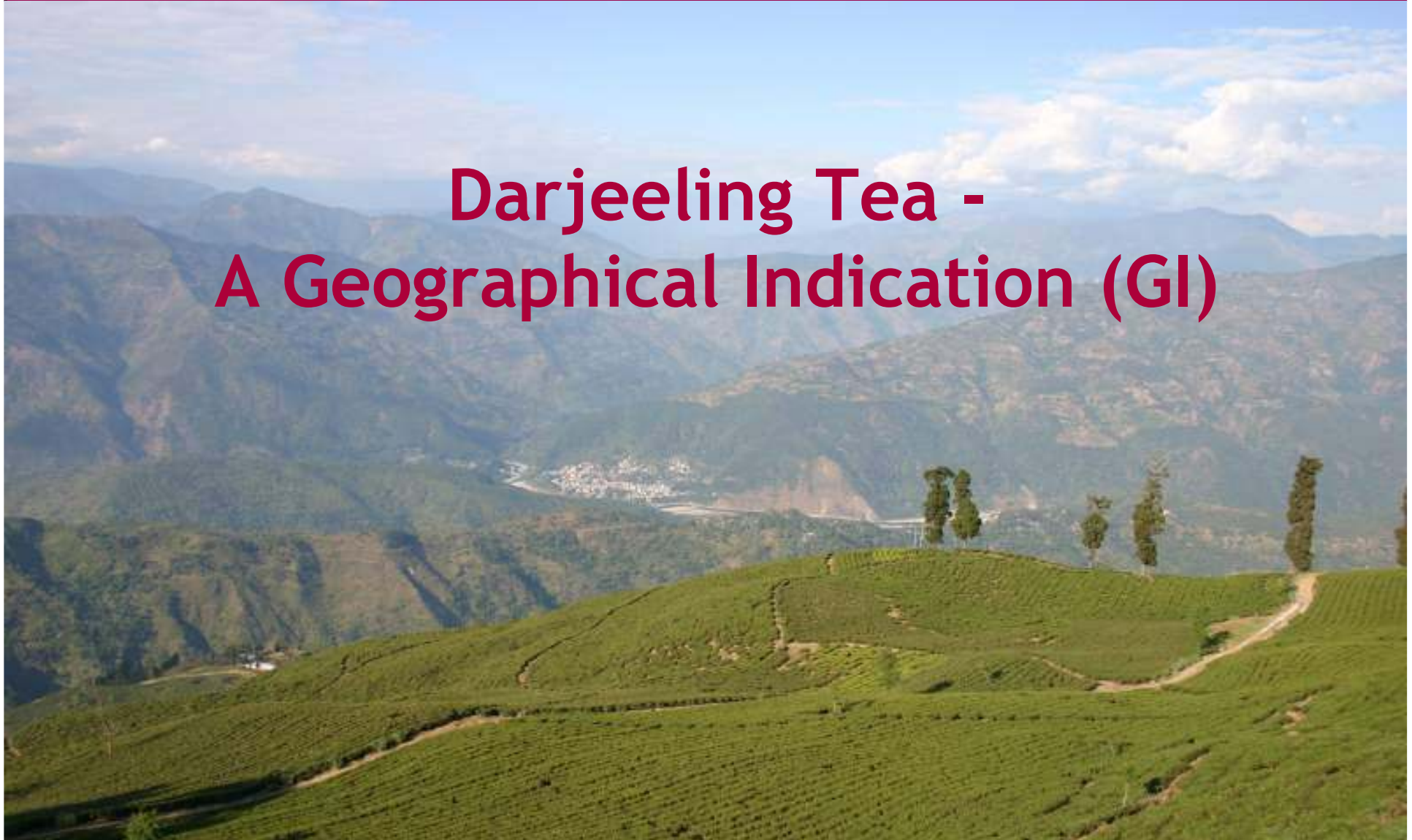


# Darjeeling Tea - A Geographical Indication (GI)



# WORLD TEA SCENARIO - 2010



5000

4000

3000

2000

1000

0

WORLD

INDIA

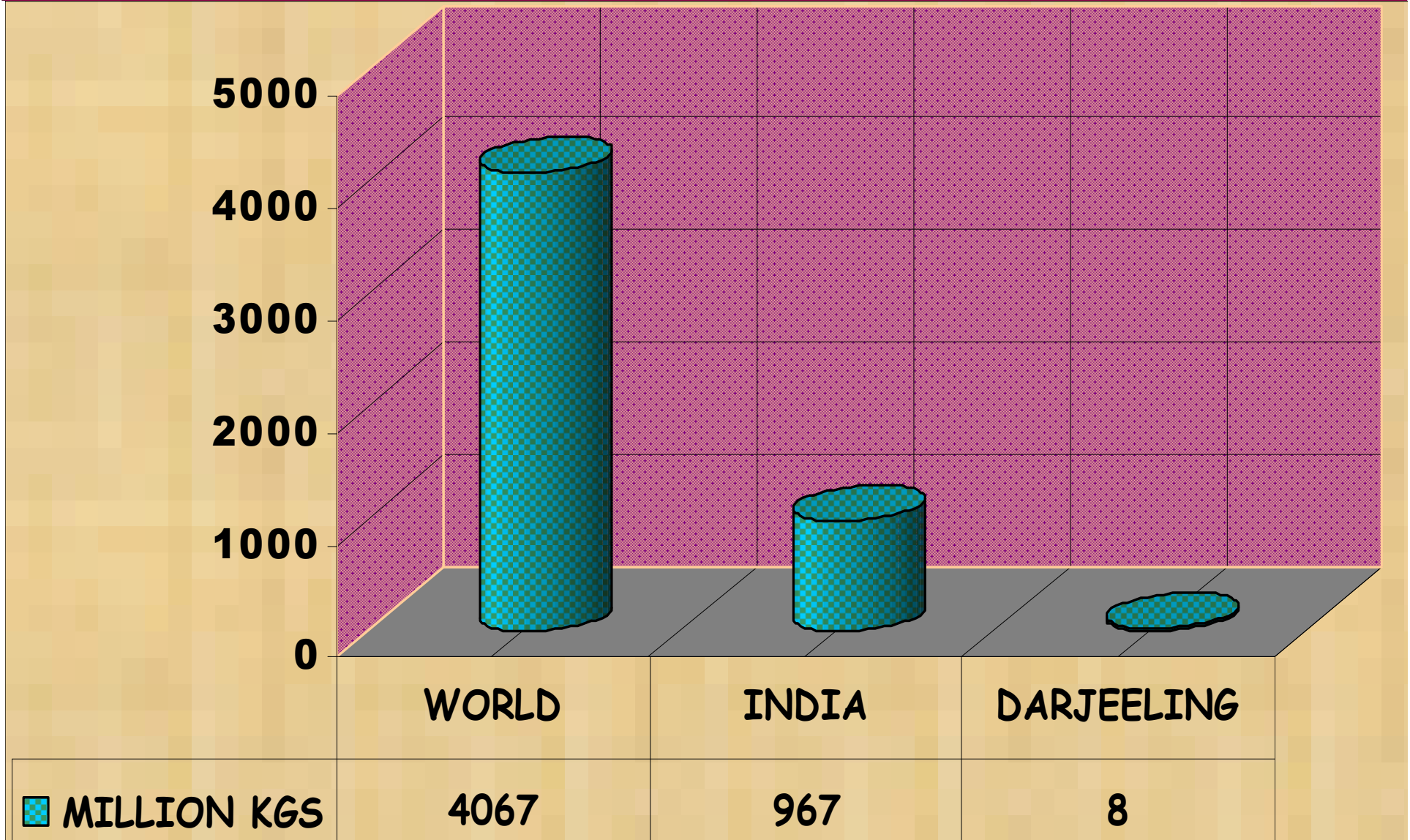
DARJEELING

■ MILLION KGS

4067

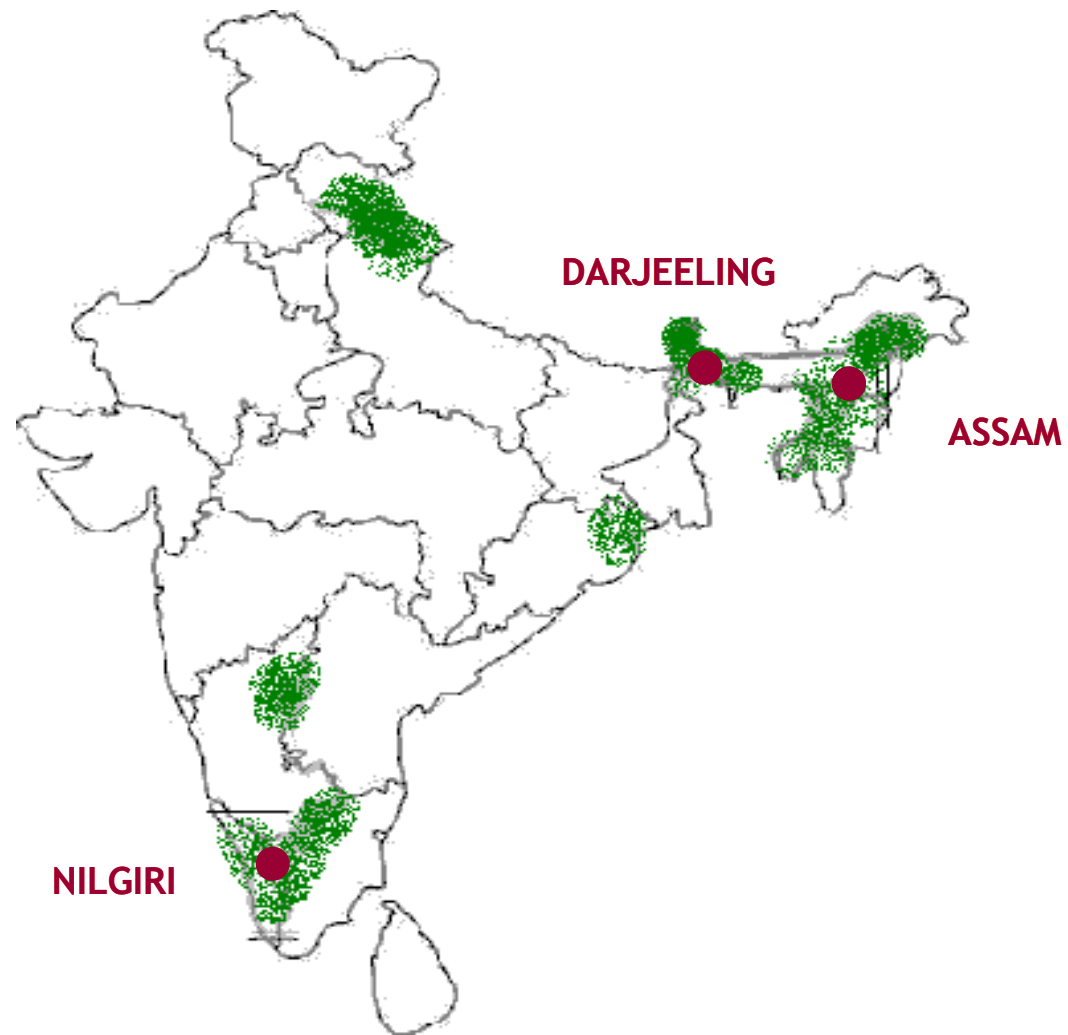
967

8



# TEA MAP OF INDIA

*Darjeeling*  
tea association





*Darjeeling*  
tea association



*Darjeeling*  
tea association



























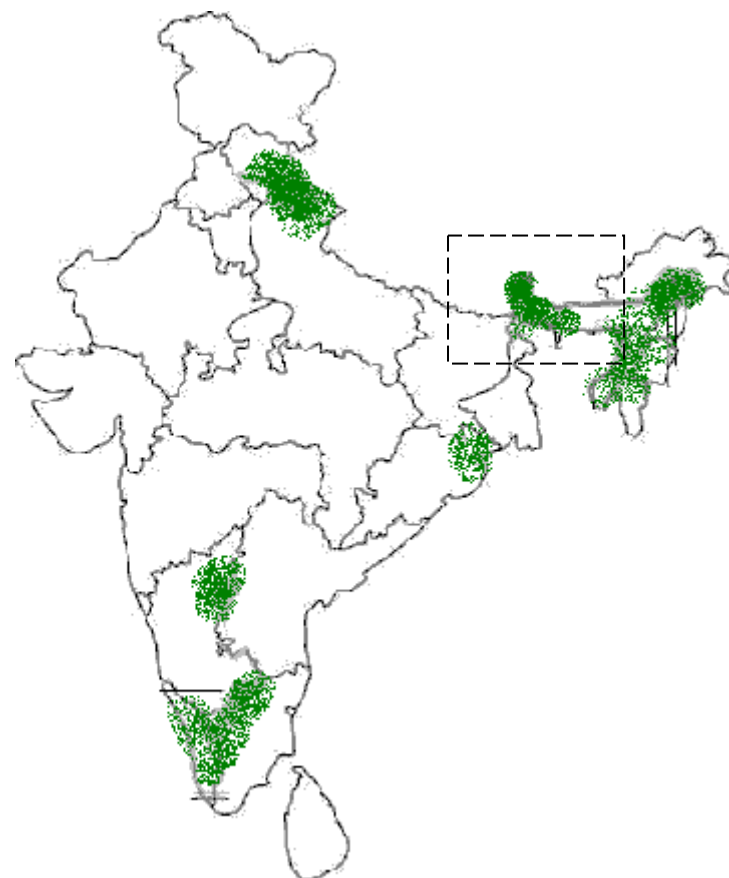




# Darjeeling Tea Industry



- Spread over 17,800 hectares
- Produces approx. 8 to 9 million kg tea
- 87 tea estates
- More than 1 Lakh workers, predominantly women
- **Main economic activity of the area**
- Over 70% is Exported





## **Darjeeling Tea : GI Story**

# Darjeeling Tea – A Geographical Indication (GI)



- Darjeeling tea goes back to 1830's
- Statutorily controlled by the Government as part of the Tea industry from 1933 under various enactments culminating in the Tea Act, 1953
- The Tea Board is vested with the authority to administer all stages of tea cultivation, processing & sale through various orders
- Cultivated currently in 87 designated gardens in the hills of Darjeeling district



# WHY IS DARJEELING TEA A GEOGRAPHICAL INDICATION (GI)?



- This is because it possesses a well-known flavour and quality which has won the patronage and recognition of discerning consumers all over the world for well over a century.

Due to the unique and complex combination of agro-climatic conditions Darjeeling tea has a *distinctive and naturally-occurring quality and flavour* which has won the patronage and recognition of discerning consumers all over the world for well over a century.

- The quality, reputation and characteristics of the tea is essentially attributable to its geographical origin and cannot be replicated elsewhere.





# Threats- Why was Protection necessary?



- *Adulteration*
- Poor Value Realization
- Consumer deception
- Damage of reputation



# Role played by the Tea Board & Industry



- ***Identification of opportunity*** to establish Darjeeling Tea as a Geographical Indication in the international arena - TRIPS Agreement of 1994.
- The initiative that was started in 2000 had very little precedent to follow.



# Objectives of the exercise



- To prevent *misuse* of the word “Darjeeling” for tea sold world-wide
- To deliver the correct product to the *consumer*
- To enable the commercial benefit of the equity of the brand to reach the industry



## Action undertaken by the Tea Board to meet these objectives



- **Legal** - establishment of *statutory backup* required to protect Darjeeling in case of misuse/ abuse/ infringements
- **Administrative** - Establishment of mechanism to protect *supply chain integrity* to determine the authenticity of teas sold as Darjeeling

# Legal



- ***Prior to 1997*** - Tea Board had registered the specialty logos in various jurisdictions within the legal framework available - a step in the right direction
- ***Post 1997*** - The legal protection and marketing effort required to make these entities relevant to consumers had to be ***recast*** under the ***auspices of the Trips Agreement***





# THE DARJEELING TEA STORY



- 1986 - The **DARJEELING** Logo created and registered in UK, USA, Canada, Japan, Egypt and under the Madrid Agreement covering Germany, Austria, Spain, France, Portugal, Italy, Switzerland and former Yugoslavia
- 1999 - Darjeeling Certified Trademark Protection Scheme
- 2004 - **DARJEELING TEA** registered as Geographical Indication as Sl. No. 1 & 2

प्ररूप O-2



बौद्धिक  
सम्पदा भारत



FORM O-2



INTELLECTUAL  
PROPERTY INDIA

भारत सरकार  
GOVERNMENT OF INDIA



भौगोलिक उपदर्शन रजिस्ट्री  
Geographical Indication Registry

वस्तुओं का भौगोलिक उपदर्शन (रजिस्ट्रीकरण तथा संरक्षण) अधिनियम, 1999  
Geographical Indication of goods (Registration and Protection) Act, 1999

खंड 16 (1) के अधीन भौगोलिक उपदर्शन अथवा धारा 17 (3) (c) के अधीन प्राधिकृत उपयोगकर्ता के रजिस्ट्रीकरण का प्रमाणपत्र  
Certificate of Registration of Geographical Indication under section 16 (1) or of authorised user under section 17(3)(c)

भौगोलिक उपदर्शन संख्या:  
Geographical Indication No.: 2

प्राधिकृत उपयोगकर्ता संख्या  
Authorised user No.:

दिनांक  
Date : 27.10.2003

प्रमाणित किया जाता है कि भौगोलिक उपदर्शन (जिसकी सहायकता इसके साथ उपरोक्त है) / प्राधिकृत उपयोगकर्ता  
टी बोर्ड, 14, बी. टी. एम. सरानी (ब्राबोर्न रोड)  
पी.ओ. बॉक्स सं. 2172, कोलकाता - 700 001, भारत

कें नाम से 30 वर्ग में 2 संख्या के अधीन 27.10.2003 दिनांक को

अथ

के लिए रजिस्टर में रजिस्ट्रीकृत किया गया है।

Certified that the Geographical Indication (of which a representation is annexed hereto) / authorised user has been registered in the register in the name of Tea Board, 14, B.T.M. Sarani (Brahourne Road) P.O. Box No.2172, Kolkatta - 700 001, India.

in class 30 under no. 2 as of the date 27.10.2003  
in respect of Tea

आज दिनांक 29 अक्टूबर माह 2004 को चेन्नई में मेरे निदेश पर मुद्रांकित किया गया।

Sealed at my direction this 29th day of October 2004. at Chennai.

रजिस्ट्रार, भौगोलिक उपदर्शन  
Registrar of Geographical Indication.

1.10.2004

# ENTRY MADE IN PART-A OF THE REGISTER



**THAT THE TEA BOARD IS THE REGISTERED  
PROPRIETOR OF THE G.I.  
DARJEELING TEA**

Date : 29.10.04  
Place: Chennai

*S. Chandrasekaran*  
**S. CHANDRASEKARAN**  
 Registrar of Geographical Indications

# A Historical Achievement



- The application for registration of DARJEELING as GI under ECR 510 in the European Union member countries was submitted to the European Commission on the 12<sup>th</sup> November 2007 at Brussels.





# Enforcement



- World Wide Watch agency **CompuMark** appointed to monitor conflicting marks
- Pursuant to the watch agency being appointed:
  - Instances of attempted registrations found
  - Some challenged through oppositions & cancellations and sometimes negotiations

# Enforcement



Tea Board has fought more than 15 cases against infringement and misuse of Darjeeling in the last four years including Sri Lanka where the Importer agreed to abide by the Regulations.

This is an effort that stems beyond areas where Darjeeling tea is exported.





# Landmark Legal Victories



## Republic of Tea , USA (2000 - 2006)

Tea Board was successful in seeking rejection of trademark application for DARJEELING NOUVEAU in the name of Republic of Tea (“ROT”) on the basis of its geographical certification marks for DARJEELING word and logo

The opposition had been filed by the Tea Board before the Trademark Trial and Appeal Board (TTAB) which has not only upheld Tea Board’s opposition but also denied ROT’s counterclaim for cancellation of the DARJEELING certification mark on grounds of genericness.

# Landmark Legal Victories



## Republic of Tea , USA (2000 - 2006)

The TTAB held that ROT had not proved that consumers view DARJEELING tea as a generic type, as opposed to tea from the Darjeeling region of India.

It also recognized Tea Board's continuing efforts to maintain control of the mark and protect its value as a geographic indication

The TTAB held that Regulations and licensing program put in place by the Tea Board constitute "adequate provisions for control."

It also placed great stock in the Tea Board's ongoing efforts to educate the public (e.g., by attending trade shows and distributing literature in supermarkets) as further evidence of the Tea Board's overall system of controlling consumer understanding.

# Landmark Legal Victories



## Dusong (Darjeeling with kettle device for stationery) France

- The Court of Appeal of Paris on November 22, 2006 quashed the decision of the Court of First Instance rendered in August 2005 wherein the action filed by the Tea Board for dilution of Darjeeling against adoption of the mark “Darjeeling with a kettle device” in respect of classes 16, 35 and 41 by Mr. Dusong.
- In its decision, the Court of Appeal, Paris held that Mr. Dusong’s mark impairs the geographical indication DARJEELING and is prejudicial to the Tea Board’s interests in the same. Accordingly the impugned mark was nullified. Mr. Dusong has been restrained from using the same in any connection whatsoever.

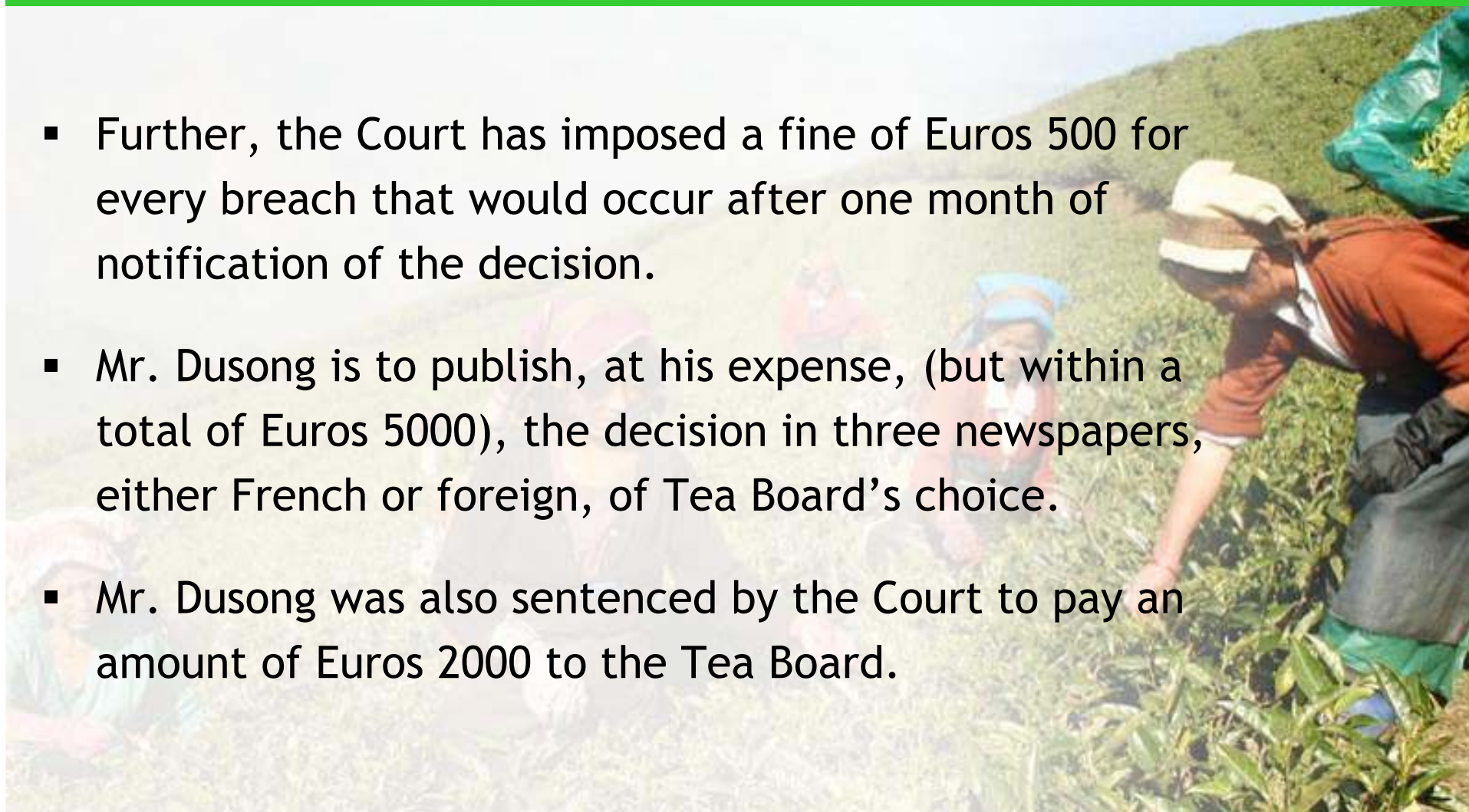


# Landmark Legal Victories



## Dusong (Darjeeling with kettle device for stationery) France

- Further, the Court has imposed a fine of Euros 500 for every breach that would occur after one month of notification of the decision.
- Mr. Dusong is to publish, at his expense, (but within a total of Euros 5000), the decision in three newspapers, either French or foreign, of Tea Board's choice.
- Mr. Dusong was also sentenced by the Court to pay an amount of Euros 2000 to the Tea Board.





# The Darjeeling Tea Story

## Steps Taken - Legal



- Marks opposed:- include DIVINE DARJEELING, DARJEELING, DARJEELING NOVEAU, - relating to diverse goods and services such as clothing, lingerie, telecommunication and internet services, coffee, cocoa etc.
- Use by BVLGARI, Switzerland of the legend “Darjeeling Tea fragrance for men” agreed to be withdrawn pursuant to legal notice and negotiations

# Trade Supply Chain Integrity System



- Introduced a trade chain management system for surveillance and monitoring of the supply chain and addressing traceability issues in the Darjeeling tea trade chain.
- Two computerized data collection centers have been setup in Darjeeling and Kolkata, connected through internet enabled services.



# Trade Supply Chain Integrity System

*Darjeeling*  
tea association





# Trade Supply Chain Integrity System

*Darjeeling*  
tea association





# Trade Supply Chain Integrity System

*Darjeeling*  
tea association



# Trade Supply Chain Integrity System

*Darjeeling*  
tea association



# Trade Supply Chain Integrity System



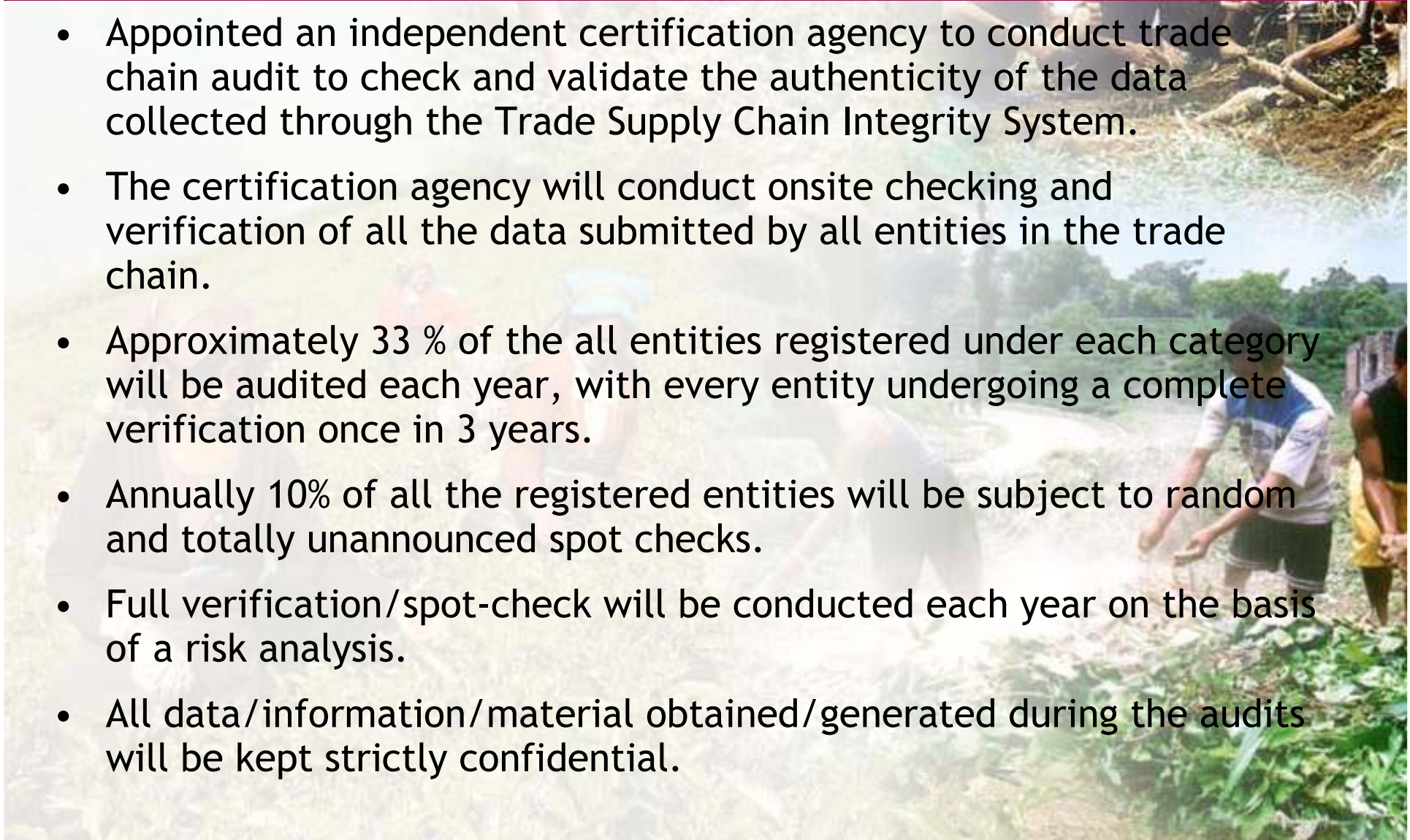
- The system entails computerized collection and validation of all plantation and processing related data, namely;
  - Daily green leaf plucking records
  - Daily area plucked records
  - Daily Manpower used records
  - Daily green leaf transfer/purchase records
  - Daily processing records
  - Daily invoice entry records
  - Daily dispatch records
- All 87 registered Gardens have been provided with customized software for the data entry and submission



# Trade Supply Chain Audit



- Appointed an independent certification agency to conduct trade chain audit to check and validate the authenticity of the data collected through the Trade Supply Chain Integrity System.
- The certification agency will conduct onsite checking and verification of all the data submitted by all entities in the trade chain.
- Approximately 33 % of the all entities registered under each category will be audited each year, with every entity undergoing a complete verification once in 3 years.
- Annually 10% of all the registered entities will be subject to random and totally unannounced spot checks.
- Full verification/spot-check will be conducted each year on the basis of a risk analysis.
- All data/information/material obtained/generated during the audits will be kept strictly confidential.





# The Darjeeling Tea Story

## Steps Taken - Legal



**All Darjeeling  
Tea leaving the  
shores of India  
today is  
guaranteed  
100% Darjeeling  
Tea**

# How all this is beneficial



Once legal and commercial interests in Darjeeling protected

Consumer perception of Darjeeling fostered as a luxury tea

Darjeeling tea would justifiably command a premium

Possible to compete on quality rather than quantity

Economic benefits for all stakeholders

# Challenges- Commodity to Brand



- Adulteration
- Limited Quantity
- Vast Market
- Old Trade Practices
- Market Access
- Consumer Awareness
- Bulk Packaging
- High Cost of Promotion & Distribution
- Enforcement
- Lack of Vision



## Initiatives by the Industry to overcome the challenges



- **Creating Niche (Organic)**
- **Trade Association's**
- **Co-Branding**
- **Retail Chains**
- **Single Estate Branding**
- **Generic Brand Promotion as GI**



# Need for promotion of GI



Promotion and protection go hand in hand, starting at the place of origin up to countries where protection is sought.

## The reasons :

- In settling GI protection/ infringement cases, Enforcement Authorities in different countries base their judgment on consumer perception vis a vis that particular GI amongst consumers of that country.
- There is need to create awareness through consumer campaigns on what Darjeeling Tea is and the implications of GI protection. This awareness generation to build on brand equity and make audiences at large understand the consequences of violation of regulations. Without this awareness GIs cannot be protected.

# Objectives



Promotion of Darjeeling Tea in the domestic market:

- Build on brand equity
- Create awareness of IPR protection
- Teach consumers how to assess the quality
- Establish a Darjeeling Community on the web for personalized interaction between growers, traders and consumers.



Cognac.



Champagne.



Darjeeling!

## Our very own Darjeeling tea joins the unique global elites.

The whole world now recognises the fact that this magical brew owes its unique eloquence to its place of origin, the misty hills of Darjeeling.

Darjeeling Tea\* has now been registered as a GI (Geographical Indication) in India. Which officially places Darjeeling Tea in esteemed company of a Cognac or a Champagne - other famous GIs.

The unique geographical conditions of Darjeeling help make its teas such a rarity. Just the way Cognac and Champagne are rare because they can only come from specific regions of France.

To celebrate this new rise in status for India, just raise your cup!

Any product that displays special qualities which are related to a certain geographic region is regarded as GI and is protected internationally.

- Article 23 of the World Trade Organisation (WTO)-TRIPS Agreement on 'Protection of Geographical Indications'



**Tea Board of India**  
(Ministry of Commerce  
and Industry)  
Govt. of India

[www.indiateaportal.com](http://www.indiateaportal.com)

\*Only tea that is cultivated, grown and produced in 87 designated tea gardens in the defined region of the district of Darjeeling can be called Darjeeling Tea. The DARJEELING marks are registered as certification marks under the Trade Marks Act, 1999, as Geographical Indications (GI) under the Geographical Indications of Goods (Registration and Protection) Act, 1999 and the DARJEELING logo is registered as an artistic work under the Copyright Act, 1957. Misuse of the marks or designs in a tea which is not drawn from any of the 87 gardens or which is a mixture of non-Darjeeling and Darjeeling teas and sold under and by reference to the name DARJEELING and/or DARJEELING logo constitute cognisable offences under the aforesaid acts and can attract criminal liability under the Indian Penal Code.

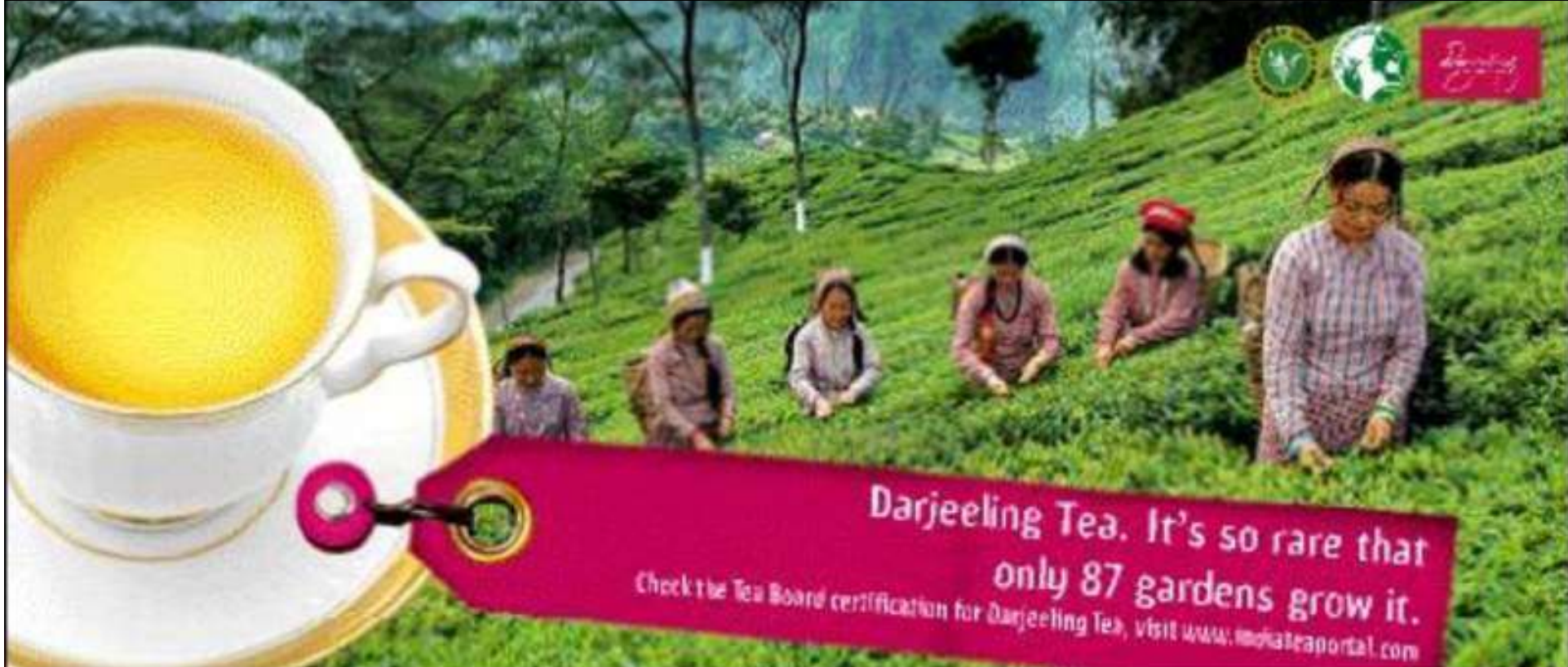






**Darjeeling Tea. Born in Darjeeling.  
Loved Worldwide!**

Check the Tea Board certification for Darjeeling Tea, visit [www.indiateaportal.com](http://www.indiateaportal.com)



**Darjeeling Tea. It's so rare that  
only 87 gardens grow it.**

Check the Tea Board certification for Darjeeling Tea, visit [www.indiateaportal.com](http://www.indiateaportal.com)





Darjeeling Tea. Produced in limited  
edition every year.

Check the Tea Board certification for Darjeeling Tea, visit [www.indiateaportal.com](http://www.indiateaportal.com)

YS FLIGHT



Darjeeling Tea. Produced in limited edition every year.  
Check the Tea Board certification for Darjeeling Tea, visit [www.infinetportal.com](http://www.infinetportal.com)



Give your child the world class education

BRITISH SCHOOL  
DARJEELING





**Darjeeling Tea. Born in Darjeeling.  
Loved Worldwide!**  
Check the Tea Board certification for Darjeeling Tea, visit [www.indiateaportal.com](http://www.indiateaportal.com)

# Objectives



There are over 38.5 million Indians online today, set to grow to over 100 million by 2008

Over 85% of these Online Indians are between 20-30 years old, SEC A+, A and B

This above group spends over 2-3 hours per day on the Internet, and has maximum buying potential

# Online Marketing objectives



- To push traffic to the India Tea website
- To arouse curiosity in Tea and Indian origin brands, promoting interaction with the online assets and the website
- To continually disseminate information about India Tea, and keep it top of mind for the domestic consumer
- Online registration and licensing of importers for the certification process



- 01 [Our History](#)
- 02 [Charisma of Darjeeling Tea](#)
- 03 [Experience Our Tea](#)
- 04 [Tea FAQs](#)
- 05 [Media Room](#)



...Indulge your senses.  
Savour the majestic muscatel flavour

**Welcome to Darjeeling TEA...**  
Darjeeling Tea is widely and universally acknowledged to be the finest tea because its flavour is so unique that it cannot be replicated. Connoisseurs will assert that without Darjeeling, Tea would be like Wine without the prestige of Champagne

[more →](#)

**Explore our TEA Gardens.....**  
Click here for a virtual walkthrough.

**Darjeeling TEA a Geographic Indication**  
Browse through our range of exotic tea.

**Tea Art...** Get interesting information about the art of plucking and processing Darjeeling Tea.  
**Share your thoughts with us.** Click for more.  
**Tea Time Recipes.** Click here for exciting recipes.



**What's New**  
Latest update on the launch of a new product. Click here for more.  
Get more info on Darjeeling tea history and its origin. Click here.



**Newsletter SIGN UP**  
Subscribe for daily alerts and updates. [▶▶](#)





# Impacts Commodity to Brand



- Technical correction by packers
- Consolidation of Supply Chain
- Extension of Supply Chain to Market Place
- Co-Branding
- Single Estate Brands



# Impacts

- Home Protection
- Full Economic Impact
- Trade Chain Audit
- Darjeeling Tea survived during the low with a stable curve
- Consolidation of ownership and new investments





*Thank you & We look forward to  
Welcome you in*  
**DARJEELING**

*Darjeeling*  
tea association