that when he became aware of the existence and nature of the geographical indication relating to the plaintiff he forthwith ceased to use the geographical indication complained of.

68. (1) In every proceeding under Chapter VI or under section 31, every authorised user of a geographical indication to which such proceeding relate, who is not himself an applicant in respect of any proceeding under that Chapter or section, shall be made a party to the proceeding.

(2) Notwithstanding anything contained in any other law, an authorised user so made a party to the proceeding shall not be liable for any costs unless he enters an appearance and takes part in the proceeding .

Evidence of entries in register, etc., and things done by the Registrar

69.(1) A copy of any entry in the register or of any document referred to in sub-section(1) of section 78 purporting to be certified by the Registrar and sealed with the seal of the Geographical Indications Registry shall be admitted in evidence in all courts and in all proceedings without further proof or production of the original.

(2) A certificate purporting to be under the hand of the Registrar as to any entry, matter or thing that he is authorised by this Act or he rules to make or do shall be *prima facie* evidence of the entry having been made, and of the contents thereof, or of the matter or things having been done or not done.

Registrar and other officers not compellable to produce register, etc.,

70. The Registrar or any officer of the Geographical Indications Registry shall not, in any legal proceedings to which he is not a party, be compellable to produce the register or any other document in his custody, the contents of which can be proved by the production of a certified copy issued under this Act or to appear as a witness to prove the matters therein recorded unless by order of the court made for special cause.

Power to require goods to show indication of origin

71.(1) The Central Government may, by notification in the Official Gazette, require that goods of any class specified in the notification which are made or produced beyond the limits of India and imported into India, or, which are made or produced within the limits of India, shall, from such date as may be appointed by the notification not being less than three months from its issue, have applied to them an indication of the country or place in which they were made or produced, or of the name and address of the manufacturer or the person for whom the goods were manufactured.

(2) **The** notification may specify the manner in which such indication shall be applied, that is to say, whether to goods themselves or in any other manner, and the times or occasions on which the presence of the indication shall be necessary, that is to say, whether on importation only, or also at the time of sale, whether by wholesale or retail or both.

(3) No notification under this section shall be issued, unless application is made for its issue by persons or associations substantially representing the interests of dealers in, or manufacturers, producers, or users of, the goods concerned, or unless the Central Government is otherwise convinced that it is necessary in the public interest to issue the notification, with or without such inquiry, as the Central Government may consider necessary.

(4) The provisions of section 23 of the General Clauses Act, 1897 shall apply to the issue of a notification under this section as they apply to the making of a rule or bye-law the making of which is subject to the condition of previous publication.

(5) A notification under this section shall not apply to goods made or produced beyond the limits of India and imported into India, if in respect of those goods, the Commissioner of Customs is satisfied at the time of importation that they are intended for exportation whether after transshipment in or transit through India or otherwise.

72. If in any legal proceedings for rectification of the register before the Appellate Board a decision is on contest given in favour of the registered proprietor or, as the case may be, authorised user of the geographical indication on the issue as to the validity of the registration of the geographical indication or the authorised user, the Appellate Board may grant a certificate to that effect, and if such a certificate is granted, then, in any subsequent legal proceeding in which the said validity comes into question the said proprietor or the authorised user, as the case may be, on obtaining a final order or judgement in his favour affirming validity of the registration of the geographical indication or the authorised user, as the case may be, shall unless the said final order or judgement for sufficient reason directs otherwise, be entitled to his full cost charges and expenses as between legal practitioner and client.

Certificate
of validity

73.(1) Where a person, by means of circulars,

advertisement or otherwise, threatens a person with an action or proceeding for infringement of a geographical indication which is registered, or alleged by the first-mentioned person to be registered, or with some other like proceeding, a person aggrieved, may, whether the person making the threats is or is not the registered proprietor or the authorised user of the geographical indication, bring a suit against the first-mentioned person and may obtain a declaration to the effect that the threats are unjustifiable, and an injunction against the continuance of the threats and may recover such damages (if any) as he has sustained, unless the first-mentioned person satisfies the court that the geographical indication is registered and that the acts in respect of which the proceedings were threatened, constitute, or, if done, would constitute, an infringement of the geographical indication.

Groundless
threats of
legal
proceedings.

(2) The last preceding sub-section does not apply if the registered proprietor of the geographical indication or an authorised user thereof with due diligence commences and prosecutes an action against the person

threatened for infringement of the geographical indication.

(3) Nothing in this section shall render a legal practitioner or a registered geographical indications agent liable to an action under this section in respect of an act done by him in his professional capacity on behalf of a client.

(4) A suit under sub-section (1) shall not be instituted in any court inferior to a district court.

74. An address for service stated in an application or notice of opposition shall, for the purposes of the application or notice of opposition be deemed to be the address of the applicant or opponent, as the case may be, and all documents in relation to the application or notice of opposition may be served by leaving them at or sending them by post to the address for service of the applicant or opponent, as the case may be.

Address for service

75. In any proceeding relating to a geographical indication, the tribunal shall admit evidence of the usages of the trade concerned and of any relevant geographical indication legitimately used by other persons.

Trade usages, etc., to be taken into consideration.

76. Where, by or under this Act, any act, other than the making of an affidavit, is required to be done before the Registrar by any person, the act may, subject to the rules made in this behalf, be done instead of by that person himself, by a person duly authorised in the prescribed manner, who is,-

Agents

- (a) a legal practitioner, or
- (b) a person registered in the prescribed manner as a geographical indications agent, or
- (c) a person in the sole and regular employment of the principal.

77. There shall be kept under the directions and supervision of the Registrar,-

- (a) an index of registered geographical indications,
- (b) an index of geographical indications in respect of which applications for registration are pending,
- (c) an index of the names of the proprietors of registered geographical indications, and
- (d) an index of the names of authorised users.

Indexes

Documents open to public inspection.

78. (1) The following documents, subject to such conditions as may be prescribed, be open to public inspection at the Geographical Indications Registry, namely:-

- (a) **the register** and any document upon which any entry in the register is based;
- (b) every notice of opposition to the registration of a geographical indication, application for rectification before the Registrar, counter-statement thereto, and any affidavit or document filed by the parties in any proceedings before the Registrar;
- (c) the indexes mentioned in section 77; and
- (d) such other documents as the Central Government may, by notification in the Official Gazette, specify:

Provided that where such register is maintained wholly or partly on computer, the inspection of such register under this section shall be made by inspecting the computer print out of the relevant entry in the register so maintained on computer.

- (2) **Any** person may, on an application to the Registrar and on payment of such fee as may be prescribed, obtain a certified copy of any entry in the register or any document referred to in sub-section(1).

Reports of Registrar to be placed before Parliament

79. The Central Government shall cause to be placed before both Houses of Parliament once a year a report respecting the execution by or under this Act.

Fees and surcharge

- 80. (1)** There shall be paid in respect of applications and registrations and other matters under this Act such fees and surcharge as may be prescribed by the Central Government.
- (2) Where a fee is payable in respect of the doing of an act by the Registrar, the Registrar shall not do that act until the fee has been paid.
- (3) Where a fee is payable in respect of the filing of a document at the Geographical Indications Registry, the document shall be deemed not to have been filed at the registry until the fee has been paid.

Savings in respect of certain matters in Chapter VIII.

16 of 1908

81. Nothing in Chapter VIII shall-

- (a) exempt any person from any suit or other proceeding which might, but for anything in that Chapter, be brought against him, or
- (b) be construed so as to render liable to any prosecution or punishment any servant of a master resident in India who in good faith acts in obedience to the instructions of such master, and, on demand made by or on behalf of the prosecutor, has given full information as to his master and as to the instructions which he has received from his master.

82. Notwithstanding anything contained in the Registration Act, 1908, no document declaring or purporting to declare any title of a person to a geographical indication other than a registered geographical indication shall be registered under that Act.

Declarations as to title of geographical indication not registrable under the Registration Act, 1908.

83. The provisions of this Act shall be binding on the Government.

Government to be bound.

84. (1) With a view to the fulfilment of a treaty, convention or arrangement with any country or a country which is a member of a group of countries or union of countries or Inter-Governmental Organisations outside India which affords to citizens of India similar privileges as granted to its own citizens, the Central Government may, by notification in the Official Gazette, declare such country or group of countries or union of countries or Inter-Governmental Organisations to be a convention country or convention countries for the purposes of this Act.

Special provisions relating to applications for registration from citizens of convention countries.

(2) Nothing contained in this Act or the Trade Marks Act, 1999 shall prevent a continued and similar use of geographical indication relating to a country or a country which is a member of a group of countries or union of countries or any Inter-Governmental Organisations, as the case may be, notified under sub-section(1) identifying wines or spirits in connection with goods by any citizen or domiciliary of such country who has used that geographical indication in continuous manner with regard to such goods or any goods relating to such goods, as the case may be, in any part of the territory of that country either-

- (a) for at least ten years preceding the 15th day of April, 1994; or
- (b) in good faith preceding the date referred to in clause (a).

85. Where any country or a country which is a member of a group of countries or union of countries or any Inter-Governmental Organisation specified by the Central Government in this behalf by notification in the Official Gazette does not accord to citizens of India the same rights in respect of the registration and protection of geographical indications as it accords to its own nationals, no nationals of such country or a country which is a member of a group of countries or union of countries or Inter-Governmental Organisations, as the case may be, shall be entitled-

Provisions as to reciprocity

- (a) to apply for the registration of, or be registered as the proprietor of geographical indications;
- (b) to apply for registration or be registered as an authorised user of a geographical indication.

86.(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Powers of Central Government to remove difficulties

Provided that no order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

87.(1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

Power to make rules

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the matters to be included in the Register of Geographical Indications under sub-section(1), and the safeguards to be observed in the maintenance of such register in computer floppies or diskettes under sub-section(2) of section 6;
- (b) the manner of incorporation of particulars relating to registration of geographical indications in Part A under sub-section (2) and the manner of incorporation of particulars relating to the registration of the authorised users under sub-section(3) of section 7;
- (c) the classification of goods and the manner of publication of the alphabetical index of classification of goods and the definite territory or locality or region for the purpose of registration of geographical indications under sub-section(1) of section 8;

- (d) the form in which and the manner in which an application for registration of a geographical indication may be made and the fees which may accompany the application under sub-section (1) and the particulars to be made in the statement of producers of goods who proposes to be initially registered with the registration under clause (f) of sub-section (2) of section 11;
- (e) the manner publication of advertisement of accepted application, for registration of geographical indications, etc., under sub-section(1), and the manner of notifying the corrections or amendments made in the application under sub-section(2) of section 13;
- (f) the manner in which and the fee which may accompany an application and the manner of giving notice under sub-section(1) and the manner of sending counter statement under sub-section (2) and the manner of submissions of evidence and the time therefor under sub-section(4) of section 14;
- (g) the form of certificate of registration under sub-section(2) and the manner of giving notice to the applicant under sub-section(3) of section 16;
- (h) the manner of applying for registration as an authorised user under sub-section(1) and the manner of submitting statements and documents along with such application and the fee which may accompany such application under sub-section(2) of section 17;
- (i) the manner of making application, the time within which such application is to be made and the fee payable with each application, under sub-section (3) and the time within which the Registrar shall send notice and the manner of such notice under sub-section (4) and the form in which and the fee which may accompany an application for renewal to be made under sub-section(5) of section 18;
- (j) the manner of making applications under sub-sections (1) and (2) the manner of giving notice under sub-section(4) and the manner of service of notice of rectification under sub-section (5) of section 27;
- (k) the manner of making an application for correction, etc., under section 28;
- (l) the manner of making an application under sub-section(1), the manner of advertising an application under sub-section (1), the time and manner of notice by which an application may be opposed under sub-section(2)and (3) of section 29;
- (m) the manner of advertisement under sub-section(2) of section 30;
- (n) the form of making an appeal, the manner of verification and the fee payable under sub-section(3) of section 31;

- THE SCHEDULE OF REGULATIONS
- (o) the form in which an application for rectification shall be made, under sub-section (1) of section 34;
 - (p) the manner of making an application for review under clause (c) of section 60;
 - (q) the time within which an application is to be made to the Registrar for exercising his discretionary power under Section 61;
 - (r) the manner of making an application and the fee payable therefore under sub-section(1) of section 64;
 - (s) the manner of authorising any person to act and the manner of registration of a geographical indications agent under section 76;
 - (t) the fee and surcharge payable for applications and registrations and other matters under sub-section(1) of section 80;
 - (u) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

RAGHBIR SINGH,

Secy.to the Govt.of India.

[Text of The Geographical Indications of Goods (Registration and Protection) Rules, 2002 published in the Gazette of India, Extraordinary, Part II Section 3, Sub-Section (i) Extraordinary, Dated 8th March, 2002)

**MINISTRY OF COMMERCE & INDUSTRY
(DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION)**

NOTIFICATION

**New Delhi, the 8th March, 2002
The Geographical Indications of Goods
(Registration and Protection) Rules, 2002**

G.S.R.176(E).- In the exercise of the powers conferred by sub-section 87 of Geographical Indications of Goods(Registration & Protection)Act,1999, the Central Government makes the following rules, namely:

PART 1

CHAPTER 1

PRELIMINARY

Short title and commencement.

- 1.** (1) These rules may be called the **Geographical Indications Of Goods (Registration and Protection) Rules, 2002**
(2) They shall come into force on the date on which the Act comes into force.

2(1). Definitions.-

In these rules, unless the context otherwise requires, -

- a) "Act" means The **Geographical Indications Of Goods (Registration & Protection) Act, 1999.**
- b) "agent" means a person authorised under Section **76**;
- c) "application for registration of a geographical indication" includes the geographical indication for goods contained in it;
- d) "appropriate office of the Geographical Indications Registry" means the relevant office of the Geographical Indications Registry as specified in rule 4;
- e) "business" includes the trading, dealing, production exploitation, making or manufacturing, as the case may be, of the goods to which geographical indication relates;
- f) "class fee" means the fee prescribed under entry no.1 of the First Schedule;
- g) "Convention Country" means a country notified as such under sub-section (1) of section **84**;
- h) "Convention Application" means an application for the registration of a geographical indication made by virtue of Section 84;
- i) "divisional application" means a divided application made by the division of a single initial application for registration of a geographical indication for different classes of goods;
- j) "divisional fee" means the fee so prescribed under the First Schedule;
- k) "form" means a form set forth in either the Second or the Third Schedule;

- l) "graphical representation" means the representation of a geographical indication for goods in paper form;
- m) "journal" means the Geographical Indications Journal;
- n) "notified date" means the date on which the rules come into force;
- o) "opposition" includes an opposition to the registration of a geographical indication or authorised user as the case may be;
- p) "principal place of business in India" means the relevant place in India as specified in rule 3;
- q) "publish" means publish in the Geographical Indications Journal;
- r) "registered geographical indications agent" means a geographical indications agent whose name is actually on the Register of Geographical Indications Agent maintained under rule 102;
- s) "renewal" means and includes renewal of a geographical indication by the registered proprietor of geographical indication or of the authorised user of a geographical indication as the case may be;
- t) "Schedule" means a Schedule to the rules;
- u) "section" means a section of the Act;
- v) "Specification" means the designation of goods in respect of which a geographical indication is registered or proposed to be registered;

w) All other words and expressions used but not defined in these rules and defined in the Act shall have the meaning assigned to them in the Act.

(2) In these rules, except as otherwise indicated, a reference to a section is a reference to that section in the Act, a reference to a rule is a reference to that rule in these rules, a reference to a Schedule is a reference to that schedule to these rules and a reference to a form is a reference to that form mentioned in the second or third schedule, as the case may be.

3. Principal place of business in India.-"Principal place of business in India" means-

- i) where a person carries on business in the goods concerned bearing a geographical indication
 - a) if the business is carried on in India at only one place, that place;
 - b) if the business is carried on in India at more places than one, the place mentioned by him as the principal place of business in India;
- ii) where a person is not carrying on a business of the goods concerned bearing a geographical indication -
 - a) if he is carrying on any other business in India at only one place, that place;
 - b) if he is carrying on any other business in India at more places than one, the place mentioned by him as the principal place of business in India; and
- iii) where a person does not carry on any business in India but has a place of residence in India, then such place of residence in India.

4. Appropriate office of the Geographical Indications Registry.-

(I) The "appropriate office of the Geographical Indications Registry" for the purposes of making an application for registration of a geographical indication under section 11(1) or registration as an authorised user under section 17(1) or for giving notice of opposition under sub-section (1) of section 14 or sub-section (3)(e) of Section 17, as the case may be or for filing an application for rectification under section 27 or for any other proceedings under the Act and the rules shall be –

in relation to a geographical indication for which an application for registration is made on or after the notified date, the office of the Geographical Indications Registry within whose territorial limits -

- i) the principal place of business in India of the applicant as disclosed in his application or, in the case of an association of persons or producers the principal place of business in India of the applicant whose name is first mentioned in the application, as having such place of business is situate;
- ii) where neither the applicant nor any of the association of persons or producers, as the case may be, has a principal place of business in India, the place mentioned in the address for service in India as specified in the application is situate.

(2) Notwithstanding anything contained in sub-rule (1) all applications, communications, documents or fee authorised or required by the Act or the rules to be sent, served, left or paid shall be sent or paid at or to the Head Office of the Registry notified by the Central Government initially and subsequently at the appropriate office as and when notified,.

5. Jurisdiction of appropriate office not altered by change in the principal place of business or address for service.- No change in the principal place of business in India or in the address for service in India, as the case may be, of an applicant or of any of the association of persons or producers for registration in relation to any geographical indication for which an application for registration is made on or after the notified date, made or effected subsequent to that date shall affect the jurisdiction of the appropriate office of the Geographical Indications Registry.

6. Entry of the appropriate office in the Register.- Subject to sub-rule (2) of Rule 4, in respect of every geographical indication registered after the notified date, the Registrar shall cause to be entered in the register the appropriate office of the Geographical Indications Registry and the Registrar may, at any time, correct any error in the entry so made.

7. Leaving of documents, etc.- Save as otherwise provided in sub-rule (2), of rule 4 all applications, notices, statements or other documents or any fee authorised or required by the Act or the rules to be made, served, left or sent or paid at or to the Geographical Indications Registry in relation to a geographical indication shall be made, served, left or sent or paid to the appropriate office of Geographical Indications Registry.

8. Documents etc. filed or left not at the appropriate office.- Subject to the provisions of rule 7, in an exceptional case where any application, statement or other document or any fee authorised or required by the Act or the rules is made, served, left or sent or paid, at or to an office inadvertently which is not the appropriate office of the Geographical Indications Registry as and when such an office is notified under this Act by the Central Government under sub-rule 2 of rule 4, the Registrar may on a written request return such application, statement or document to the appropriate office if he is satisfied that it was a bonafide error on the part of the applicant in such cases:

Provided the period for which such application, or statement or document is retained by the office which is not the appropriate office shall be excluded for the purposes of computing the period of limitation where any of such application, statement or document is required to be presented within the prescribed period.

Provided before declining any such request the Registrar shall provide an opportunity of being heard.

9. Issue of notices, etc:- Subject to sub-rule (2) of rule 4 any notice or communication relating to any application, matter or proceeding under the Act or the rules shall ordinarily be issued from the appropriate office of the Geographical Indications Registry but may, nevertheless, be issued by the Head of Office of any office of the Geographical Indications Registry.

10. Fees:- (1) The fees to be paid in respect of applications, oppositions, registration, renewal or any other matters under the Act or the rules shall be those specified in the First Schedule, hereinafter referred to as the prescribed fees.

(2) Where in respect of any matter a fee is required to be paid under the rules, the form or the application or the request of the petition, therefor, shall be accompanied by the prescribed fee.

(3) Fees may be paid in cash or sent by money order addressed to the Registrar of Geographical Indications or by a bank draft issued by, or by a cheque drawn on by a scheduled bank at the place where the appropriate office of the Geographical Indications Registry is situated and if sent through posts shall be deemed to have been paid at the time when the money order or the properly addressed bank draft or cheque would be delivered in the ordinary course of post.

(4) Bank drafts and cheques shall be crossed and made payable to the Registrar at the appropriate office of the Geographical Indications Registry and they shall be drawn on a scheduled bank at the place where the appropriate office of the Geographical Indications Registry is situate.

(5) Where a fee is payable in respect of filing of document and either the document is filed without fee or with insufficient fee, such document shall be deemed to have not been filed for the purposes any proceedings under the rules.

(6) Where any fee paid by a party is ordered to be returned by the Registrar under any of the provisions of the Act or the rules the amount may be refunded by money order in which event money order commission shall be deductible from such amount.

(7) The Registrar may after notification in the Geographical Indications Journal make available electronic fee transfer facilities subject to such conditions as may be specified on that behalf.

11. Forms:- (1) The forms set forth in the Second and the Third Schedules shall be used in all cases to which they are applicable and may be modified as directed by the Registrar to meet other cases.

(2) Any form, when filed at the Geographical Indications Registry shall be accompanied by the prescribed fee.

(3) A requirement under this rule to use a form as set forth in the schedules is satisfied by the use either of a replica of that form or of a form which is acceptable to the Registrar and contains the information required by the form as set forth in the schedule and complies with any direction as to the use of such a form.

(4) The Registrar may after notification in the Geographical Indications Journal specify such forms as are required to be submitted in machine readable forms. Thereafter, such forms shall be completed in such a manner as may be specified as to permit an automated input of the content into a computer such as by character recognition or scanning.

12. Size, etc of documents:- (1) Subject to any other directions that may be given by the Registrar, all applications, notices, statements, or other documents except the geographical indication required by the Act or the rules to be made, served, left or sent, at or to the Geographical Indications Registry shall be typewritten, lithographed or printed in Hindi or in English in large and legible characters with deep permanent ink upon strong paper, and except in the case of affidavits, on one side only and of size of approximately 33 cms by 20 cms and shall have on the left hand part thereof a margin of not less than 4 centimetres.

(2) Duplicate documents including copies of geographical indications shall be filed at the Geographical Indications Registry if at any time so required by the Registrar.

(3) The Registrar may after notification in the Geographical Indications Journal alter the size of all applications, notices, statements or other document and forms required under the rules to make it compatible in machine readable form.

(4) The Registrar may after notification in the Geographical Indications Journal permit the filing of applications, statements, notices or other documents by electronic means subject to such conditions as he may specify either generally by published notice in the Journal or in any particular case by written notice to the persons desiring to file any such documents by such means.

13. Signing of documents:- (1) An application for the registration of a geographical indication purporting to be filed by an association of persons or producers shall be signed by the authorised signatory thereof to sign such documents and a document purporting to be signed by a body corporate or any organisation or any authority established by or under any law for the time being in force shall be signed by the Chief Executive, or the Managing Director or the secretary or other principal officer of such organisation. A document purporting to be signed by a partnership shall be signed by at least one of the partners. The capacity in which an individual signs a document on behalf of an association of persons or a body corporate shall be stated below his signature.

(2) Signatures to an application and any other documents shall be accompanied by the name of the signatory in English or in Hindi and in capital letters.

14. Service of documents:- (1) All applications, notices, statements, papers having representations affixed thereto, or other documents authorised or required by the Act or the rules to be made, served, left or sent, at or to the Geographical Indications Registry or with or to the Registrar or any other person may be sent through the post by a prepaid letter.

(2) Any application or any document so sent shall be deemed to have been made, served, left or sent at the time when the letter containing the same would be delivered in the ordinary course of post.

(3) In proving such sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

15. Particulars of address etc. of applicants and other persons:- (1) Names and addresses of the association of persons, producers, authorised users and other persons shall be given in full, together with their nationality, calling and such other particulars as are necessary for identification.

(2) In the case of a body corporate the full name and nationality of the Board of Directors thereof shall be stated.

(3) In the case of foreign applicants and persons having no principal place of business in India, their addresses in their home country shall be given in addition to their address for service in India.

(4) In the case of a body corporate or any organisation or authority established by or under any law for the time being in force, the country of incorporation or the nature of registration, if any, as the case may be, shall be given.

16. Statement of principal place of business in India in an application:- (1) Every application for registration of a geographical indication or as an authorised user shall state the principal place of business in India, if any, of the applicant or the authorised user or in the case of association of persons or producers of goods such of them as have a principal place of business in India.

(2) Subject to the provisions of rules 17, 18, and 20, any written communication addressed to an applicant or his agent, or an authorised user or his agent or in the case of association of persons, the person authorised to act in the matter in connection with the registration of a geographical indication or their agent, at the address of his principal place of business in India given by him in the application shall be deemed to be properly addressed.

17. Address for service:- (1) An address for service in India shall be given:-

(a) by every applicant for registration of a geographical indication or by an authorised user of a geographical indication who has no principal place of business in India;

(b) in the case of an association of persons or producers for registration of a geographical indication if none of them has a principal place of business in India;

(c) by the applicant for a geographical indication who had his principal place of business in India at the date of making the application for registration but has subsequently ceased to have such place, and

(d) by every applicant or authorised user in any proceeding under the Act or the rules and every person filing a notice of opposition, who do not have a principal place of business in India.

(e) by every person granted leave to intervene under **Rule 67** (the intervener)

(f) Every proprietor of a registered geographical indication which is the subject of an application to the Registrar for the invalidation or rectification of the registered geographical indication .

(g) by every applicant for cancelling, expunging and varying any entry on the register relating to a Geographical Indication or of an authorised user under sub-section (1) and (2) of Section 27

(2) Any written communication addressed to a person as aforesaid at an address for service in India given by him shall be deemed to be properly addressed.

(3) Unless an address for service in India as required in sub-rule (1) is given, the Registrar shall be under no obligation to send any notice that may be required by the Act or the rules and no subsequent order or decision in the proceedings shall be called in question on the ground of any lack or non-service of notice.

18. Address for service in application and opposition proceedings:- An applicant for registration of a geographical indication or as an authorised user or an opponent filing a notice of opposition may notwithstanding that he has a principal place of business in India, if he so desires, may furnish to the Registrar with an address in India to which communications in relation to the application or opposition proceedings only may be sent. Such address of the applicant or the authorised user or the opponent shall be deemed, unless subsequently cancelled, to be the actual address of the applicant or the authorised user or the opponent, as the case may be, and all communications and documents in relation to the application, or notice of opposition may be served by leaving them at, or sending them by post to such address of the applicant or the authorised user or the opponent, as the case may be.

19. Non-availability of an address for service:- The Registrar may, at any time when a doubt arises as to the continued availability of an address for service in India entered in the register, request the person for whom it is entered by letter directed to any other address entered in the register or if no such address is entered in the register to the address at which the Registrar considers that the letter would reach him to confirm the address for service in India and if within two months of making such a request the Registrar receives no such confirmation, he may strike the entry in the register of the address for service in India and require such person to furnish a fresh address for service in India or his address at the principal place of business in India, if he has any at that time.

20. Agency:- (1) The authorisation of an agent for the purpose of Section 76 shall be executed on **Form GI-10** or in such other written form as the Registrar may deem sufficient and proper.

(2) In the case of such authorisation, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so authorising him; all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all appearances before Registrar relating thereto may be made by or through such agent.

(3) In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, authorised user or other person.

21. Classification of goods:- (1) For the purposes of the registration of a geographical indication or as an authorised user, goods shall be classified in the manner specified in the Fourth Schedule.

(2) The goods mentioned in the Fourth Schedule only provide a means by which the general content of numbered international classes can be quickly identified. They correspond to the major content of each class and are not intended to be exhaustive in accordance with the International Classification of Goods. For determining the classification of particular goods and for full disclosure of the content of international classification, reference may be made to the alphabetical index of goods if any, published by the Registrar under sub-section (3) of section 8 or the current edition of International Classification of Goods for the purpose of registration of trade marks published by the World Intellectual Property Organisation or any subsequent edition as may be available.

(3) Where goods of more than one class are set out in an application for which only one application fee has been paid, the Registrar shall require the applicant to amend the application in order to restrict the goods to a single class.

22. Request to Registrar for search:- (1) Any person may request the Registrar on form GI-5 to cause a search to be made in respect of specified goods classified in any one class in the Fourth Schedule in order to ascertain whether any geographical indication is on record which resembles a trade mark or geographical indication of which two representations accompany the form. The Registrar shall cause a search to be made and inform the applicant of the result of such search.

(2) If within three months from date of communication of the result of the search aforesaid an application is made for the registration of the trade mark or geographical indication in question and the Registrar takes objection on the ground that the mark or the geographical indication resembles a geographical indication, which was not disclosed in the search, but was on record on the last of the date on which the search was made the applicant shall be entitled, after withdrawal of the application for the registration of the said trade mark or the geographical indication, to have repaid to him the fee paid for search in Form GI-5

CHAPTER II

PROCEDURE FOR REGISTRATION OF GEOGRAPHICAL INDICATIONS

23. Form and signing of application.- (1) Every application for the registration of a geographical indication shall be made in the prescribed form and shall be signed by the applicant or his agent and must be made in triplicate alongwith three copies of a Statement of Case.

(2) An application to register a geographical indication for a specification of goods included in any one class shall be made in **Form GI-1**;

(3) An application to register a geographical indication under section 84(1) for a specification of goods included in any one class from a convention country shall be made in **Form GI- 1**;

(4) A single application for the registration of a geographical indication for different classes of goods from a convention country under section 84(1) shall be made in **Form GI-1**;

(5) A single application for the registration of a geographical indications for different classes of goods shall be made in **Form GI-1**;

(6) Every application for the registration of a geographical indication for goods must satisfy the following conditions:

a) The geographical indication must be defined with sufficient precision so that the right to obtain relief in respect of infringement of geographical indication can be determined;

b) The graphical representation must be able to stand in place of the geographical indication without the need for supporting samples;

c) It must be reasonably practicable for persons inspecting the Register or reading the Geographical Indications Journals to understand from the graphical representation what the geographical indications is

d) An application for the registration of a three dimensional geographical indication shall not be acted upon as such unless the application for registration contains a statement to that effect;

e) Where a colour combination is claimed as an element of a geographical indication in an application for the registration, it shall not be acted upon as such unless the application contains a statement to that effect and specifies the colours;

(7) An amendment to divide an application under proviso to section 15 shall be made in **Form GI-5**;

(8) Every application shall be in respect of one geographical indications only for as many class or classes of goods as may be made.

(9) The Registrar may require a more concise description of a geographical indications if relates to colour combination, a three-dimensional geographical indication, design which are symbols of definite concepts, a configuration of goods or packaging to evaluate the substantive rights in the geographical indications.

(10) Where an applicant files a single application for one or more classes and the Registrar determines that the goods applied for fall in class or classes in addition to those applied for, the applicant may restrict the specification of goods to the class applied for or amend the application to add additional class or classes on payment of the appropriate class fee and the divisional fee. The new class created through a division retains the benefit of original filing date or in the case of an application from a convention country, the convention application date under sub-section (1) of section 84 provided the claim was otherwise properly asserted in the original application.

24. Application under convention arrangement.- (1) Where an application for registration of a geographical indications is filed by an applicant from a convention country under section 84, a certificate by the Registry or competent authority of the Geographical Indications Office of the convention country shall be included in the application for registration under sub-rule (3) or (4) of Rule 23, as the case may be, and it shall include the particulars of the geographical indication, the country and the date or dates of filing of the first application in the convention country and such other particulars as may be required by the Registrar.

(2) Unless such certificate has been filed at the time of the filing of the application for registration, there shall be filed, within two months of the filing of the application under sub-rule (3) or (4) of rule 23, as the case may be, certifying or verifying to the satisfaction of the Registrar the date of the filing of the application, the country, the representation of geographical indication, the class and goods covered by the application.

(3) The application relied under sub-rule (1) must be the applicants' first application in a convention country for the same geographical indications and for all or some of the goods under that application. The application must include a statement indicating the filing date of the foreign application relied upon, the convention country where it was filed, the serial number, if available and a statement indicating the convention application date as claimed.

(4) Where a single application under sub section (3) of section 11 from a convention country is received in respect of a geographical indications for one or more classes of goods, the applicant must establish a continuous valid basis for the convention application date in all classes.

25. Statement of user in applications.- An application to register a geographical indication or as an authorised user shall, contain a statement of the period during which, and the person by whom it has been used in respect of the goods mentioned in the application. The applicant shall file an affidavit testifying to such user with exhibits showing the geographical indication as used, the volume of sales under that geographical indication, the definite territory of the country, region or locality in the country to which geographical indication relates and such other particulars as the Registrar on perusal of the application may call for from the applicants.

26. Representation of Geographical Indication .- Every application for the registration of a geographical indication and where additional copies of the application are required every such copy, shall contain a representation of the geographical indication in the space provided on the application form for that purpose provided the size of such representation shall not exceed 33 centimetres by 20 centimetres with a margin of 4 cm. on the left hand side.

27. Additional representations.- (1) Every application for the registration of a geographical indication shall, except as hereinafter provided, be made in triplicate and shall be accompanied by five additional representations of the geographical indication. The representations of the geographical indication on the application and each of its copies and the additional representations shall correspond exactly with one another. The additional representations shall in all cases be noted with the specification and class of goods for which registration is sought, the name and address of the applicant, together with the name and address of his agent, if any, the period of use, and such other particulars as required under sub-rule 1 to rule 32 by the Registrar and shall be signed by the applicant or his agent.

(2) Where an application contains a statement to the effect that the applicant wishes to claim combination of colours as a distinctive feature of the geographical indication, the application shall be accompanied with three reproduction of the geographical indication in black and white and five reproduction of the geographical indication in colour.

(3) (i) Where an application for the registration of a geographical indication consist of shape of goods or its packaging, the reproduction furnished shall consist of at least three different view of the geographical indication and a description by word of the geographical indication.

(ii) If the Registrar considers the different views and description of the geographical indication in sub-para (i) still does not sufficiently show the particulars of the shape of goods or its packaging he may call upon the applicant to furnish a specimen of the goods or packaging, as the case may be, as sold in respect of the geographical indication.

28. Representations to be durable and satisfactory.-(1) All representations in respect of a geographical indication shall be of a durable nature, and each additional representation required to be filed with an application for registration shall be mounted on a sheet of strong paper of the size of approx. 33 cm by 20 cm leaving a margin of not less than 4 centimetres on the left hand part of the sheet.

(2) If the Registrar is not satisfied with any representation of a geographical indication he may at any time require another representation satisfactory to him to be substituted before proceedings with the application.

29. Transliteration and translation.-(1) Where a geographical indication contains a word or words in characters other than Devnagari or Roman, there shall be endorsed on the application form and the additional representation thereof, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent failing which the Registrar shall be under no obligation to take any action on the application.

(2) Where an application for a geographical indication or authorised user contains a word or words in a language other than Hindi or English, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and name, if he so requires, shall be endorsed and signed as aforesaid.

30. Name or description of goods on a Geographical Indication .-Where the name or description of any goods appears on a geographical indication, the Registrar may refuse to register such geographical indication .

31. Deficiencies.- Subject to sub-rule (2) of rule 10, where an application for registration of a geographical indication does not satisfy requirements under section 11 or rule 23, the Registrar shall send notice thereof to the Applicants to remedy the deficiencies and if within one month from the date of receipt of the notice, the applicants fails to remedy any deficiency so notified by him the application may be treated as abandoned.

PROCEDURE ON RECEIPT OF APPLICATION FOR REGISTRATION OF A GEOGRAPHICAL INDICATION

32(1). Content of application: Every application for the registration of a geographical indication shall be made in the prescribed forms and shall contain the following:

- (1) a statement as to how the geographical indication serves to designate the goods as originating from the concerned territory of the country or region or locality in the country, as the case may be, in respect of specific quality, reputation or other characteristics which are due exclusively or essentially to the geographical environment, with its inherent natural and human factors, and the production, processing or preparation of which takes place in such territory, region or locality as the case may be ;
- (2) the class of goods to which the geographical indication relates shall apply;
- (3) the geographical map of the territory of the country or region or locality in the country in which the goods are produced or originate or are being manufactured;
- (4) the particulars regarding the appearance of the geographical indication as to whether it is comprised of the words or figurative elements or both;
- (5) A statement containing such particulars of the producers of the concerned goods proposed to be initially registered. The statement may contain such other particulars of the producers mentioned in Section 11(2)(f) including a collective reference to all the producers of the goods in respect of which the application is made.
- (6) the statement contained in the application shall also include the following:
 - a). an affidavit as to how the applicant claim to represent the interest of the association of persons or producers or any organization or authority established by or under any law ;
 - b). The standards benchmark for the use of the geographical indication or the industry standard as regards the production, exploitation, making or manufacture of the goods having specific quality, reputation, or other characteristic of such goods that is essentially attributable to its geographical origin with the detailed description of the human creativity involved, if any or other characteristic from the definite territory of the country, region or locality in the country, as the case may be;
 - c). the particulars of the mechanism to ensure that the standards, quality, integrity and consistency or other special characteristic in respect of the goods to which the geographical indication relates which are maintained by the producers, maker or manufacturers of the goods, as the case may be;
 - d) three certified copies of the map of the territory, region or locality showing the title, name of publisher and date of issue along with the application;
 - (e) the particulars of special human skill involved or the uniqueness of the geographical environment or other inherent characteristics associated with the geographical indication to which the application relates;
 - f) the full name and address of the association of persons or organisation or authority representing the interest of the producers of the concerned goods;
 - g) particulars of the inspection structure, if any, to regulate the use of the

geographical indication in respect of the goods for which application is made in the definite territory region or locality mentioned in the application;

(h) where the geographical indication is a homonymous indication to an already registered geographical indication, the material factors differentiating the application from the registered geographical indications and particulars of protective measures adopted by the applicant to ensure consumers of such goods are not confused or misled or confused in consequence of such registration;

(2). Acknowledgement of receipt of applications.- Every application for the registration of a geographical indication in respect of any goods shall, on receipt, be acknowledged by the Registrar. The acknowledgement shall be by way of return of one of the additional representations of the geographical indication filed by the applicant along with his application with the official number of the application duly entered thereon.

33. Examination of application.- Upon receipt of an application, the Registrar shall examine the application and the accompanying Statement of Case as required under rule 32(1) as to whether it meets the requirements of the Act and the Rules and for this purpose, he shall ordinarily constitute a Consultative Group of not more than seven representatives chaired by him from organization or authority or persons well versed in the varied intricacies of this law or field to ascertain the correctness of the particulars furnished in the Statement of Case referred to in rule 32(1) which shall ordinarily be finalised within three months from the date of constitution of the Consultative Group. Thereupon, the Registrar shall issue a Examination Report on the application to the applicant.

34.(1) Objection to acceptance-Hearing.- If, on consideration of the application on merits and of any evidence of use or of a given quality, reputation or other characteristic of such goods that are essentially attributable to its geographical origin or of any other matter relevant which the applicant may be required to furnish, the Registrar has any objection to the acceptance of the application or proposes to accept it subject to such conditions, amendments, modifications or limitations as he may think right to impose, the Registrar shall communicate such objection or proposal in writing to the applicant.

(2) If within two months from the date of communication mentioned in sub-rule (1), the applicant does not amend his application according to the proposal aforesaid, or submit his observations to the Registrar or apply for a hearing or fails to attend the hearing, as the case may be, the application shall be dismissed.

35. Decision of Registrar.- (1) The decision of the Registrar under rule 34 or rule 37 after a hearing or without a hearing if the applicant has duly communicated his observations in writing and has stated that he does not desire to be heard, shall be communicated to the applicant in writing and if the applicant intends to appeal from such decision he may within one month from the date of receipt of such communication request the Registrar to state in writing the grounds of, and the materials used by him in arriving at his decision.

(2) In a case where the Registrar makes any requirements to which the applicant does not object the applicant shall comply therewith before the Registrar issues a statement in writing under sub-rule (1).

(3) The date when the statement in writing under sub-rule (1) is sent shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

36. Correction and amendment of application.- An applicant for registration of a geographical indication may, whether before or after acceptance of his application but before the registration of the geographical indication, apply on **Form GI-5** accompanied by the prescribed fee for the correction of any error in or in connection with his application or any amendment of his application provided such proposed amendment does not relate to amendment of the geographical indication or amendment in the description of goods or to the definite, territory, region or locality, as the case may be, that would have the effect of substantially altering or substituting the original application.

37. Withdrawal of acceptance by the Registrar.- (1) If, after the acceptance of an application but before the registration of the geographical indication, the Registrar has any objection to the acceptance of the application on the ground that it was accepted in error, or that the geographical indication ought not to

have been accepted in the circumstances of the case, or proposes that the geographical indication should be registered only subject to conditions or limitations, or to conditions additional to or different from the conditions or limitations subject to which the application has been accepted, the Registrar shall communicate such objection in writing to the applicant.

(2) Unless within thirty days from the date of the communication mentioned in sub-rule (1) the applicant amends his application to comply with the requirements of the Registrar or applies for a hearing, the acceptance of the application shall be deemed to be withdrawn by the Registrar, and the application shall proceed as if it had not been accepted.

(3) Where the applicant intimates the Registrar within the period mentioned in sub-rule (2) that he desires to be heard, the Registrar shall give notice to the applicant of a date when he will hear him. Such appointment shall be for a date at least 15 days after the date of the notice, unless the applicant consents to a shorter notice. The applicant may state that he does not desire to be heard and submit such submissions as he may consider desirable.

(4) The Registrar may, after hearing the applicant and on considering the submissions, if any, of the applicant pass such orders as he may deem fit.

ADVERTISEMENT OF APPLICATION

38. Manner of Advertisement.- (1) An application for the registration of a geographical indication required or permitted to be advertised by sub-section (1) of section 13 or to be re-advertised by sub-clause (2) of that section shall be ordinarily advertised in the Journal within three months of the acceptance of an application for advertisement.

(2) The Registrar may after notification in the Journal put the published Geographical Indications Journal on the internet, website or any other electronic media.

(3) The Registrar may after notification in the Journal make available the Geographical Indications Journal in CD-ROM on payment of the cost thereof.

39. Notification of correction or amendment of application.- In the case of an application to which Para (b) of sub-section (2) of section 13 applies, the Registrar may if he so decides, instead of causing the application to be advertised again, insert in the Journal a notification setting out the number of the application, the class in which it was made, the name and address of the principal place of business in India, if any, of the applicant or where the applicant has no principal place of business in India his address for service in India, the number of the Journal in which it was advertised and the correction or amendment made in the application.

40. Request to Registrar for particulars of advertisement of a Geographical Indication .-Any person may request the Registrar on **Form GI-7** to be informed of the number, date and page of the Journal in which a geographical indication specified in the form was advertised and the Registrar shall furnish such particulars to the person making the request.

OPPOSITION TO REGISTRATION

41 (1). Notice of Opposition.-A notice of opposition to the registration of a geographical indication under sub-section (1) of section 14 or an authorised user under section 17(3)(e) shall be given in triplicate on **Form GI-2** within three months or within such further period not exceeding one month in the aggregate from the date when such Journal was made available to the public (which date shall be certified as such by the Registrar) as the case may be, of the application for registration in the Journal. The notice shall include a statement of the grounds upon which the opponents objects to the registration of the geographical indication or of the authorised user, as the case may be.

(2) Where a Notice of Opposition is filed in respect of single application for the registration of a geographical indication it shall bear the fee in respect of each class in relation to which the opposition is filed.

- (3) Where an opposition is filed only for a particular class or classes in respect of a single application made under sub-section (3) of section 11, the application shall not proceed to registration until a request in **Form GI-5** for division of the application together with the divisional fee is made by the applicant.
- (4) Where in respect of a single application for the registration of a geographical indication no notice of opposition is filed in any class or classes, the application in respect of such class or classes shall proceed to registration after the division of the application in the class or classes in respect of which an opposition is pending.
- (5) An application for an extension of the period within which a notice of opposition to the registration of a geographical indication or an authorised user may be given under sub-section(1) of section 14, shall be made on **Form GI-2** accompanied by the prescribed fee before the expiry of the period of three months under sub-section (1) of section 14.
- (6) A copy of notice of opposition shall be ordinarily served by the Registrar to the applicants within two months of the receipt of the same by the appropriate office.

42. Verification of Notice of Opposition

- (1) The notice of opposition shall be verified by the opponent.
- (2) The verification shall specifically state by reference to the numbered paragraphs of the notice of opposition, what is verified of his own knowledge and what is verified upon information received and believed to be true.
- (3) The verification shall be signed by the person making it and shall state the date and the place at which it was signed.

43. Counterstatement.- (1) The counter-statement required by sub-section (2) of section 14 shall be sent in triplicate on **Form GI-2** within two months from the receipt by the applicant of the copy of the notice of opposition from the Registrar and shall set out what facts, if any, alleged in the notice of opposition, are admitted by the applicant. A copy of the counter-statement shall be served by the Registrar on the person giving notice of opposition ordinarily within two month from the date of receipt of the same.

(2) The counterstatement shall be verified in the same manner as the notice of opposition as stated in rule 42.

44. Evidence in support of opposition by the opponents.- (1) Within two months from services on him of a copy of the counterstatement or within such further period not exceeding one month in the aggregate thereafter as the Registrar may on request allow, the opponent shall either leave with the Registrar such evidence by way of affidavit as he may desire to adduce in support of his opposition or shall intimate to the Registrar and to the applicant in writing that he does not desire to adduce evidence in support of his opposition but intends to rely on the facts stated in the notice of opposition. He shall deliver to the applicant copies of any evidence that he leaves with the Registrar under this sub-rule and intimate the Registrar forthwith in writing of such delivery.

(2) If an opponent takes no action under sub-rule (1) within the time mentioned therein, he shall, be deemed to have abandoned his opposition.

(3)An application for the extension of the period of one month mentioned in sub-rule (1) shall be made in **Form GI-9** accompanied by prescribed fees before the expiry of the period of two months mentioned therein.

45. Evidence in support of application by the applicant.-(1) Within two months or within such further period not exceeding one months thereafter in the aggregate as the Registrar may on request allow, on the receipt by the applicant of the copies of affidavits in support of opposition or of the intimation that the opponent does not desire to adduce any evidence in support of his opposition, the applicant shall leave with the Registrar such evidence by way of affidavit as he desires to adduce in support of his application and shall deliver to the opponent copies thereof or shall intimate to the Registrar and the opponent that he does not desire to adduce any evidence but intends to rely on the facts stated in the counterstatement and or on

the evidence already left by him in connection with the application in question. In case the applicant relies on any evidence already left by him in connection with the application, he shall deliver to the opponent copies thereof.

(2) An application for the extension of the period of one month mentioned in sub-rule (1) shall be made in **Form GI-9** accompanied by prescribed fees before the expiry of the period of two months mentioned therein.

46. Evidence in reply by opponent.- Within one month from the receipt by the opponent of the copies of the applicant's affidavit or within such further period not exceeding one month in the aggregate thereafter as the Registrar may on request on **Form-GI 9** accompanied by the prescribed fee allow, the opponent may leave with the Registrar evidence by affidavit in reply and shall deliver to the applicant copies thereof. This evidence shall be confined to matters strictly in reply.

47. Further evidence.- No further evidence shall be left on either side, but in any proceedings before the Registrar, he may at any time, if he thinks fit, give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

48. Exhibits.- Where there are exhibits to affidavits filed in an opposition, a copy of the exhibit or impression of each exhibit shall be sent to the other party on his request and at his expense, or, if such copies or impression cannot conveniently be furnished, the original shall be left at the Registry in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

49. Translation of documents. - Where a document in a language other than Hindi or English is referred to in the notice of opposition or any other proceedings before the Registrar, counter-statement or an affidavit filed in an opposition, an attested translation thereof in English or Hindi shall be furnished in duplicate.

50. Hearing and decision.-(1) Upon completion of the evidence (if any), the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such notice shall be ordinarily given within three months of completion of the evidence. The date of hearing shall be for a date at least one month after the date of the first notice, unless the parties consent to a shorter notice. Within fourteen days from the receipt of the first notice, any party who intends to appear shall so notify the Registrar. Any party who does not so notify the Registrar within the time last aforesaid shall be treated as not desiring to be heard and the Registrar shall proceed ex-parte in the matter.

(2) If sufficient cause is shown, not more than two request for adjournment for one month each by either the opponent or the applicant to the proceeding may be considered by the Registrar on a request in **Form GI-9** accompanied with the grounds for such request.

(3) If the applicant is not present at the adjourned date of hearing and has not notified his intention to appear at the hearing, the Registrar may treat the application as dismissed.

(4) If the opponent is not present at the adjourned date of hearing and has not notified his intention to appear at the hearing, the Registrar may treat the opposition as dismissed for want of prosecution and the application may proceed to registration.

(5) In every case of adjournment the Registrar shall fix a day for further hearing of the case and shall make such order as to cost occasioned by the adjournment or such higher costs as the Registrar deems fit.

(6) The fact that the agent or advocate on record of a party is engaged in another court, shall not be a ground for adjournment.

(7) Where illness of an advocate on record or agent or his inability to conduct the case for any reason is put forward as a ground for adjournment, the Tribunal shall not grant the adjournment unless it is satisfied that the advocate on record or agent, as the case may be, could not have engaged another agent or advocate in time.

(8) The Registrar shall take on record written arguments if submitted by a party to the proceeding.

(9) The Registrar shall have powers to limit time for oral arguments.

(10) The decision of the Registrar shall be notified to the parties in writing.

51. Security for costs.-The security for costs which the Registrar may require under sub-section (6) of section 14 may be fixed at any amount which he may consider proper, and such amount may be further enhanced by him at any stage in the opposition or other proceedings.

NOTICE OF NON-COMPLETION OF REGISTRATION

52. Procedure for giving notice.- The notice which the Registrar is required by sub-section(3) of section 16 to give to an applicant, shall be sent on **Form –O1** to the applicant at the address of his principal place of business in India or if he has no principal place of business in India at the address for service in India as stated in the application but if the applicant has authorised an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant. The notice shall specify twenty one days time from the date thereof or such further time as the Registrar may allow on a request made in the prescribed **Form GI-9** for completion of the registration.

REGISTRATION

53. Entry in the Register.-(1) Where no Notice of Opposition is filed to an application for the registration of a geographical indication advertised or re-advertised in the Journal within the period specified in sub-section (1) of section 14 or where an opposition is filed and it is dismissed and the appeal period is over, the Registrar shall, subject to the provisions of sub-section (1) of section 16 enter the geographical indication in Part A of the register on receipt of a request.

(2) The entry of a geographical indication in the register shall specify the date of filing of application, the actual date of the registration, the goods and the class in respect of which it is registered, and all particulars required by sub-section (1) of section 6 including -

(a) the name and description of the applicant, the address of the principal place of business in India, if any, of the proprietor of the geographical indication or in the case of an association of persons of such of the association of persons as have a principal place of business in India.

(b) where the proprietor of the geographical indication has no place of business in India his address for service in India as entered in the application for registration together with his address in his home country.

(c) in the case of an association of persons or producers, where none of the association of persons or producers has a principal place of business in India, the address for service in India as given in the application together with the address of each of the association of persons or producers in his home country.

(d) particulars of the trade, business, profession, occupation or other description of the proprietor or of the association of persons or producers of the geographical indication as entered in the application for registration;

(e) particulars affecting the scope of the registration or the rights conferred by the registration;

(f)The priority date ,if any, to be accorded pursuant to claim to a right of a convention application made under section **84**;

(g) A summary of the particulars furnished under rule 32 as finally accepted by the Registrar; and;

(h)the appropriate office of the Geographical Indications Registry in relation to the Geographical Indication.

54. Death of applicant before registration.- In case of death of any applicant for the registration of a geographical indication after the date of his application and before the geographical indication has been entered in the register, the Registrar may, on proof of the applicant's death and on proof of the transmission of the interest of the deceased person, substitute in the application his successor in interest in place of the name of such deceased applicant and the application may proceed thereafter as so amended.

55. Certificate of registration.- (1) The certificate of registration of a geographical indication or an authorised user to be issued by the Registrar under sub-section (2) of section 16 shall be on **Form-O2**,

with such modification as the circumstances of a case may require, and the Registrar shall annex a copy of the geographical indication or authorised user to the certificate.

(2) The Registrar may issue a duplicate or further copies of the certificate of registration of a geographical indication on request by the registered proprietor on **Form GI-7** accompanied by the prescribed fee. An unmounted representation of the geographical indication exactly as shown in the form of application for registration thereof at the time of registration shall accompany such request.

(3) The certificate of registration referred to in sub-rule (1) shall not be used in legal proceedings or for obtaining registration abroad.

CHAPTER III AUTHORISED USER

56. Authorised User. –(1) An application to the Registrar for the registration under Section 17 by a producer as an authorised user of the registered geographical indication shall be made jointly by the registered proprietor and the proposed authorised user in **Form GI-3** and shall be accompanied by a Statement of Case of how he claims to be the producer of the registered geographical indication along with an affidavit.

(2). A copy of the letter of consent from the registered proprietor of the geographical indication may accompany the application and where such consent letter is not furnished, a copy of the application shall be endorsed to the registered proprietor for information and the Registrar shall be intimated of due service by the proposed authorised user.

57. Upon receipt of an application for the registration as an authorised user in respect of a registered geographical indication, the Registrar shall cause it to be examined and shall issue a report.

58. Thereupon, the provision of Rule 34 to 52, and 54 and 55 shall apply *mutatis mutandis* to further proceedings in respect of an application for the registration of an authorised user of a registered geographical indication.

59. Registration of an authorised user entry in the Register.-(1) Where no notice of opposition is filed to an application advertised or re-advertised in the Journal within the period specified under sub-clause (e) of sub-section (3) of Section 17 or where an opposition is filed and it is dismissed and the appeal period is over, the Registrar shall enter the authorised user in Part B of the register on receipt of a request for issuance of the registration certificate in **Form GI-3** together with the prescribed fee.

(2) The entry of an authorised user in the register shall specify the date of filing of application for registration as an authorised user, the actual date of the registration, the goods and class or classes in respect of which it is registered, and all particulars required by sub-section (1) of section 6 including:-

(a)The address of the principal place of business in India, if any, of the registered proprietor of the geographical indication ,

(b)Particulars of the geographical indication registered including the specification of goods and the class in which it is registered.

(c)The address of the principal place of business in India, if any, of the authorised user.

(d)Where the authorised user of a registered geographical indication has no place of business in India his address for service in India as entered in the application for registration together with his address in his home country.

(e)Particulars of the trade, business, profession, occupation, dealership or other description of the authorised user of the geographical indication as entered in the application for registration.

(f)The priority date, if any, to be accorded pursuant to a convention application made under section 84 and;

(g)The appropriate office of Geographical Indications Registry in relation to the geographical indication .

(3) The Registrar may issue a duplicate or further copies of the certificate of registration as an authorised user on a request in **Form GI-7** accompanied by prescribed fee. An unmounted representation of the of

the geographical indication exactly as shown in the form of application for registration thereof at the time of registration shall accompany such request.

CHAPTER IV RENEWAL OF REGISTRATION AND RESTORATION

60. Renewal of registration.- (1) An application for the renewal of the registration of a geographical Indication or an authorised user of a registered geographical indication shall be made on **Form GI-4** or **Form GI-3** as the case may be and may be made at any time not more than six months before the expiration of the last registration of the Geographical Indication or the authorised user.

(2) Such application for renewal must be filed by the person who is the proprietor of the registered geographical indication failing which by any of the authorised users on record, as the case may be.

(3) If the proprietor, as set forth in the application for renewal is not the same person or the same legal entity as the registrant shown in the registration, continuity of title from the registrant to the present owner must be shown in the first instance.

(4) The Registrar may accept an application for renewal from the managing trustee, executors, administrators and the like, when supported by court order or other evidence of such persons authority to act on behalf of the present proprietor.

(5) For the removal of doubt, it is clarified that where the registered proprietor of the geographical indication has ceased to exist, the renewal of the registered geographical indication shall be effected by any of the authorised users of the registered geographical indication acting collectively whose name has been entered in **Part B** of the register on the due date of renewal.

(6) Before issuing a renewal certificate, the Registrar may call upon the registered proprietor to file an affidavit concerning the use of the registered geographical indication in India where he has reasons to believe that the registered geographical indication may not be in use in the market.

61. Notice before removal of Geographical Indication or authorised user from register.-(1) At a date not less than one month and not more than three months before the expiration of the last registration of a geographical indication or authorised user, as the case may be, if no application on **Form GI-4** or **Form GI-3** as the case may be, for renewal of the registration of a geographical indication or of an authorised user together with the prescribed fee has been received, the Registrar shall notify the registered proprietor or the authorised user, as the case may be, or in the case of an association of persons or producers of a registered geographical indication each of the association of persons, producers registered as registered proprietors or the person authorised to act on their behalf, if any, in writing on **Form O3 or O5**, as the case may be, of the approaching expiration at the address of their respective principal places of business in India as entered in the register or where such registered proprietor or authorised user has no principal place of business in India at his address for service in India entered in the Register.

(2) Where, in the case of a geographical indication or authorised user the registration of which (by reference to the date of application for registration) becomes due for renewal, the geographical indication or authorised user is registered at any time within six months before the date on which renewal is due, the registration may be renewed by the payment of the renewal fee within six months after the actual date of registration and where the renewal fee is not paid within that period the Registrar shall subject to rule 63, remove the geographical indication or authorised user from the register.

(3) Where, in the case of a geographical indication or authorised user the registration of which (by reference to the date of application for registration) becomes due for renewal, the geographical indication or authorised user is registered after the date of renewal, the registration may be renewed by the payment of the renewal fee within six months of the actual date of registration and where the renewal fee is not paid within that period the Registrar shall, subject to rule 63, remove the geographical indication or authorised user from the register.

62. Advertisement of removal of geographical indication or the authorised user from the register.-If at the expiration of last registration of a geographical indication or an authorised user, the renewal fees has not been paid, the Registrar may remove the geographical indication or the authorised user, as the case may be, from the register and advertise the fact forthwith in the Journal.

Provided the Registrar shall not remove the geographical indication or the authorised user from the Register if an application is made in **Form GI-4** within six months from the expiration of the last registration of the geographical indication or the authorised user accompanied by prescribed fees and appropriate surcharge.

63. Restoration and renewal of registration.- An application for the restoration of a geographical indication or authorised user to the register and renewal of its registration under sub-section (5) of section 18, shall be made in **Form GI-4** after six months and within one year from the expiration of the last registration of the geographical indication or the authorised user as the case may be, accompanied by the prescribed fee. The Registrar shall, while considering the request for registration, have regard to the interest of the persons who have either applied or registered identical or deceptively similar geographical indication or other affected persons in the intervening period.

64. Notice and advertisement of renewal and restoration.- Upon the renewal or restoration and renewal of registration, a notice to that effect shall be sent to the registered proprietor or the concerned authorised user and the said renewal or restoration and renewal shall be advertised in the Journal.

CHAPTER V RECTIFICATION AND CORRECTION OF REGISTER ALTERATION OR RECTIFICATION OF REGISTER

65. Application to rectify or remove a geographical indication from the register.- An application to the Registrar under Section 27 for the cancelling, expunging or varying of any entry relating to a geographical indication or of the Statement of Case referred to under rule 32(1) recorded in the Register of Geographical Indication or an authorised user in the register shall be made in triplicate on **Form GI-6 or Form GI-5**, as the case may be, shall be accompanied by a statement in triplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks. Where the application is made by a person who is not the registered proprietor of the geographical indication in question, the application and the statement aforesaid shall be left at the Geographical Indications Registry in triplicate. In case there are authorised users, such application and statements shall be accompanied by as many copies thereof as there are authorised users on the register or alternatively furnish proof of publication in leading national newspapers circulated widely in the definite territory, region or locality to which the geographical indication relates notifying to the general public of proposed application for rectification or removal with full particulars thereof. A copy each of the application and statement shall be transmitted within two months by the Registrar to the registered proprietor and to any other person who appears from the register to have an interest in the geographical indication or makes a request for the same. The application shall be verified in the manner prescribed under Rule 42 for verification of notice of opposition.

66. Further procedure.- Within two months or within such further period not exceeding two months in the aggregate from the receipt by a registered proprietor of the copy of the application mentioned in rule 65 from the Registrar, he shall send to the Registrar and to the person making the application on **Form GI-2** a counterstatement in triplicate of the grounds on which the application is contested. The Registrar shall serve a copy of the counterstatement on the person making the application within one month of the receipt of the same. The provisions of rules 44 to 51 shall thereafter apply *mutatis mutandis* to the further proceedings on the application. The Registrar shall not, however, rectify the register or remove the geographical indication or any authorised user from the register merely because the registered proprietor or the authorised user has not filed a counterstatement unless he is satisfied that the delay in filing the counterstatement is wilful and is not justified by the circumstance of the case. In any case of doubt any party may apply to the Registrar for directions.

67. Intervention by third parties. - Any person alleging interest in a registered geographical indication in respect of which an application is made under rule 65 may apply on **Form GI-6** for leave to intervene, stating the nature of his interest, and the Registrar may refuse or grant such leave after hearing if so

required the parties concerned, upon such terms and conditions including undertakings or conditions as to security for cost as he may deem fit to impose.

68. Rectification of the register by the Registrar of his own motion.- (1) The notice, which the Registrar is required to give under sub-section (4) of section 27 shall be sent in writing to the registered proprietor and to any other person who appears from the register to have any interest in the registered geographical indication, and shall state the grounds on which the Registrar proposes to rectify the register and shall also specify the time, not being less than one month from the date of such notice, within which an application for a hearing shall be made.

(2) Unless within the time specified in the notice aforesaid, any person so notified sends to the Registrar a statement in writing setting out fully the facts upon which he relies to meet the grounds stated in the notice or applies for a hearing, he may be treated as not desiring to take part in the proceedings and the Registrar may act accordingly.

(3) If the Registrar decides to rectify the register he shall communicate his decision in writing.

ALTERATION OF ADDRESS

69. Alteration of address in register.- (1) A registered proprietor or an authorised user of a geographical indication the address of whose principal place of business in India or whose address in his home country, as the case may be, is changed so that the entry in the register is rendered incorrect shall forthwith request the Registrar on **Form GI-5** to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(2) A registered proprietor or an authorised user of a geographical indication, whose address for service in India entered in the register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall forthwith request the Registrar on **Form GI-5** to make the appropriate alteration of the address in the Register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(3) A registered proprietor or an authorised user of a geographical indication the address of whose principal place of business in India or whose address for service in India is altered by a public authority, so that the changed address designates the same premises as entered in the register, may make the aforesaid request to the Registrar on **Form GI-5** and if he does so he shall leave therewith a certificate of the alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the register accordingly but shall not require any fees to be paid on the forms, notwithstanding the provisions of sub-rule (2) of rule 10 or sub-rule (2) of rule 11.

(4) (i) Where a registered proprietor makes a request under sub-rule (1), (2) or (3), he shall serve a copy of the request on the authorised user or users, if any, and inform the Registrar accordingly.

(ii) where the request aforesaid is made by an authorised user, he shall serve a copy thereof on the registered proprietor and other authorised users, if any or alternatively issue a public notice in at least two leading local newspapers circulated widely in the definite territory, region or locality to which geographical indication relates or issue a public notice in at least two leading local newspapers and inform the Registrar that he had done so.

(5) In case of the alteration of the address of a person entered in the register as the address for service in India of more than one registered proprietor or authorised users of Geographical Indications, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person on **Form GI-5** amended so as to suit the case, for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the form and may alter the entries accordingly.

(6) All applications under this rule shall be signed by the registered proprietor or the authorised user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

CORRECTION OF REGISTER

70. Application under Section 28.-Where an application has been made under Sub-section (1) of section 28 for the alteration of the register by correction, change, cancellation or striking out of goods or for the

entry of a memorandum in the register, the Registrar may require the applicant to furnish such evidence by affidavit or otherwise as the Registrar may think fit, as to the circumstances in which the application is made. Such application shall be made on **Form GI-5** as may be appropriate and a copy thereof shall be served by the applicant on the authorised user or users, if any or issue a public notice in at least two leading local newspapers under the registration of the geographical indication in question and to any other person who appears from the register to have an interest in the geographical indication and inform the Registrar he has done so.

71. Alteration of registered Geographical Indication .- Where the registered proprietor of a geographical indication applies under section 29 for leave to add to or alter the registered geographical indication, he shall make the application in writing on **Form GI-9** and shall furnish five copies of the geographical indication as it will appear when so added to or altered. A copy of the application and of the geographical indication so amended or altered shall be served by the applicant on every authorised users on the record or issue a public notice in at least two leading local newspapers and inform the Registrar he has done so.

72. Advertisement before decision and opposition etc .-(1)The Registrar shall consider the application and shall, advertise the application in the Journal before deciding it.

(2) Within three months from the date of advertisement under sub-rule (1), or within such period not exceeding one month in the aggregate any person may give notice of opposition to the application on **Form GI-2** and may also send therewith a statement of his objections. The notice and the statement, if any, shall be sent in triplicate. In case there are any authorised users under the registration of the geographical indication in question, such notice and statement may also be accompanied by as many copies thereof as there are authorised users. A copy each of the notice and statement shall be transmitted by the person giving notice to registered proprietor and authorised user if any or alternatively issue a public notice in at least two leading local newspapers circulated widely in the definite territory, region or locality to which the geographical indication relates. The Registrar shall forward within two months a copy of the notice and statement to the registered proprietor and within two months from the receipt by the registered proprietor of such copies from the Registrar, he shall send to the Registrar on **Form GI-2** a counter-statement in triplicate of the grounds on which the opposition is contested. If the registered proprietor sends such a counter-statement the Registrar shall serve a copy thereof on the person giving notice of opposition within one month and the provisions of rules 44 to 51 shall thereafter apply *mutatis mutandis* to the further proceedings on the opposition. The Registrar shall not refuse the application merely because the registered proprietor has not filed a counterstatement unless he is satisfied that the delay in filing the counterstatement is wilful and is not justified by the circumstance of the case. In any case of doubt any party may apply to the Registrar for directions.

(3) If there is no opposition, within the time specified in sub-rule(2), the Registrar shall, after hearing the applicant if he so desires allow or refuse the application and shall communicate his decision in writing to the applicant.

73. Decision - Advertisement – Notification.-If the Registrar decides to allow the application he shall alter the geographical indication in the register accordingly and insert in the Journal a notification that the geographical indication has been altered. If the application has not been advertised under rule 71, he shall also advertise in the Journal the geographical indications as altered.

CHAPTER VI

Special Provisions relating to Trade Marks

74(1). Refusal or Invalidation of Registration of Trade Marks.- Where the Registrar of Trade Marks on his own motion decides to refuse the registration of a trade mark or invalidate a registered trade mark pursuant to sub-section (a) of Section 25 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, he shall in writing notify the applicants or the registered proprietor of the trade mark, as the case may be, stating the reason for the same. Thereafter, the Registrar shall decide the matter after

giving the applicant or the registered proprietor of the trade mark, as the case may be, an opportunity of being heard.

(2). A request under sub-section (a) of section 25 to refuse a trade mark or invalidate a registered trade mark which contains or consists of a geographical indication not originating in the territory of a country, or a region, or locality in that territory which such geographical indication indicates, which is likely to cause confusion or mislead persons as to the true place of origin of such goods or class or classes of goods shall be made in the prescribed form under the **Trade Marks Rules, 2002**. Thereafter, in case of a request for refusal the Registrar of Trade Marks shall forward the same to the applicant and provide an opportunity of being heard to the applicant. In case of a request for invalidation, the Registrar of Trade Marks shall forward the request to the registered proprietor and the procedure set out in Rule 93 of the **Trade Marks Rules, 2002** shall apply *mutatis mutandis* to further proceedings on the matter.

75(1). Refusal or Invalidation of Registered Trade Mark Conflicting with a geographical indication notified under Section 22(2).- Where the Registrar of Trade Marks on his own motion decides to refuse an application or invalidate the registration of a trade mark pursuant to sub-section (b) of Section 25 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, he shall notify in writing to the applicant or the registered proprietor of the trade mark, as the case may be, stating the reasons for the same. Thereafter, the Registrar shall decide the matter after giving the applicant or the registered proprietor of the trade mark, as the case may be, an opportunity of being heard.

(2). **Refusal or invalidation under Section 25(b) of notified geographical indications** .-A request under sub-section (b) of section 25 to refuse an application for the registration of a trade mark or invalidate a registered trademark which conflict with or which contains or consists of a geographical indication identifying goods or class or classes of goods notified under sub-section (2) of section 22 shall be made in the prescribed form under the **Trade Marks Rules, 2002**. Thereafter, in case of request for refusal, the Registrar of Trade Marks shall forward the same to the applicant and provide an opportunity of being heard to the applicant. In case of request for invalidation, the Registrar of Trade Mark shall forward the request to the registered proprietor and the procedure set out in Rule 93 of the **Trade Marks Rules, 2002** shall apply *mutatis mutandis* to further proceedings on the matter.

76(1). Publication of refusal or invalidation of Geographical indications.- The Registrar of Trade Marks shall record and publish a reference to the refusal or the invalidation of the registration of a trade mark pursuant to section 25 of the Geographical Indications of Goods (Registration and Protection) Act, 1999 and forwarded a copy of the publication to the Registrar of Geographical Indications.

(2). The publication of the reference to the refusal or the invalidation of the registration of a trademark pursuant to section 25 of the Geographical Indication of Goods (Registration and Protection) Act, 1999 shall include: –

- (a) the representation of the mark;
- (b) the application or registration number of the trade mark, as the case may be;
- (c) the name and address of the applicant or the registered proprietor, as the case may be;
- (d) the date of application or the date of registration in the case of a registered trade mark, as the case may be;
- (e) the list of goods or class of goods in respect of which the trade mark was applied for or was registered; and
- (f) a summary of the ground on which the application for registration of a trade mark had been refused or the registration of the registered trade mark was invalidated.

CHAPTER VII
PROCEDURE RELATING TO ADDITIONAL PROTECTION TO CERTAIN GOODS UNDER
SECTION 22(2) OF GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND
PROTECTION) ACT, 1999

77. Additional protection to certain goods.- An application may be made to the Registrar in respect of goods notified by the Central Government under sub-section (2) of section 22 for additional protection for a registered geographical indications in **Form GI-9** accompanied by prescribed fee in triplicate along with a Statement of Case. Such case shall be furnished in triplicate and shall be accompanied with the copy of the notification issued.

78. The application shall be made jointly by the registered proprietor of the geographical indication in India and by all the producers of the geographical indication whose name has been entered in the register as authorised user in Part B.

79. Consideration by the Registrar- The Registrar on receipt of the application for additional protection for such goods in respect of a registered geographical indication in India shall examine whether there are measurable attributes to the particular geographical indication in relation to the goods or classes of goods in question with special regard to the reputation of the goods or classes of goods on a global scale, which requires the additional protection envisaged under sub-section (2) of section 22 be conferred against usurpation or imitation of the geographical indication even where the true origin of the goods or classes of goods is indicated or if the registered geographical indication is used in translated form or is accompanied by terms such as “kind”, “type”, “style”, “imitation” or other like expressions.

80(1). Hearing before refusing an application.- If on consideration of the application or any other matter which the applicant may or may be required to furnish, the Registrar has any objections to the acceptance of the application or proposes to accept it subject to such conditions, as he may think right to impose, the Registrar shall communicate such objections or proposals in writing to the applicant.

(2). The decision of the Registrar under sub-rule(1) after a hearing or without a hearing if the applicant has duly communicated his observations in writing and has stated that he does not desire to be heard shall be communicated to the applicant in writing and if the applicant intends to appeal from such decisions, he may within two months from the date of such communication request the Registrar requiring him to state in writing the grounds and the material used by him in arriving at his decision.

81(1). Entry in the Register.- Where the Registrar decides to allow the geographical indication in respect of which additional protection is to be provided as envisaged under sub-section (2) of Section 22, he shall enter in the Register a summary of the grounds and the material used by him in arriving at his decision to accord additional protection to the notified goods in respect of the relevant geographical indication application.

(2). The entry in Part A of the Register shall state the date on which the application for additional protection was made, the name, description and principal place of business in India of the registered proprietor and if they do not carry on business in India their address for service in India.

CHAPTER VIII
MISCELLANEOUS

82(A) Single application.-**(1)** Where an application for the registration of a geographical indication for goods is made under sub-section (3) of section 11, the specification of goods contained in it shall set out the classes in consecutive numerical order beginning with the lowest number and list under each class the goods appropriate to that class.

(2) If the specification of goods contained in the original application for the registration of a geographical indication lists by reference to a class or classes in the Fourth Schedule in which they do not fall, the Registrar shall require the applicant to divide the application on payment of a divisional fee in

Form GI – 5 to the class or classes to which the application relates together with such class fee as may be appropriate.

(3) Applications filed under sub-section 3 of section 11 when ordered to be advertised shall be published in a separate section of the Geographical Indications Journal.

(4) The Registrar shall issue a single certificate of registration in respect of an application made under sub-section 3 of section 11 which has proceeded to registration.

(B) Divisional Application.-(1) Where an application is made in **Form GI-5** under proviso to section 15 for the division of a single application, such an application shall be divided into two or more separate applications upon the payment of a division fee and such class fees as are appropriate.

(2) At any time before registration an applicant may request the Registrar for a division of his application for registration (the original applications) into two or more separate applications (divisional applications), indicating for each division the specification of goods. The Registrar shall treat each divisional application as a separate application for registration with the same filing date as the original application.

(3) In the case of a request to divide some, but not all, of the goods in a class, a divisional fee for separate application to be created by division shall be submitted.

(4) If the request to divide does not include necessary fee or is otherwise deficient, the Registrar will notify the applicant of deficiency. The applicant must correct any such deficiency within thirty days. If the applicant fails to correct the deficiency within the time provided, the request will be considered as abandoned and the application will be proceeded further without regard to the request.

(5) Where a request to divide an application is received, the Registrar shall assign an additional separate new serial number or numbers, as the case may be, and it will be cross referenced with the original application. Such additional separate application or applications shall be assigned same filing date as the original application.

(6) For the removal of doubt, it is clarified that no new registration is effected when a single application is divided. On the contrary, application already filed are merely separated or divided into individual files.

83. Extension of time.- (1) An application for extension of time under section 64 (not being a time expressly provided in the Act or a time for the extension of which provision is made in the rules) shall be made on **Form GI- 9**.

(2) Upon an application made under sub-rule (1) the Registrar, if satisfied that the circumstances are such as to justify the extension of the time applied for, may subject to the provisions of the rules where a maximum time limit is prescribed and subject to such conditions as he may think fit to impose, extend the time and notify the parties accordingly and the extension may be granted though the time for doing the act or taking the proceeding for which it is applied for has already expired.

84. Exercise of discretionary power of Registrar.- The time within which a person entitled under Section 61 to an opportunity of being heard shall exercise his option of requiring to be heard shall, save as otherwise expressly provided in the Act or the rules, be one month from the date of a notice which the Registrar shall give to such person before determining the matter with reference to which such person is entitled to be heard. If within that month such person is required to be heard, the Registrar shall appoint a date for the hearing and shall give 10 day's notice thereof.

85. Notification of decision.-The decision of the Registrar in the exercise of any discretionary power given to him by the Act or the rules shall be notified to the person affected.

86. Amendments and correction of irregularity in procedure.- (1) Any document, communication or other representation respecting a geographical indication or an authorised user may be amended and any irregularity in procedure which in the opinion of the Registrar, may be obviated without detriment to the interests of any person, may be corrected, if the Registrar thinks fit and proper on such terms as he may direct.

(2) The Registrar may require the amendment of any application or representation of a geographical indication or any other document or the addition of any matter thereto in order to bring it in accordance with the formal requirements of the Act.

87. Directions not otherwise prescribed.- Where in the opinion of the Registrar, it is necessary for the proper prosecution or completion of any proceedings under the Act or rules for a person to perform an act, file a document or produce evidence, which is not provided for by the Act or the rules, the Registrar may by notice in writing require the person to perform the Act, file the document or produce the evidence, specified in the notice.

88. Hearings.- (1) Subject to sub-rule (2) of rule 4 in relation to a geographical indication for which an application for registration is made on or after the notified date, the application as well as any proceeding under the Act and the rules shall, in the event of a hearing becoming necessary, be heard at the appropriate office of the Geographical Indications Registry at which such application was made under sub-section (4) of section 11, or at such place within the territorial jurisdiction of that office as the Registrar may deem proper.

(2) Where an officer exercising the powers of the Registrar who has heard any matter under the Act or the Rules, has reserved orders therein, is transferred from one office of the Registry to another or reverts to another appointment before passing an order or rendering decision therein, he may, if the Registrar so directs, pass the order or render the decision as if he had continued to be the officer in the office of the Registry where the matter was heard.

AWARD OF COSTS BY REGISTRAR

Costs in uncontested cases

89. Where any opposition duly instituted under the rules is not contested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether the proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

90. Exception to rule 89.-Notwithstanding anything in rule 89, costs in respect of fees specified under entries, 7, 8 and 9 of the First Schedule and of all stamps used on and affixed to affidavits used in the proceedings shall follow the event.

91. Scale of costs.- Subject to the provisions of rules 89 and 90, in all proceedings before the Registrar the Registrar may, save as otherwise expressly provided by the Act, award such costs, not exceeding the amount admissible therefor, as he considers reasonable having regard to all the circumstances of the case.

REVIEW OF DECISION BY REGISTRAR

92. Application for review of Registrar's decision.-An application to the Registrar for the review of his decision under clause (c) of section 60 shall be made on **Form GI-7** within one month from the date of such decision or within such further period not exceeding one month thereafter as the Registrar may on request allow, and shall be accompanied by a statement setting forth the grounds on which the review is sought. Where the decision in question concerns any other person in addition to the applicant, such application and statement shall be left in triplicate and the Registrar shall forthwith transmit a copy each of the application and statement to the other person concerned. The Registrar may, after giving the parties an opportunity of being heard, reject or grant the application, either unconditionally or subject to any conditions or limitations, as he thinks fit.

AFFIDAVITS

93. Form, etc. of Affidavits.- (1) The Affidavits required by the Act and the rules to be filed at the Geographical Indications Registry or furnished to the Registrar, unless otherwise provided in the Second Schedule, shall be headed in the matter or matters to which they relate, shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, as far as practicable, be confined to one subject. Every affidavit shall state the description and the true place of abode of the person making the same, shall bear the name and address of the person filing it and shall state on whose behalf it is filed.

(2) Where two or more persons join in an affidavit, each of them shall depose separately to such facts which are within his personal knowledge and those facts shall be stated in separate paragraphs.

(3) Affidavits shall be taken -

(a) In India -before any court or person having by law authority to receive evidence, or before any officer empowered by such Court as aforesaid to administer oaths or to take affidavits,

(b) in any country or place outside India - before a diplomatic or consular officer, within the meaning of the Diplomatic and Consular Officers (Oaths and Fee) Act, 1948, of such country or place, or before a notary public, or before a judge or magistrate, of the country or place.

(4) The person before whom an affidavit is taken shall state the date on which and the place where the same is taken and shall affix his seal, if any, or the seal of the Court to which he is attached, thereto and sign his name and description at the end thereof.

(5) Any affidavit purporting to have affixed, impressed or subscribed thereto or therein the seal or signature of any person authorised by sub-rule (3) to take an affidavit, in testimony of the affidavit having been taken before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of that person.

(6) Alterations and interlineations shall, before an affidavit is sworn or affirmed, be authenticated by the initials of the person before whom the affidavit is taken.

(7) Where the deponent is illiterate, blind or unacquainted with the language in which the affidavit is written, a certificate by the person taking the affidavit that the affidavit was read, translated or explained in his presence to the deponent, that the deponent seemed perfectly to understand it and that the deponent made his signature or mark in his presence, shall appear in the jurat.

(8) Every affidavit filed before the Registrar in connection with any of the proceedings under the Act or the rules shall be duly stamped under the law for the time being in force.

INSPECTION OF DOCUMENTS BY THE PUBLIC

94. Inspection of documents.- The documents mentioned in sub-section (1) of section 78 shall be available for inspection at the Head office of the Geographical Indications Registry. A copy of the register and such of the other documents mentioned in section 78, as the Central Government may by notification in the Official Gazette direct, shall be available for inspection at each branch office of the Geographical Indications Registry as and when established. The inspection shall be on payment of the prescribed fee and at such times on all the days on which the offices of the Geographical Indications Registry are not closed to the public, as may be fixed by the Registrar.

95. Distribution of copies of Journal and other documents.-The Central Government may direct the Registrar to distribute the journal and any other document which it may consider necessary, to such places as may be fixed by the Central Government in consultation with the State Governments and notified from time to time in the Official Gazette.

CERTIFICATES

96. Certified copies of documents.- The Registrar may furnish certified copies of any entry in the register or certified copies of any documents referred to in sub-section (1) of section 78 or of any decision or order of the Registrar, or give a certificate other than a certificate under sub-section (2) of section 16 as to any entry, matter or thing which he is authorised or required by the Act or the rules to make or do, upon

receipt from any person of an application therefor on **Form GI-7** accompanied by the prescribed fee. The Registrar shall not be obliged to include in any certificate or certified copy a copy of any geographical indication unless he is furnished by the applicant with a copy thereof suitable for the purpose:

97. Certificate for use in obtaining registration abroad.- (1) Where a certificate relating to the registration of a geographical indication is desired for use in obtaining registration in any territory outside India, the Registrar shall include in the certificate a copy of the geographical indication and may require the applicant for the certificate to furnish him with a copy of the geographical indication suitable for that purpose, and if the applicant fails to do so, the Registrar may refuse to issue the certificate.

(2) Where a geographical indication is registered without limitation of colour, the copy of the geographical indication to be included in the certificate, may be either in the colour in which it appears upon the register or in any other colour or colours and it shall be stated in the certificate that the geographical indication is registered without limitation of colour.

(3) The Registrar may state in the certificate such particulars concerning the application for registration or the registration of the geographical indication as may deem fit to him, and may specify the terms and conditions and other limitation appearing on the Register.

APPEALS TO THE INTELLECTUAL PROPERTY APPELLATE BOARD

98. Time for appeal.- (1) An appeal to the Intellectual Property Appellate Board from any decision of the Registrar under the Act or the rules shall be made within three months from the date of receipt of such decision or within such further time as the said Appellate Board may allow.

(2) A copy of every application to the said Intellectual Property Appellate Board under the Act or the rules shall be served on the Registrar.

CERTIFICATE OF VALIDITY

99. Certificate of validity to be noted.- Where the Intellectual Property Appellate Board has certified as provided in section 72 with regard to the validity of a registered geographical indication, the proprietor thereof may request the Registrar on **Form GI-7** to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, particulars of which shall be given in the request. An officially certified copy of the certificate shall be sent with the request, and the Registrar shall record a note to that effect in the register and publish the note in the Journal.

RETURN OF EXHIBITS AND DESTRUCTION OF RECORDS.

100. Return of exhibits .- (1) Where the exhibits produced in any matter or proceeding under the Act or the rules are no longer required in the Geographical Indications Registry, the Registrar may notify the party concerned to take back the exhibits within a time specified by him and if the party fails to do so, such exhibits shall be dealt with in the manner mentioned under sub-rule(2) below.

(2) Where any exhibits have been produced in any proceeding, the Registrar may, if satisfied that it is no longer necessary to retain them, cause them to be destroyed, after the expiration of six months from the notified date.

101. Destruction of records.- Where an application for the registration of a geographical indication or an authorised user has been withdrawn abandoned or refused or the geographical indication or the authorised user has been removed from the register, the Registrar may, at the expiration of three years after the

application is so withdrawn or is abandoned or is refused or after the geographical indication is removed from the register, as the case may be, destroy all or any of the records relating to the application for the geographical indication or the authorised user concerned.

PART II

REGISTRATION OF GEOGRAPHICAL INDICATIONS AGENT

102. Register of Geographical Indications Agent.- The Registrar of Geographical Indications shall maintain a Register of Geographical Indications Agents wherein shall be entered the name, address of the place of residence, address of the principal place of business, the nationality, qualifications and date of registration of every registered Geographical Indications Agent.

103. Registration of existing registered trade marks agent.-(1) Subject to rule 104 every person whose name is on the notified date on the Register of Trade Marks Agents maintained under the Trade Marks Rules, 2002 shall be deemed to be registered as a Geographical Indications Agent under the Act and the rules.

- (2) The continuance fee of Geographical Indications Agents deemed to be registered under sub rule(1) shall be payable as and from the notified date.
- (3) The Registrar may publish the Dress Code for Registered geographical indications Agent in the Geographical Indications Journal.
- (4) The Registrar may publish in the Journal a code of conduct for registered geographical indications agents.

104. Qualifications for registration.- Subject to the provisions of rule 105, a person shall be qualified to be registered as a Geographical Indications Agent if he-

- (i) is a citizen of India;
- (ii) is not less than 21 years of age;
- (iii) has passed the examination prescribed in **rule 108** or is an Advocate within the meaning of the Advocates Act,1961;
- (iv) is a graduate of any university in India or possess an equivalent qualification; and
- (v) is considered by the Registrar as a fit and proper person to be registered as a Geographical Indications Agent.

105. Persons debarred from registration.- A person shall not be eligible for registration as a Geographical Indications Agent if he –

- (i) has been adjudged by a competent Court to be of unsound mind;
- (ii) is an undischarged insolvent;
- (iii) being a discharged insolvent has not obtained from the Court a certificate to the effect that his insolvency was caused by misfortune without any misconduct on his part;
- (iv) has been convicted by a competent Court, whether within or without India of an offence punishable with transportation or imprisonment, unless the offence of which he has been convicted has been pardoned or unless on an application made by him, the Central Government by order in this behalf, has removed the disability;
- (v) being a legal practitioner has been held guilty of professional misconduct by any High Court in India or by any Court beyond the limits of India;
- (vi) being a chartered accountant, or a company secretary has been held guilty of negligence or misconduct by a High Court; or
- (vii) being a registered geographical indication agent has been held guilty of professional misconduct by the Registrar.

106. Manner of making application.- Subject to sub-rule (2) of rule 4, all applications under the provisions of this Part shall be made in triplicate, and shall be sent to or left at that office of the Geographical Indications Registry within whose territorial limits the principal place of business of the applicant is situate.

107. Application for registration as a geographical indications agent.-(1) Every person desiring to be registered as a Geographical Indications Agent shall make an application on **Form GI-8**.

(2)The applicant shall furnish such further information bearing on his application as may be required of him at any time by the Registrar.

108. Procedure on application and qualifying requirements. -(1) On receipt of an application for the registration of a person as a geographical indications agent, the Registrar, if satisfied that the applicant fulfils the prescribed qualifications, shall appoint a date in the due course on which the candidate will appear before him for a written examination in Geographical Indications Law and the Practice and Procedure in relation thereto and followed by an interview. The candidate will be expected to possess a detailed knowledge of the provisions of the Act and the rules and a knowledge of the elements on law of geographical indication.

(2) The qualifying mark for the written examination and for interview shall be 40 percent and 50 percent respectively and a candidate shall be declared to have passed the examination only if he obtained an aggregate of 50 per cent of the total marks.

109. Certificate of registration.-After a candidate has been interviewed and any further information bearing on his application, which the Registrar may consider necessary has been obtained and if the Registrar considers the applicant eligible and qualified for registration as a geographical indications agent, he shall send an intimation to that effect to the applicant and any person so intimated may pay the prescribed fee in **Form GI-8** for his registration as a Geographical Indications Agent. Upon receipt of the same, fee the Registrar shall cause the applicant's name to be entered in the register of Geographical Indications Agents and shall issue to him a certificate on **Form O-4** of his registration as a Geographical Indications Agents.

110. Continuance of a name in the Register of Geographical Indications Agents.-The continuance of a person's name in the Register of Geographical Indications Agents shall be subject to his payment of the fees prescribed in **Form GI-8**.

111. Removal of agent's name from the Register of Geographical Indications Agents.-

(1) The Registrar shall remove from the Register of Geographical Indications Agents the name of any registered Geographical Indications Agent-

(a)from whom a request has been received to that effect ; or

(b) from whom the annual fee has not been received on the expiry of three months from the date on which it became due.

(2) The Registrar shall remove from the Register of Geographical Indications Agents the name of any registered Geographical Indications agent-

(a)who is found to have been subject at the time of his registration, or thereafter has become subject to any of the disabilities stated in clauses (i) to(vi) of rule 105; or

(b) whom the Registrar has declared not to be a fit and proper person to remain in the Register by reason of any act of negligence, misconduct or dishonesty committed in his professional capacity;

(c)whose name has been entered in the register by an error or on account of misrepresentation or suppression of material fact:

Provided that before making such declaration under clause (b) and (c) the Registrar shall call upon the person concerned to show cause why his registration should not be cancelled and shall make such further enquiry, if any, as it may consider necessary.

- (3) The Registrar shall remove from the Register of Geographical Indications Agents the name of any registered geographical indications agent who is dead.
- (4) The removal of the name of any person from the Register of Geographical Indications Agents shall be notified in the Official Gazette and in the Journal and shall, wherever possible, be communicated to the person concerned.

112. Power of Registrar to refuse to deal with certain agents. (1) The Registrar may refuse to recognise-

- (a) any individual whose name has been removed from, and not restored to the Register;
 - (b) any person, not being registered as a Geographical Indications Agent, who in the opinion of the Registrar is engaged wholly or mainly in acting as agent in applying for geographical indications in India or elsewhere in the name or for the benefit of the person by whom he is employed;
 - (c) any company or firm, if any person whom the Registrar could refuse to recognise as agent in respect of any business under these rules, is acting as a director or manager of the company or is a partner in the firm.
- (2) The Registrar shall also refuse to recognise as agent in respect of any business under this rule any person who neither resides nor has a place of business in India

113. Restoration of removed names. -The Registrar may, on an application made on **Form GI-8** within six months from the date of removal of his name from the Register of Geographical Indications Agent accompanied by the fee specified in the First Schedule from a person whose name has been removed under clause (b) of sub-rule(1) of rule 111, restore his name to the Register of Geographical Indications Agent and continue his name therein for a period of one year from the date on which his last annual fee became due.

114. Alteration in the Register of Geographical Indications Agents.- (1) A registered Geographical Indications Agent may apply for alteration of his name, address of the place of residence, address of the principal place of business or qualifications entered in the Register of Geographical Indications Agent. On receipt of such application the Registrar shall cause the necessary alteration to be made in the Register of Geographical Indications Agent.

(2) Every alteration made in the Register of Geographical Indications Agents shall be notified in the Journal.

115. Publication of the Register of Geographical Indications Agents.- The Register of Geographical Indications Agents shall be published from time to time and a complete list thereof at least once in two years in the Geographical Indications Journal as the Registrar may deem fit, the entries being arranged in the alphabetical order of the surnames of the registered Geographical Indications Agent and copies thereof shall be placed on sale.

116. Appeal.- An appeal shall lie to Intellectual Property Appellate Board from any order or decision of the Registrar in regard to the registration of Geographical Indications Agents under Part II of these rules, and the decision of the Appellate Board shall be final and binding.

THE FIRST SCHEDULE
[See rule 10(1)]

No. of Entry	On what payable	Amount in Rupees	Corresponding Form Numbers
(1)	(2)	(3)	(4)
1A	On application for the registration of a geographical indication for goods included in one class [Section 11(1), rule 23(2)].	5,000	GI-1
1B	On application for the registration of a geographical indication for goods included in one class from a convention country[Section 11(1), 84(1), rule 23(3) .	5,000	GI-1
1C	On a single application for the registration of a geographical indication for goods in different classes [Section 11(3) rule 23(5)].	5,000 for each class	GI-1
1D	On a single application for the registration of a geographical indication for goods in different classes from a convention country [Section 11(3), 84(1), rule 23(4)].	5,000 for each class	GI-1
2A	On a notice of opposition to the registration of a geographical indication under section 14(1) or an opposition to an authorised user Section 17(3)(e).	1,000 for each class	GI-2
2B	On a counter-statement in answer to a notice of opposition under section 14(2) or 17(3)(e) for each application opposed and in answer to an application under section 27 in respect of each geographical indication or in answer to a notice of opposition under section 29.	1,000	GI-2
2C	On application for extension of time for filing notice of opposition. [Section 14(1), 17(3)(e), 29(2), rule 41(5)]	300	GI-2
3A	On application for the registration of an authorised user of a registered geographical indication under section 17, Rule 56(1)	500	GI-3
3B	On request for issuance of a registration certificate as an authorised user, Rule 59(1)	100	GI-3
3C	For renewal of an authorised user 18(2), rule 60(1)	1,000	GI-3
4A	For renewal under section 18(1) of the registration of a geographical indication at the expiration of the last registration. Rule 60(1).	3,000	GI-4
4B	On application under section 18(5) for restoration of geographical indication or an authorised user removed from the Register. rule 63.	1000 plus applicable renewal fee	GI-4
4C	On application for renewal under proviso to section 18(4) Proviso to rule 62 within six months from the expiration of last	3,500	GI-4

	registration of geographical indication.		
5A	On request for alteration of the address of the principal place of business or of residence in India or of the address in the home country abroad in the Register of Geographical Indications are authorised user, Section 28, rule 69.	300	GI-5
5B	On request to enter change in name or description of proprietor of geographical indication upon the Register.	300	GI-5
5C	On request for correction of any error in the name , address or description of the registered proprietor or the authorised user of a geographical indication. (Section 28(a)).	300	GI-5
5D	On application for the rectification of the register in Part B for the removal of an authorised user. Section 27, Rule 65.	1,000	GI-5
5E	On division of goods in a class or on division of an application made for registration of a geographical indication in different classes under proviso to Section 15, rule 23(7).	1,000	GI-5
5F	For a search under rule 22 in respect of one class.	500	GI-5
6A	On application under section 27 for rectification of the register or removal of a geographical indication or expunge or vary the Statement of the Case under rule 32(1) recorded in the Register or an authorised user from the register, Rule 65.	1,000	GI-6
6B	On application for leave to intervene in proceedings relating to the rectification of the Register or for the removal of a geographical indication or an authorised user from the Register. Rule 67 and 80(4).	500	GI-6
7A	On request for certificate of Registrar [other than a certificate under Section 69 or 78(1)]. Rule 96	300	GI-7
7B	Affidavit in support of statement of case or other documents required under the Act or rules.	Nil	GI-7
7C	On request for entry in the Register and advertisement of a note of certificate of validity of the Appellate Board. Rule 99.	200	GI-7
7D	On application for review of Registrar's decision.	500	GI-7
7E	On request to registrar for particulars of advertisement of a geographical indication	100	GI-7
7F	On request to Registrar for a duplicate or further copy of certificate.	200	GI-7
8A	Application for registration of a	1,000	GI-8

	geographical indications agent. Rule 107.		
8B.	On request for issuance of certificate as geographical indications agent. Rule 109.	1,000	GI-8
8C	For continuance of the name of a person in the Register of Geographical Indication Agent under rule 110; <ul style="list-style-type: none"> - For every year (excluding the first year) to be paid on 1st April in each year. - For the first year to be paid along with the fee for registration, in the case of a person registered at any time between the 1st April, and 30th September. N.B: A year for this purpose will commence on the 1 st day of April and end on the 31 st day of March following.	1,000	GI-8
8D	On application for restoration of the name of a person to the Register of Geographical Indications under rule 113	1,000 plus continuance fee under entry No.8C	GI-8
9C.	On application for extension of time not being a time expressly provided in the Act or prescribed in the rules. Rule 83.	300	GI-9
9B.	On application for leave to add or alter a registered geographical indication [except where the application is made by an or of a public authority or in consequence of a statutory requirement. Section 29.	300	GI-9
9A.	On application to Registrar for additional protection to certain goods. Section 22(2), rule 77(1).	25,000	GI-9
10A	On application for cancellation of an entry in the Register or to strike out goods. (Section 28(c) or (d)).	300	GI-10
10B.	Form of authorisation of agent in a matter or proceedings under the Act. Section 76, Rule 20	Nil	GI-10
11	On petition (not otherwise charged) for obtaining the Registrar's order on any interlocutory matter in a contested proceeding.	500	
12.	For inspecting the document mentioned in Section 78(1)- <ul style="list-style-type: none"> a) relating to any particular geographical indication or authorised user thereof for every hour or part thereof; b) computer search (when made available) for every 15 minutes; c) Search of index mentioned in section 78 for every hour or part thereof. 	100 100 100	
13	For copying of documents (photocopy or typed) for every page or part thereof in excess of one page	10	

THE SECOND SCHEDULE
FORMS
[List of forms]

Form No.	Section of the Act	Title	Entry Number
(1)	(2)	(3)	(4)
GI-1	Section 11(1), rule 23(2)	Application for the registration of a geographical indication for goods included in one class	1A
GI-1	Sections 11(1), 84(1), rule 23(3)	Application for the registration of a geographical indication for goods included in one class from a convention country	1B
GI-1	Sections 11(3), rule 23(5)	A single application for the registration of a geographical indication for goods in different classes.	1C
GI-1	Sections 11(3), 84(1), rule 23(4)	A single application for the registration of a geographical indication for goods in different classes from a convention country .	1D
GI-2	Sections 14(1), 17(3)(e) Rule 41	Notice of opposition to the registration of a geographical indication or an opposition or an authorised user.	2A
GI-2	Section 14(2), 17(3)(e), 27 & 29, rule 43(1), 58, 72(2)	Form of counterstatement	2B
GI-2	Section 14(1), 17(3)(e), 29(2), rule 41(5), 72(2)	Application for extension of time for filing notice of opposition	2C
GI-3	Section 17(1), rule 56(1)	Application for the registration of an authorised user of a registered geographical indication.	3A
GI-3	Section 18(5), rule 59	Request for issuance of a registration certificate as an authorised user.	3B
GI-3	18(2), rule 60(1)	For renewal of an authorised user	3C
GI-4	Section 18(4), Rule 60	Renewal of the registration of a geographical indication at the expiration of the last registration.	4A
GI-4	Sections 18(5), rule 63	Application for restoration of geographical indication or an authorised user removed from the Register.	4B
GI-4	Proviso to section 18(4) Proviso to rule 62	Application for renewal within six months from the expiration of last registration of geographical indication.	4C
GI-5	Section 28, rule 69	On request for alteration of the address of the principal place of business or of residence in India or of the address in the home country abroad in the Register of Geographical Indications are authorised user.	5A
GI-5	28 (c)	Request to enter change in name or description of proprietor of geographical indication upon the Register.	5B
GI-5	28(a)	Request for correction of any error in the name , address or description of the registered proprietor or the authorised user	5C

		of a geographical indication.	
GI-5	Section 27, Rule 65	Application for the rectification of the register in Part B for the removal of an authorised user.	5D
GI-5	Rule 22	A request for search in respect of one class.	5E
GI-5	Proviso to Section 15, rule 23(7)	Division of an application made for registration of a geographical indication in different classes	5F
GI-6	Section 27	Application for rectification of the register or removal of a geographical indication or expunge or vary the Statement of the Case under rule 32(1) recorded in the Register from the register.	6A
GI-6	Rule 67 and 80(4)	Application for leave to intervene in proceedings relating to the rectification of the Register or for the removal of a geographical indication or an authorised user from the Register.	6B
GI-7	Section 69 or 78(1)]. Rule 96.	Request for certificate of Registrar [other than a certificate under Section 16(2)].	7A
GI-7	Rule 93	Affidavit in support of statement of case or other documents required under the Act or rules.	7B
GI-7	72, rule 99	Request for entry in the Register and advertisement of a note of certificate of validity of the Appellate Board.	7C
GI-7	63, rule 92	Application for review of Registrar's decision.	7D
GI-7	Rule 40	Request to registrar for particulars of advertisement of a geographical indication	7E
GI-7	Rule 55(2)	Request to Registrar for a duplicate or further copy of certificate.	7F
GI-8	Rule 107	Application for registration of a geographical indications agent	8A
GI-8	Rule 109.	On request for issuance of certificate as geographical indications agent	8B
GI-8	Rule 110.	For continuance of the name of a person in the Register of Geographical Indication Agent under rule 110; <ul style="list-style-type: none"> - For every year (excluding the first year) to be paid on 1st April in each year. - For the first year to be paid along with the fee for registration, in the case of a person registered at any time between the 1st April, and 30th September. N.B: A year for this purpose will commence on the 1 st day of April and end on the 31 st day of March following.	8C
GI-8	Rule 113	On application for restoration of the name of a person to the Register of Geographical	8D

		Indications under rule 113	
GI-9	22(2), rule 77	On application to Registrar for additional protection to certain goods.	9A
GI-9	29	Application for leave to add or alter a registered geographical indication [except where the application is made by an or of a public authority or in consequence of a statutory requirement]	9B
GI-9	64, rule 83	Application for extension of time not being a time expressly provided in the Act or prescribed in the rules.	9C
GI-10	28 (c) or (d)	Application for cancellation of an entry in the Register or to strike out goods.	10A
GI-10	76, Rule 20	Form of authorisation of agent in a matter or proceedings under the Act.	10B

THE THIRD SCHEDULE
Forms to be used by the Registrar

LIST OF FORMS

Form No.			Title
0-1	Section16(3)	..	Notice of non-completion of registration
0-2	Rule 55(1)	..	Certificate of registration of geographical indication
0-3	Rule 61 ..		Notice of expiration of last registration.
0-4	Rule 102	..	Certificate of registration of a person as a geographical indications agent.
O-5	Rule 55(1)		Notice of expiration of last registration of an authorised user.

FORM 0-1

**GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999**

Notice of non-completion of registration..

No.....

ice is hereby given as required by section 16(3) that the registration of the geographical indication , in respect of which application numbered as above was made on theday of20...., has not been completed by reason of default on the part of the applicant. Unless registration is completed within twenty-one days from the date of this notice, the application will be treated as abandoned.

All communications relating to this application may be sent to the following address in India:-

Dated thisday of200....

Registrar of Geographical Indications

To, _____

FORM 0-2

**GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999
Certificate of registration of geographical indication under Section 16(1) or of unauthorised user
under section 17(3)(e)**

Geographical Indication No.....
Authorised user No
Date.....

Certified that the Geographical Indication (of which a representation is annexed hereto) /authorised user has been registered in the register in the name ofin Class.....under NO.....as of the datein respect of

Sealed at my direction this:.....day of200.....

Registrar of Geographical Indications.

Registration is for 10 years from the date first above-mentioned and may then be renewed for a period of 10 years, and also at the expiration of each period of 10 years thereafter. .

This certificate is not for use in legal proceedings or for obtaining registration abroad.

FORM 0-3
GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999

Notice of expiration of last registration under Section 18(4) of Geographical Indications Act 1999
Agent

Registered geographical indication No.....

Class.....

Notice is hereby given as required in section 18(4) of the Geographical Indication Of Goods (Registration And Protection) Act,1999 that the registration of the aforesaid geographical indication will expire on..... and that the registration can be renewed for a further period of ten years on receipt in the Geographical Indication Registry of an application in the enclosed Form GI 4 accompanied by prescribed fee of Rs. 3,000 on or before the said date.

Dated this.....day of200_.

Registrar of Geographical Indications

FORM 0-4
GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999

Certificate of registration as Geographical Indication Agent

Rule-109

No...

This is to certify that

.....

.....

of

was registered on thisday of200.....in the Register of Geographical Indication Agent maintained under rule-102 Of Geographical Indication of Goods (Registration and Protection) Rules, 2002.

Registrar of Geographical Indications

FORM 0-5
GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999

Notice of expiration of last registration under section 18(4)

Registered authorised user No.....

Notice is hereby given as required under section 18(4) of the Geographical Indication Of Goods (Registration And Protection) Act,1999 that the registration of the aforesaid authorised user will expire on..... and that the registration can be renewed for a further period of ten years on receipt in the Geographical Indication Registry of an application in the enclosed Form GI 3 accompanied by the prescribed fee of Rs. 1,000 on or before the said date.

Dated.....day.....200-

Registrar of Geographical Indications

THE FOURTH SCHEDULE

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

THE FIFTH SCHEDULE
Scale of costs allowable in Rule 91 proceedings before the Registrar

Entry No.	Matter in respect of which costs to be awarded	Amount
1.	For one day's hearing involving examination of witnesses	Rs.1000
2.	For one day's hearing when there is no examination of witnesses	Rs. 500
3.	For adjournment of hearing granted on the petition of any party.	Rs.500 plus cost of resummoning the other parties' witness who were due to be examined on the day
4.	For striking out scandalous matter from an affidavit	Rs.200
5.	For attendance of witnesses - Subsistence allowance.... Travelling allowance...	Rs.500 (vide not below) fare by rail or steamer second class each way and if there is no rail or steamer communication Rs 5 or 2.50 per km. depending upon the rank and status of the witness.

Note: the rates of subsistence allowance and travelling allowance for witness shall vary according to the status of the witness subject to the maximum prescribed above.

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

*(To be filed in triplicate alongwith the Statement of Case accompanied
by five additional representation of the geographical indication)*

One representation to be fixed within the space and five others to be send separately

FORM GI-1

A	Application for the registration of a geographical indication in Part A of the Register Section 11(1), Rule 23(2) Fee: Rs. 5,000 (See entry No.1A of the First Schedule)
	Application for the registration of a geographical indication in Part A of the Register from a convention country Section 11(1), 84(1), rule 23(3) Fee: Rs. 5,000 (See entry No.1B of the First Schedule)

1. Application is hereby made by (a) _____ for the registration in Part A of the Register of the accompanying geographical indication furnishing the following particulars:
- Name of the Applicant:
 - Address:
 - List of association of persons/producers/organisation/authority:
 - Type of goods:
 - Specification:
 - Name of the geographical indication[and particulars]:
 - Description of the goods:
 - Geographical area of production and map:
 - Proof of origin[Historical records]
 - Method of Production:
 - Uniqueness:
 - Inspection Body:
 - Other:
- Along with the Statement of Case in Class (b)_____ (b)_____ in respect of (c)_____ in the name(s) of (d)_____ whose address is (e)_____ who claims to represent the interest of the producers of the said goods to which the geographical indication relates and which is in continuous use since _____ in respect of the said goods.
2. The application shall include such other particulars called for in rule 32(1) in the Statement of Case
3. All communications relating to this application may be sent to the following address in India:
4. 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 documentation

(5)SIGNATURE

NAME OF THE SIGNATORY
(IN BLOCK LETTERS)

C	A single application for the registration of a geographical indication in Part A of the Register for goods falling in different classes Section 11(3), rule 23(5) Fee: Rs. 5,000 for each class (See entry No.1C of the First Schedule)	
D	A single application for the registration of a geographical indication in Part A of the Register for goods falling in different classes from a convention country Section 11(3), rule 23(4) Fee: Rs. 5,000 for each class (See entry No.1D of the First Schedule)	
<p>1. 1. Application is hereby made by (a) _____ for the registration in Part A of the Register of the accompanying geographical indication furnishing the following particulars:</p> <ul style="list-style-type: none"> - Name of the Applicant: - Address: - List of association of persons/producers/organisation/authority: - Type of goods: - Specification: - Name of the geographical indication[and particulars]: - Description of the goods: - Geographical area of production and map: - Proof of origin[historical records] - Method of Production: - Uniqueness: - Inspection Body: - Other: <p>along with the Statement of Case in Class</p> <p>(i) class a in respect of b</p> <p>(ii) class a in respect of b</p> <p>(iii) class a in respect of b</p> <p>in the name(s) of c..... whose address is(d) who claim (s) to represent the interest of the producers of the goods to which the geographical indication relates and which geographical indication is used continuously since in respect of the said goods.</p> <p>2. The application shall include such other particulars called for in rule 32(1) in the Statement of Case</p> <p>3. All communications relating to this application may be sent to the following address in India:</p> <p>4. In the case of an application from a convention country the following additional particulars shall also be furnished</p> <p>a) Designation of the country of origin of the geographical indication</p> <p>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 documentation</p> <p style="text-align: right;">(5)SIGNATURE</p> <p style="text-align: right;">NAME OF THE SIGNATORY (IN BLOCK LETTERS)</p>		
<p><i>For instruction please see overleaf</i></p>		

GI-1A to 1D

The Registrar of Geographical Indications,
The office of Geographical Indications Registry.

- a). Strike out whichever is not applicable.
- b). The Registrars' direction may be obtained if the class of the goods is not known.
- c). Here specify the goods. Only goods included in one and the same class to be specified.
- d). Insert legibly the full name, description (occupation and calling and nationality of the applicant).
In the case of a body corporate or firm the country of incorporation or the names and descriptions of the partners composing the firm and the nature of registration, if any, as the case may be, should be stated. See rule 15.
- e) Signature of the applicant or his agent

C	Application for extension of time for giving notice of opposition Section 14(1), 17(3)(e) and 29(2)., Rule 41(5) Fee: Rs.300.00 (See entry No.2 (C) of the First Schedule)	
<p>In the matter of application No..... in class</p> <p>I(or We) (1).....hereby apply for extension of time of (2)..... for giving notice of opposition to the registration of the geographical indication or authorised user under the above number in the Geographical Indications Journal dated theday of20..</p> <p>The reasons for making this application are as follows:--</p> <p>All communications relating to this application may be sent to the following address in India:-</p> <p>Dated this day of20..</p> <p style="text-align: right;">Signature(3)..... NAME OF SIGNATORY IN BLOCK LETTERS</p>		
For instruction please see overleaf		

GI-2A

To,

The Registrar of Geographical Indications,
The office of Geographical Indications Registry.

1. State full name and address. An address for service in India should be given if the opponent has no place of business or of residence in India.
2. If registration is opposed on the ground that the geographical indication resembles a trade mark or a geographical indication already on the register the numbers and the journals in which it has been advertised are to be set out.
3. Signature of the opponent or of his agent.

GI-2B

1. State the full name and address as stated in the application for registration
2. Signature of the applicant or of his agent.

GI-2C

1. State full name & address.
2. Insert the period of execution required which shall not exceed one month beyond these months from the date of advertisement or re-advertisement, as the case may be, of the application in the Journal.
3. Signature of the applicant or of his agent

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-3**

A	Application for the registration of an authorised user Section 17(1), Rule 56(1) Fee : Rs.500/- (To be filed in triplicate accompanied by the agreement, if any, between the registered proprietor and the proposed authorised user or duly authenticated copy thereof, and other documents mentioned in rule 56 along with an affidavit setting forth particulars and statements required by rule 56 and with two copies of each of the aforesaid documents) (See entry No.3 (A) of the First Schedule)
----------	--

Application is hereby made by 1_____ who is (are) the registered proprietor(s) of the geographical indication 2_____ registered in class _____ in respect of goods _____ and _____ being the proposed authorised user in Part B of the Register of the above mentioned registered geographical indication . A statement of case of how the applicant claims to be producer is enclosed herewith. A copy of consent letter from the Registered Proprietor is enclosed/not enclosed .

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

4

4 SIGNATURE

B	Request for issuance of Registration Certificate as an Authorised User Section 16(2)17(3)(g), Rule 59(1) Fee: Rs.100 (See entry No.3B of the First Schedule).
----------	--

The Registrar is hereby requested under Section 17(3)(g)) read with rule 59(1) to issue the Authorised User Certificate in respect of application No. _____ for the registered geographical indication _____ under registered No . _____ in Class _____ in Part B of the Register.

Dated thisday of.....20.....

2.....
SIGNATURE

For instruction please see overleaf

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-3**

C	Renewal of registration of authorized user Section 18(2), rule 60(1) [Fee: Rs.1000.00] (See entry No.3C of the First Schedule)
----------	--

I(or We) (1).....hereby leave the prescribed fee of Rs..... for renewal of registration of the authorized user No..... in class The notice of renewal of registration may be sent to the following address in India:

Dated this day of20..

Signature(2).....
 NAME OF SIGNATORY IN
 BLOCK LETTERS

To
 The Registrar of Geographical Indications,
 The office of the Geographical Indications Registry.

- 1.Insert full name and address of the authorized user.
- 2.Signature of the authorized user or his agent.
- 3.State the name of the place of the appropriate office of the Geographical Indications Registry – See rule 4

Note – This form will be returned if it is filed more than six months before the expiration of the last registration.

To
The Registrar of Geographical Indications,
The office of Geographical Indication Registry.

GI-31A

1. Insert particulars of the registered proprietor.
2. Insert name and address
3. Signature of the Registered Proprietor/Producer or his agent

GI-3B

1. Signature of the Producer

GI-3C

1. Insert particulars of the registered proprietor
2. Signature of the producer or his agent

..

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-4**

A	Fee: Rs. 3,000 (See entry No.4A of the First Schedule) Renewal of registration of geographical indication Section 18(1), Rule 61
----------	---

I (or we) 2hereby leave the prescribed fee of Rs.....for renewal of registration of the geographical indication No.....in Class All communication relating to this application may be sent to the following address in India:-

Dated thisday of20.....

4

4 SIGNATURE

B	Restoration of geographical indication or an authorized user removed from the register for non-payment of renewal fee. Section 18(5) Rule 63. Fee: Rs.1,000/- plus the applicable renewal fee prescribed in entry Nos. 4A or 3C of the First Schedule
----------	--

I (or we) 'hereby apply that the geographical indication numbered.....in classbe restored to the register and the registration of the said geographical indication in the class aforesaid be renewed, and that the notice of restoration and renewal be sent to the following address in India.

Dated thisday of.....20.....

2.....
SIGNATURE

C	Fee: Rs.3500 (See entry No.4C of the First Schedule) Application for payment of surcharge towards renewal of a geographical indication under proviso to sub-section (4) of section 18.
----------	---

I (or we) ¹ the registered proprietor/s hereby made by apply for the renewal of registration of registered geographical indications No.....in class which has expired onand tender the prescribed surcharge in respect thereof and the renewal certificate be sent to the following address in India:-

Dated thisdayof 20...

Signature
Name of signatory in Block Letters

For instructions please see overleaf

To

The Registrar of Geographical Indications
The Office of the Geographical Indications Registry, Chennai

GI-4A

1. Strike out whichever is not applicable.
2. Insert here the name and address of the Registered Proprietor.
3. Signature of the registered proprietor or of his agent.

GI-4B

- 1.. Insert full name, address and nationality of the registered proprietor
2. Signature of the registered proprietor or of his agent

GI-4C

- 1.Insert here the full name and address of the Registered Proprietor.
- 2.Signature of the registered proprietor or of his agent.

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999**
(To be filed in triplicate)
FORM GI-5

A	<p>Request for alteration of the address of the principal place of business or of residence in India or of the address in the home country abroad in the Register of Geographical Indications are authorised user, Section 28, rule 69.</p> <p>Fee: Rs. 300/- (See entry No.5A of the First Schedule)</p>
----------	--

In the matter of geographical indication No.....registered in Class.....

I/We.....ofbeing the registered proprietor/ authorised user of the geographical indication numbered as above, request that the address of my(our) principal place of business (or residence) in India or address in my (our) home country abroad in the Register of Geographical Indications be altered to

The change of address was ordered by.....on theday of20..... An officially certified copy of the order is enclosed herewith.

All communications on this request may be sent to the following address in India.

Dated thisday of.....20.....

2.....
SIGNATURE

B	<p>Request to enter change of name or description of association of person or producers or any organisation or authority in whose name a geographical indication is registered. Section 28(b).</p> <p>Fee: Rs. 300 (See entry No.5B of the First Schedule)</p>
----------	---

I (or we) 'hereby request that my (or our) name (s) and description (s) may be entered in the Register of Geographical Indication as 2 proprietor (s)/ authorised user (s) of the geographical indication No.3..... registered in class

I am (we are) entitled to 3 the said geographical indication.

.....use the said Geographical Indication as authorised user(s). There has been no change in the actual proprietorships 2/identity of authorised user(s) of the said geographical indication, but 4

The entry at present standing in the register gives my (or our) name(s) and description (3) as follows:-

5 A copy of this request has been served upon the authorised user(s)/proprietor(s)

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

6.....
SIGNATURE

For instruction please see overleaf

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-5**

C

**Request for correction of any error in the name, address or description of the registered proprietor or the authorised user of a geographical indication. Section 28(a)
Fee: Rs.300
(See entry No. 5C of First Schedule)**

In the matter of geographical indication No.....registered in class

I (or we)of

being the registered proprietor 2 of the geographical indication numbered as above, authorised user

request that the address of my (our) principal place of business 2(or residence) in India or address in my(our) home country abroad in the Register of Geographical Indication be altered to

3The change of address was ordered by 4on the

day of20.....An officially certified copy of the order is enclosed herewith.

All communications relating to this application may be sent to the following address in India:-

All communications on this request may be sent to the following address in India.

Dated thisday of.....20.....

2.....
SIGNATURE

D

**Application for the rectification of the register in Part B for the removal of an authorised user. Section 27, and Rule 65.
Fee: 1,000 ((See entry No. 5D of First Schedule)**

In the matter of Geographical Indication No.....registered in the name of in Class.....

I (or We) ' hereby apply that the entry in the register in respect of the abovementioned authorised user of registered geographical indication No..... may be (removed)2 (rectified) in the following manner:-

The grounds of my (our) application are as follows:-

The 3.....Office of the Geographical Indications Registry has been entered in the register as the appropriate office in relation to this geographical indication.

No action concerning the geographical indication in question is pending in any Court

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

SIGNATURE

4

4 SIGNATURE

For instruction please see overleaf

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-5**

E	Application for the division of an application made for the registration of a geographical indication in different classes of goods. Proviso to Section 15 rule 23(7), 82(B) Fee: 1000 (See entry 5E of the First Schedule)
----------	--

In the matter of Geographical Indication No.....in Class..... in the name offiled on

I (or we)¹hereby request the Registrar to divide the application No..... or for the division of the registered geographical indication No. in class.....intoor for the division of a single application in.....class/ classes into in the following class or classes² or to divide the specification of goods or services in Class as indicated below:

.....
.....

A copy of the Registrar order on the request may be sent to the following address in India :-
Dated thisday of.....20.....

2.....
SIGNATURE

F	Fee: Rs.500.00 (See entry No.5F of the First Schedule) Request for search under rule 22
----------	---

The Registrar is hereby requested under rule 22 to search in class'in respect of2..... to ascertain whether any geographical indication are on record which resemble the trade mark sent or geographical indication herewith in triplicate. (each representation being mounted on a sheet of strong paper approximately 33 centimetres by 20 centimetres in size.)

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

SIGNATURE

4
4 SIGNATURE

For instruction please see overleaf

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry ,Chennai

GI-5A

1. Strike out word(s) not applicable.
2. Insert the name of the public authority ordering the change and the date thereof.
3. Signature of the registered proprietor/authorised user or of his agent.

GI-5B

1. Insert present name and address of registered proprietor or authorised user.
2. Strike out the words that are not applicable.
3. State the circumstances under which the change of name took place.
4. Strike out if not applicable.
5. Signature of applicant or of his agent.

Footnote: No fee, however, payable where the application for alteration or change of name is made as a result of an order of a public authority or in consequence of a statutory

GI-5C

1. Strike out word(s) not applicable.
2. Insert the name of the public authority ordering the change and the date thereof.
3. Signature of registered proprietor or of his agent.

Footnote: No fee is, however, payable in case the alteration is made as a result of an order of a public authority in India.

GI-5D

1. State full name, address and nationality. An address for service in India should be stated if the applicant has no place of business or of residence in India.
2. Strike out the word that is not applicable
3. Signature of the applicant or his agent

GI-5E

1. Insert the full name, address and nationality of the applicant.
2. Mention the goods or services and the class or classes in which it is to be registered in ascending numerical order.
3. Signature of the applicant or his agent

GI-5F

1. The Registrar's direction may be obtained if the class is not known.
2. Here specify the goods (in the class stated) in respect of which the search is to be made.
3. Signature of the applicant or his agent.

Footnote: No fee is payable in cases where the directions of the Central Government for exemption from payment of fee have been obtained.

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-6**

A	<p>Application for the rectification of the register or the removal of a geographical indication from the register or to expunge or vary the Statement of Case under rule 32(1) recorded in the Register. section 27, and Rule 65.</p> <p>Fee: Rs.1,000</p> <p>(See entry No. 6A in the First Schedule)</p>
----------	---

In the matter of Geographical Indication No..... registered in the name of in Class.....
I (or We) '..... hereby apply that the entry in the register in respect of the abovementioned Geographical Indication may be (removed)2 (rectified) in the following manner:-

The grounds of my (our) application are as follows:-

The 3.....Office of the Geographical Indication Registry has been entered in the register as the appropriate office in relation to this geographical indication.
No action concerning the geographical indication in question is pending in any Court

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

SIGNATURE 4

4 SIGNATURE

B	<p>Application for leave to intervene in proceedings relating to the rectification of the register or the removal of a geographical indication from the register or the cancellation of an authorised user of a geographical indication from the register. Rule 67, 80(4).</p> <p>Fee: Rs. 500</p> <p>(See entries No.6B of the First Schedule)</p>
----------	---

In the matter of the Geographical Indication No..... registered in the name ofin class

I (we)'...... hereby apply for leave to intervene in the proceedings relating to the rectification or removal of the entry in the register in respect of the above mentioned geographical indication/additional protection under section 22(2)or cancellation of an authorised user.

My (our) interest in the Geographical Indication.....

A copy of the Registrar order on the request may be sent to the following address in India :-

Dated thisday of.....20.....

2.....
SIGNATURE

For instruction please see overleaf

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry, Chennai

GI-6A

1. State full name, address and nationality. An address for service in India should be stated if the applicant has no place of business or of residence in India.
2. Strike out the word that is not applicable
3. Signature

GI- 6B

1. State full name, address and nationality
2. Signature

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-7**

A	Request for certificate of the Registrar [Section 78(2)]. Fee: Rs. 300 (See entry No. 7A of the First Schedule)
----------	--

In the matter ' of geographical indication No. registered in Class
..... I (or we)2hereby request the Registrar to furnish me (us)
with his certificate to the effect that4.....
a certified copy

..... 3a certificate of the registration of geographical indication for use in obtaining
registration in5

..... **The certificate/certified copy be sent to the following address in India** A copy of the Registrar order on
the request may be sent to the following address in India :-

Dated thisday of.....20.....

2.....
SIGNATURE

B	Affidavit (only to be furnished where required by the Act or the rules) (See entry No. 7B of the First Schedule)
----------	---

I, 'ofdo hereby solemnly and sincerely declare that the particulars set out in the
statement of case, exhibit markedand left by me in connection with [2]..... in respect of the
geographical indication No.....in classare true and comprise every material fact and document
affecting the present proprietorship of the geographical indication, to the best of my knowledge, information and belief.

Dated thisday of20.....

SIGNATURE

4

4 SIGNATURE

C	Request for entry in the register and advertisement of a notice of certificate of validity by the Appellate Board Under rule 99 Fee: 200/- (See entry No. 7C of the First Schedule)
----------	--

In the matter of geographical indication No.....registered in class in the name of
.....

I or(we)' hereby request the Registrar to add to the entry relating to the above
numbered geographical indication in the register, and to advertise in the Geographical Indication Journal, a note that in 2
.....

.....
the Appellate Board certified that the validity of the said registration came into question and was decided in favour of the
proprietor of the geographical indication in the terms of accompanying officially certified copy of the certificate of validity.

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

SIGNATURE

4

4 SIGNATURE

For instruction please see overleaf

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-7**

D	Application for review of Registrar's decision Section 60(c) Rule 92 Fee: 500 (See entry 7D of the First Schedule)
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In the matter of '.....'
I (or we)2 being the in the above matter hereby apply to the Registrar for the review of this decision dated the day of20....., in the above matter.

The grounds for making this application are set forth in the accompanying statement

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

4

4 SIGNATURE

E	Request to Registrar for particulars of advertisement of a geographical indication, Rule 40 Fee: 100 (See entry 7E of the First Schedule)
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I (or we)' hereby request that I (or we) may be informed of the number, date and page of the Journal in which the geographical indication sought to be registered under Application No.....in the name ofis advertised

The information may be sent to the following address in India 2-

Dated thisday of20.....

3.....

SIGNATURE

NAME OF SIGNATORY
IN BLOCK LETTERS

F	Fee: Rs. 200 (See entry No. 7F) Request for duplicate or further copy of the certificate of registration /authorised user rule 55(2)/59(3).
----------	--

(If the applicant had furnished a label for advertisement, this Form must be accompanied by one unmounted representation of the geographical indication exactly as shown in the Form of application at the time of registration)

I (or we)'.....request the Registrar to furnish me (us) with 3 duplicate /further copy of the certificate of registration issued to me (us) under sub-section (2) of section 16 in respect of my (our) geographical indication NO. registered in classin the Register.

Dated thisday of20.....

4

SIGNATURE

4 SIGNATURE

For instruction please see overleaf

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry, Chennai

GI-7A

1. Insert name, address and nationality of the person making the request.
2. Set out the particulars which the Registrar is required to certify or state particulars of the document of which a certified copy is required.
3. Insert the name of country or state.
4. Signature

GI-7B

1. Insert full name, address and nationality of deponent.
2. Insert particulars of the proceedings concerned.
3. To be signed here by the person making the declaration.
4. Signature and title of authority before whom affidavit is taken. In India affidavit may be taken before any Court or person having by law authority to receive evidence or before an officer empowered by a Court to administer oath. Outside India affidavit may be taken before a Diplomatic or Consular Officer within the meaning of the Diplomatic and Consular officers (Oaths and Fees) Act, 1948, of such country or place or before a Notary of the place if the notarial acts done by notaries of the place have been recognised by the Central Government under Section 14 of the Notaries Act, 1952.
To be stamped under the law for the time being in force.

GI-7C

1. State the name and address of the registered proprietor.
2. State the nature of the proceedings with the names of the parties to them, in which the certificate was given.
3. Signature.

GI-7D

1. Here Insert the words and reference number identifying the matter in respect of which the application is made.
2. State full name and address.
3. Signature.

GI-7E

1. State full name and address.
2. Signature.

GI-7F

1. Insert the name and address of the registered proprietor.
2. Strike out whichever is not applicable.
3. Signature of the registered proprietor or the authorised user of his agent.

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-8**

A

**Application for registration as a Geographical Indications Agent,
Rule 107**

To be filed in triplicate)

Fee:Rs. 1,000

(See entry No. 8A of the First Schedule)

I beg to apply for registration as a trade marks agent under THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) RULES, 2000

1 A certificate of character from..... is enclosed herewith.

I, hereby declare that I am not subject to any of the disabilities stated in clauses (i), (ii),(iii),(iv),(v) and (vi) of rule 105 of the Geographical Indications of Goods (Registration and Protection) Rules, 2000 and that the information given below is true to the best of my knowledge and belief.

1. Name in full beginning with surname if any (in capital letters).....

2. Address of the place of residence.....

3. Principal place of business.....

4. Father's name.....

5. Nationality.....

6. Date and place of birth.....

7. Occupation in full.....

8. Particulars of qualifications for registration as a Geographical Indications Agent.....

9. Whether at any time removed from the Register of Geographical Indications Agent and if so the reason for such removal.

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

4

4 SIGNATURE

B	<p align="center">Request for issuance of Certificate as a Geographical Indications Agent</p> <p>Rule 109 Fee: Rs.1,000 (See entry No.8B of the First Schedule)</p>	
<p>The Registrar is hereby requested under rule 109 to issue the certificate as a Geographical Indication Agent as the applicant has become eligible and qualified to be a Geographical Indications Agent.</p> <p>All communications relating to this application may be sent to the following address in India:-</p> <p>Dated thisday of20.....</p> <p align="right">3..... SIGNATURE NAME OF SIGNATORY IN BLOCK LETTERS</p>		
C	<p align="center">Request for continuance of name in the Register of Geographical Indications Agent</p> <p>Rule 110 Fee. 1,000 (See entry 8C of First Schedule)</p>	
<p>The Registrar is hereby requested under rule 110 to issue a continuance of the name in the Register of Geographical Indication Agent for the period from _____ to _____</p> <p>All communications relating to this application may be sent to the following address in India:-</p> <p>Dated thisday of20.....</p> <p>SIGNATURE</p> <p align="right">4 4 SIGNATURE</p>		
D	<p align="center">Application for the restoration of the name of a person to the Register of Geographical Indications Agent (Rule 113)</p> <p align="center">(To be filed in triplicate) Fee: Rs. 1,000 plus continuance fee under (See entry No. 8D).</p>	
<p>I.....of..... hereby apply for the restoration of my name to the Register of Geographical Indication Agents in which my name was entered under No..... My name was removed on..... under rule 113 of the Geographical Indication of Goods Rules,2002.</p> <p>All communications relating to this application may be sent to the following address in India:-</p> <p>Dated thisday of20.....</p> <p>SIGNATURE</p> <p align="right">4 4 SIGNATURE</p>		
<p>For instructions please see overleaf</p>		

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry, Chennai

GI-8A to GI-8D

1. The certificate testifying to the character of the candidate should be from a person not related to the candidate and being a District Magistrate, a Chief Presidency Magistrate or the Chief Administrative Officer of the District where the candidate usually resides, or from any other person whom the Registrar may consider fit.
2. Either original diplomas, certificates and other documents in support of qualifications claimed, or copies thereof duly attested by a magistrate, a notary public or a J.P. must be sent with the application.

Particulars such as the amount of experience in the Geographical Indications Registry or with a commercial firm of repute, may be specified.

3. Signature

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-9**

A	<p>Application for additional protection for certain goods. Section 22(2), rule 77</p> <p style="text-align: center;">Fee: Rs.25,000.00 (See entry No. 9A of the First Schedule)</p>	
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I(or We) (1).....being the registered proprietor of the geographical indications
..... in classhereby apply for additional protection under Section 22(2) of the Act.
The statement of case required to be submitted under rule 77(1) is enclosed with.
All communications relating to this application may be sent to the following address in India:-

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

4

4 SIGNATURE

B	<p>Application by registered proprietor under Section 29 for an addition or alteration of a registered geographical indication.</p> <p>Fee: Rs.300/- See entry No.9B of the First Schedule and footnote below.</p>	
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In the matter of geographical indication No.....registered in class

Application is hereby made by (1)..... being the registered proprietor(s) of the registered
Geographical Indication numbered as above for leave to add or alter the said geographical indication in the following
particulars, that is to say (2).....

Five copies of the geographical indication as it will appear when altered are filed herewith.
(3) A copy of this application and a copy of the geographical indication as it will appear when so altered has
been published in two leading newspapers circulated in the area (copy enclosed)

All communications relating to this application may be sent to the following address in India:-

Dated this day of20..

Signature(4).....
NAME OF SIGNATORY IN
BLOCK LETTERS

C	Fee: 300 (See entry 9C of the First Schedule) Application for extension of time [not being a time expressly provided in the Act or prescribed by rule] Section 64 rule 83(1).	
<p>In the matter of '.....</p> <p>I (or we)2.....being the '..... in the above matter hereby apply for an extension of time of 3.....for4.....on the following grounds:-</p> <p>All communications relating to this application may be sent to the following address in India:-</p> <p>Dated thisday of19.....</p> <p style="text-align: right;">5..... SIGNATURE NAME OF SIGNATORY</p>		
<i>For instruction please see overleaf</i>		

GI-9C

1. Identify the subject matter
2. State full name and address
3. Insert the period of extension required which shall not
4. State the purpose for which extension of time is required

**THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999
FORM GI-10**

A	<p>Application by registered proprietor of a geographical indication for the cancellation of entry thereof in the register or to strike out any goods or classes of goods from those in respect of which the geographical indication is registered. Section 28 (c) or (d). Fee: Rs. 300</p> <p style="text-align: center;">(See entries No.10A of the First Schedule)</p>	
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In the matter of geographical indication No.....Class.....
 Name of registered proprietor
 Address as entered in the register.....
 Application is hereby made by the aforesaid registered proprietor that the entry in the Register of geographical indication No.....in classmay be cancelled.

2A copy of the application has been served on the Authorised User(s)

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....

3.....
SIGNATURE
NAME OF SIGNATORY IN BLOCK
LETTERS

B	<p>Form of Authorisation of Agent in a matter or proceeding under the Act (Section 76 and rule 20)</p>	
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I(or we)' hereby authorise 2
 of
 to act as my (or our) agent for 3and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address,.

I (or we) hereby revoke all previous authorisations, if any, in respect of the proceeding.

All communications relating to this application may be sent to the following address in India:-

Dated thisday of20.....
 4

SIGNATURE
NAME OF SIGNATORY
IN BLOCK LETTERS

For instruction please see overleaf

To

The Registrar of Geographical Indication
The Office of the Geographical Indications Registry, Chennai

GI-10A

1. Strike out whichever is not necessary.
2. Strike out if not applicable.
3. Signature of the registered proprietor or of his agent.
4. Signature

..