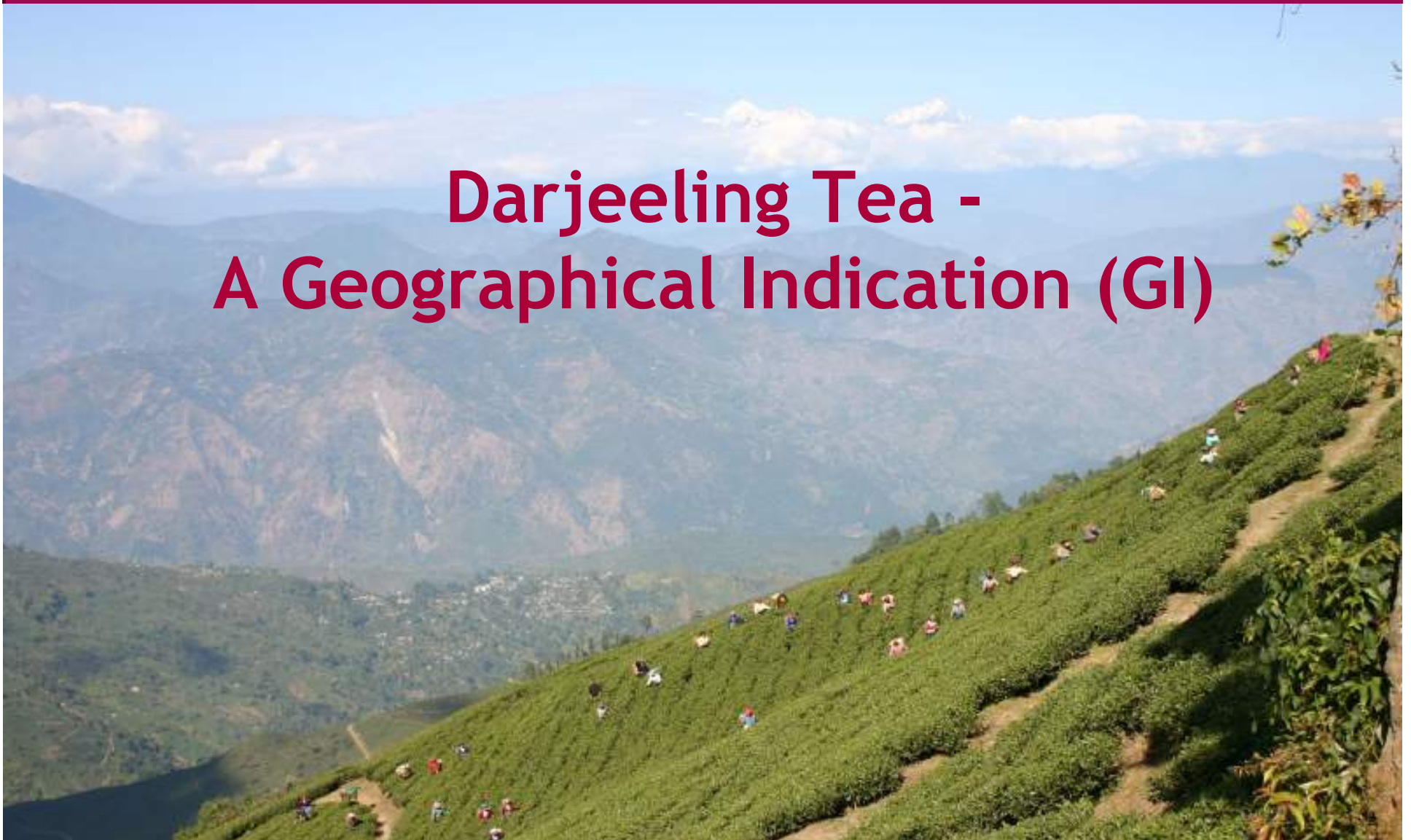
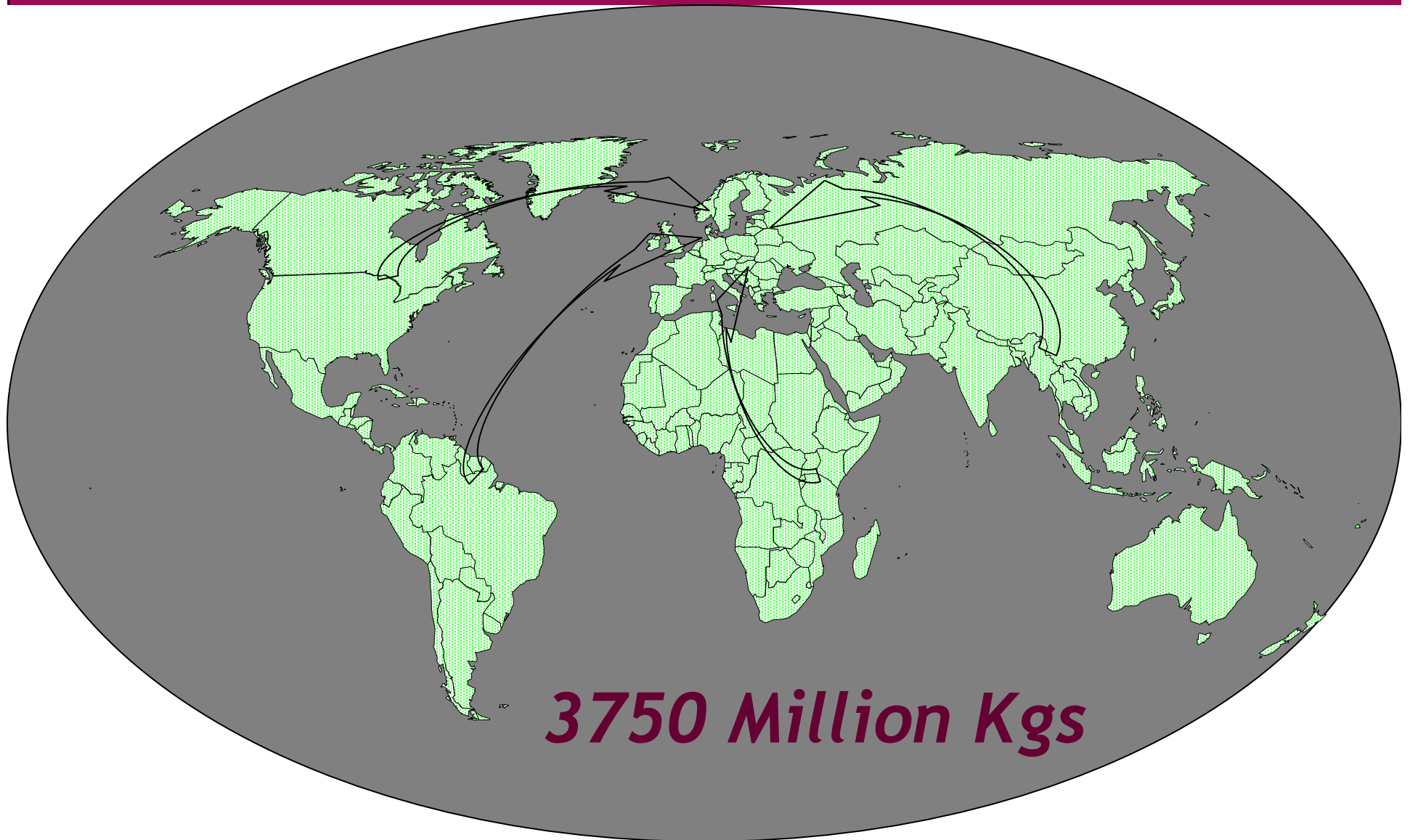


*Darjeeling*  
tea association

# Darjeeling Tea - A Geographical Indication (GI)

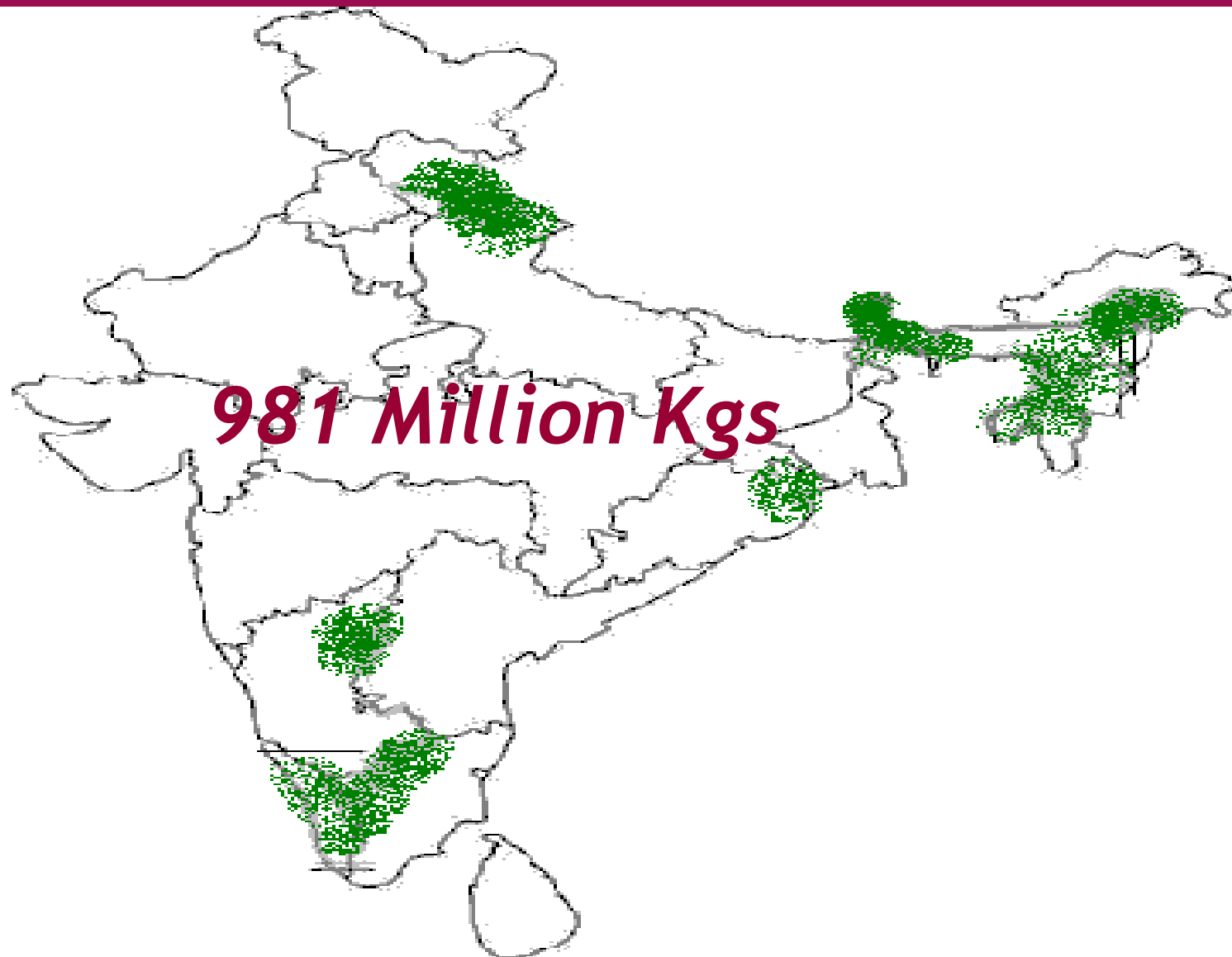


# World' Tea Production



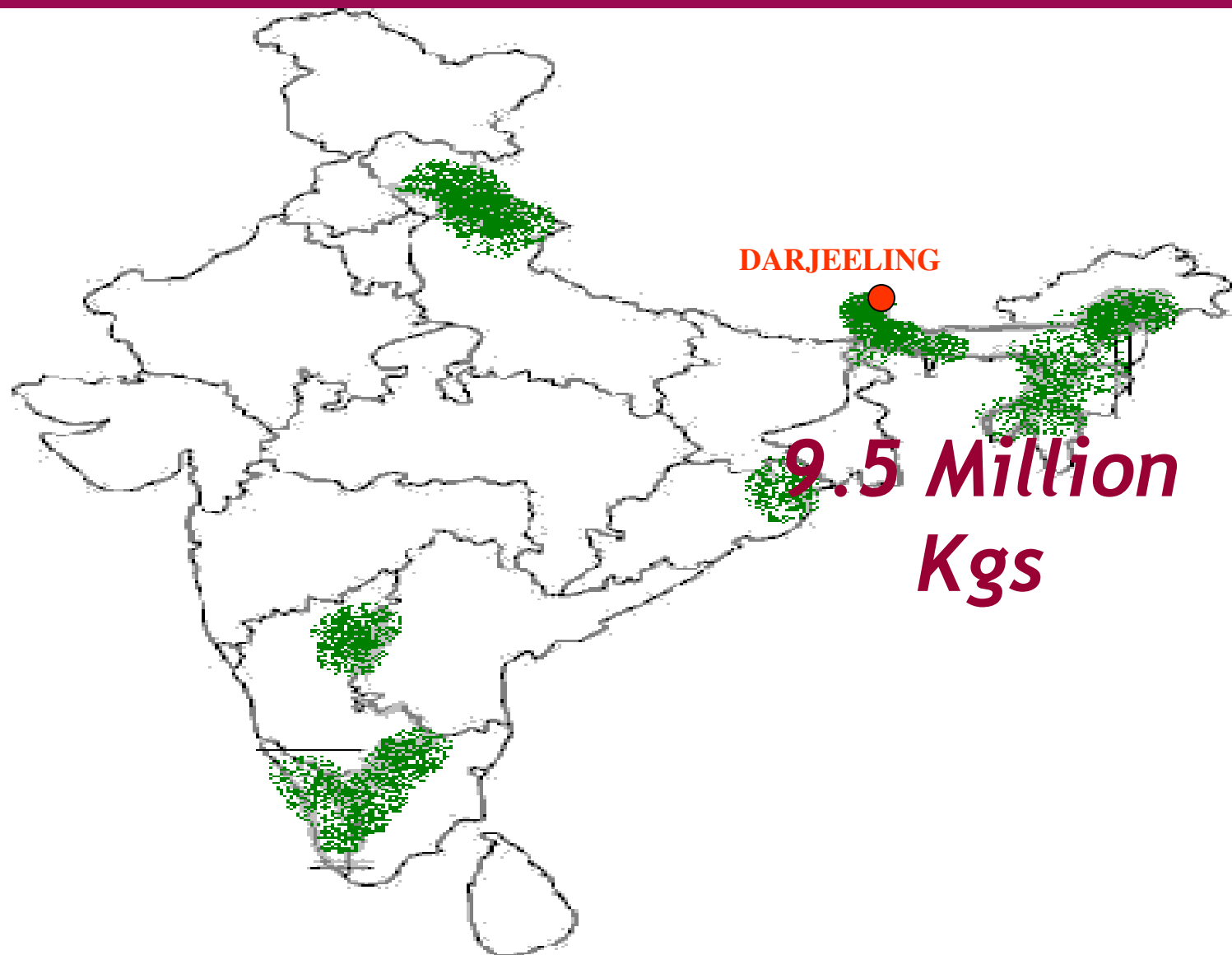
# *India's Tea Production*

*Darjeeling*  
tea association





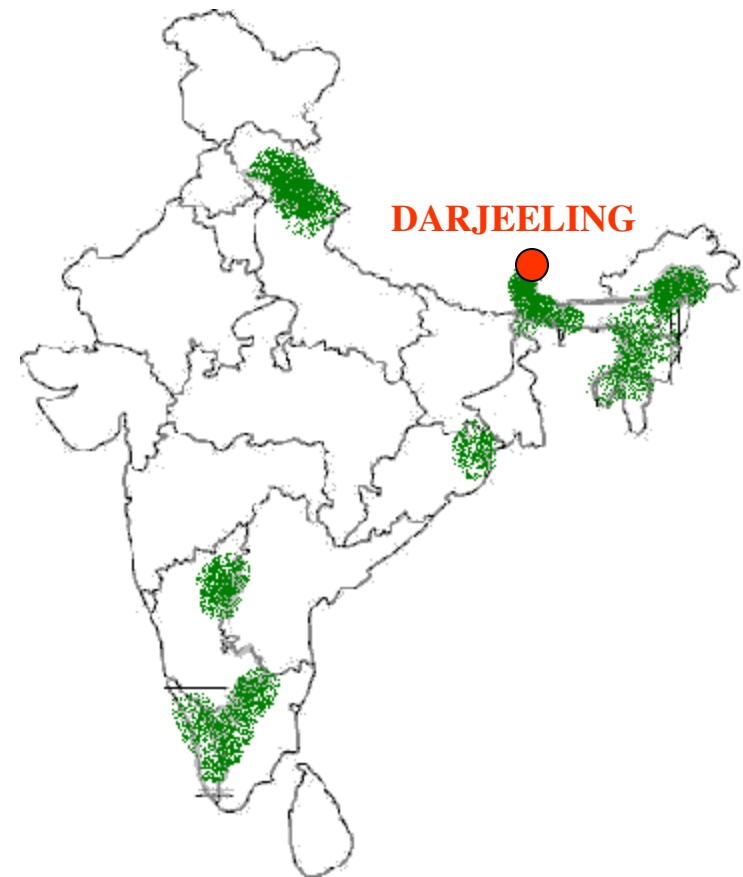
# ***DARJEELING - A Niche in Tea***



# Darjeeling Tea Industry



- Spread over 17,800 hectares
- 87 designated tea Gardens
- Employing 1 Lakh workers, predominantly women
- Socially Responsible Industry
- Main economic activity of the area































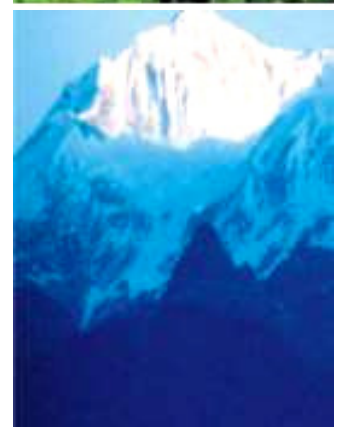




# Darjeeling Tea - A Geographical Indication (GI)



- Darjeeling tea was 1<sup>st</sup> planted in the 1800's
- Tea Industry has been statutorily controlled by the Government from 1933 under various enactments culminating in the Tea Act, 1953
- The Tea Board of India 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.





# Role played by the Tea Board & Industry



- To develop parameters & benchmark by the industry to define Darjeeling tea
- *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 Darjeeling logo 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
- 2004 - DARJEELING TEA registered as Geographical Indication as Sl. No. 1 & 2

प्ररूप O-2

बौद्धिक  
सम्पदा भारतभारत सरकार  
GOVERNMENT OF INDIA

FORM O-2

INTELLECTUAL  
PROPERTY INDIAभौगोलिक उपदर्शन रजिस्ट्री  
Geographical Indication Registryवस्तुओं का भौगोलिक उपदर्शन (रजिस्ट्रीकरण तथा संरक्षण) अधिनियम, 1999  
Geographical Indication of goods (Registration and Protection) Act, 1999घाटा 16 (1) के अधीन भौगोलिक उपदर्शन तथा घाटा 17 (3) 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.: 2प्राधिकृत उपयोगकर्ता संख्या  
Authorised user No.:दिनांक  
Date : 27.10.2003प्रमाणित किया जाता है कि भौगोलिक उपदर्शन (जिसकी सहायकता इसके साथ उपाबद्ध 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 वर्ष 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 (Brahbourne Road) P.O. Box  
No.2172, Kolkatta - 700 001, India.in class 30  
in respect of Tea.

under no. 2

as of the date 27.10.2003

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.

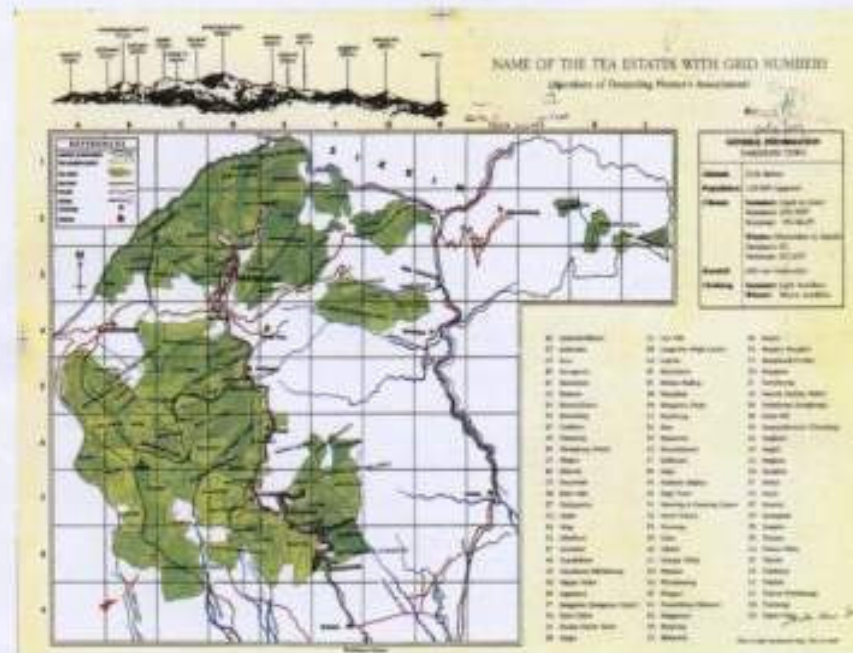
  
रजिस्ट्रार, भौगोलिक उपदर्शन  
Registrar of Geographical Indication.

# ENTRY MADE IN PART-A OF THE REGISTER

G.I-2



(Logo)



**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 Step



- The application for registration of DARJEELING as PGI 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 20 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



## 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.

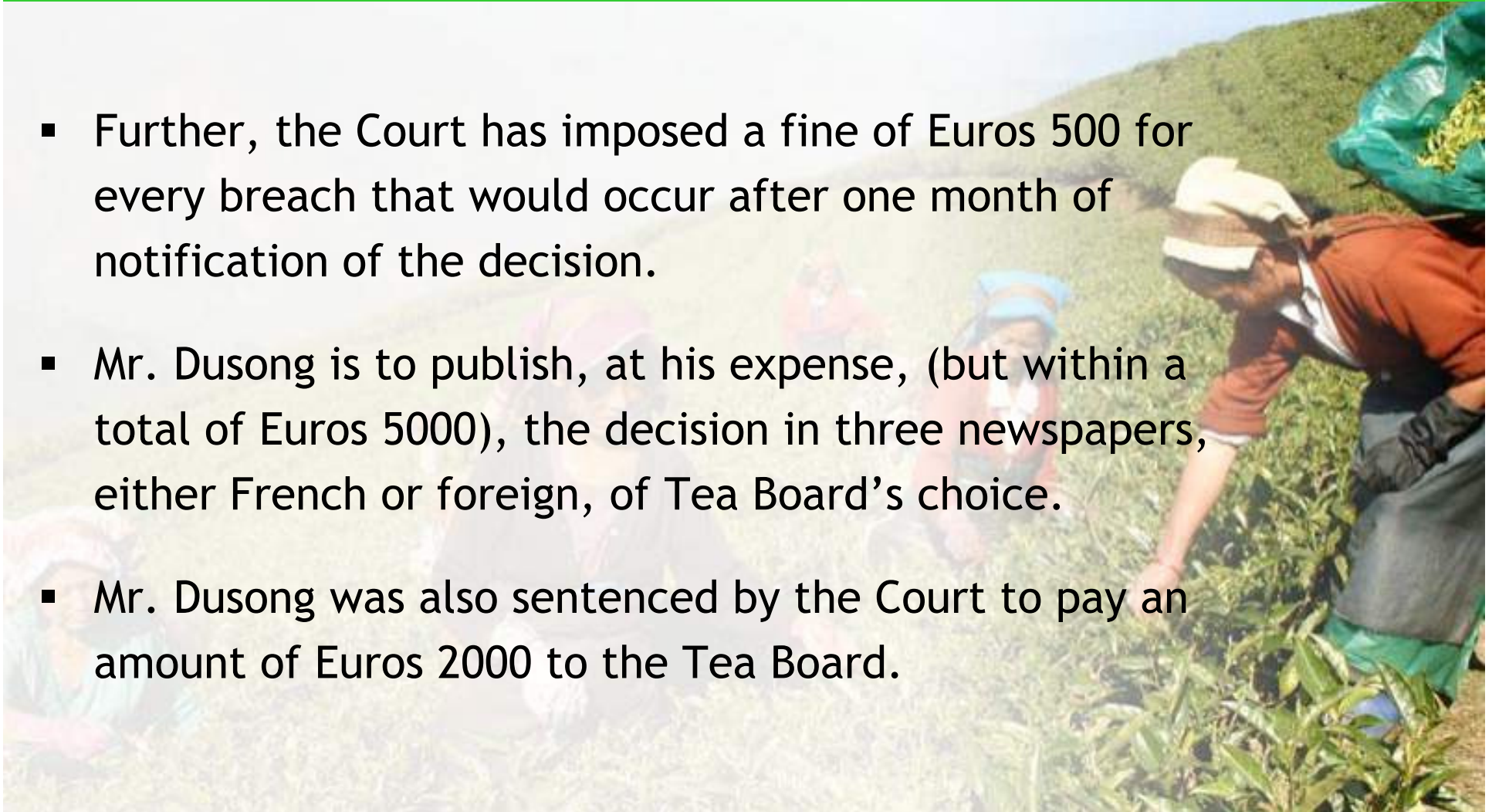


# Landmark Legal Victories



## 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



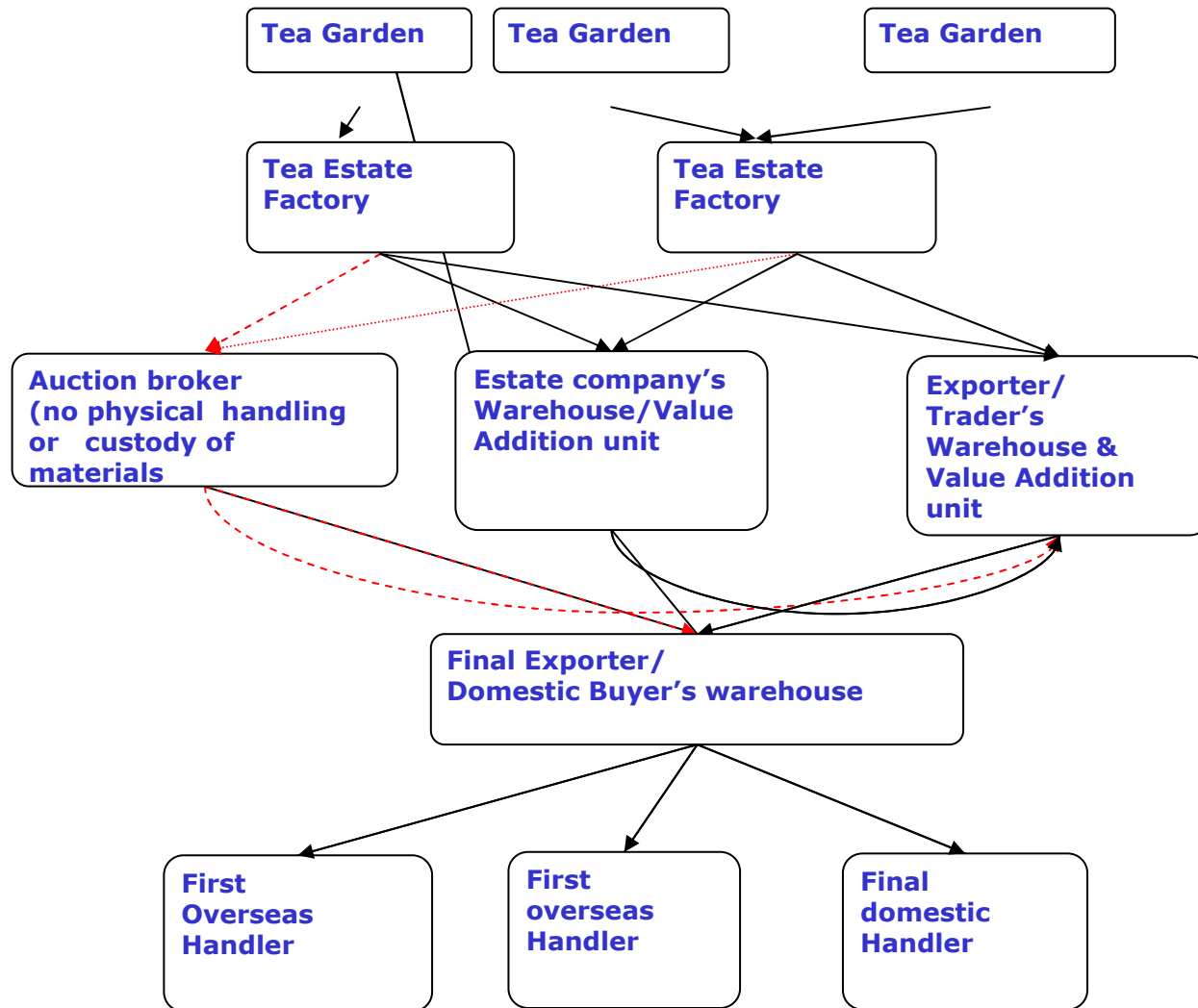
- Introduced a trade chain management system for surveillance and monitoring of the supply chain and addressing traceability issues in the Darjeeling tea trade chain.
- Two computerized data collection centers have been setup in Darjeeling and Kolkata, connected through internet enabled services.



# Trade Supply Chain Integrity System



- 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



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# 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

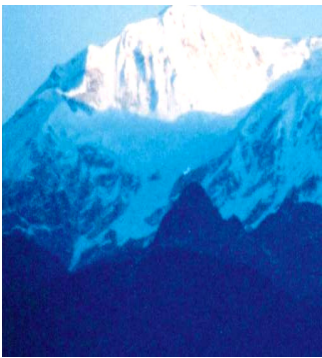


# Impact of GI protection



Awareness - adherence to Regulations

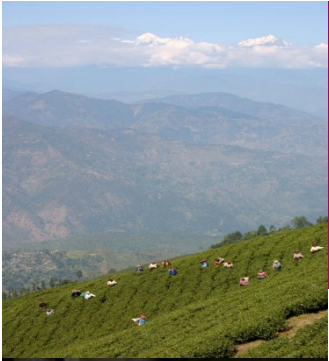
Withdrawal of stocks by UK packer



Launch of origin brands - M/s. Hindustan Unilever Ltd. withdrew its famous Lipton Green Label brand and introduced Lipton Darjeeling in India



# Impact of GI protection

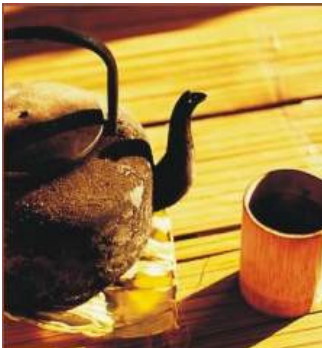
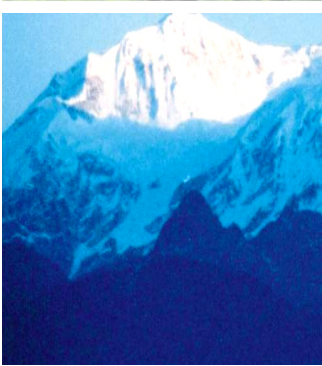


Price fluctuations - Darjeeling prices showed less elasticity compared to other Indian teas

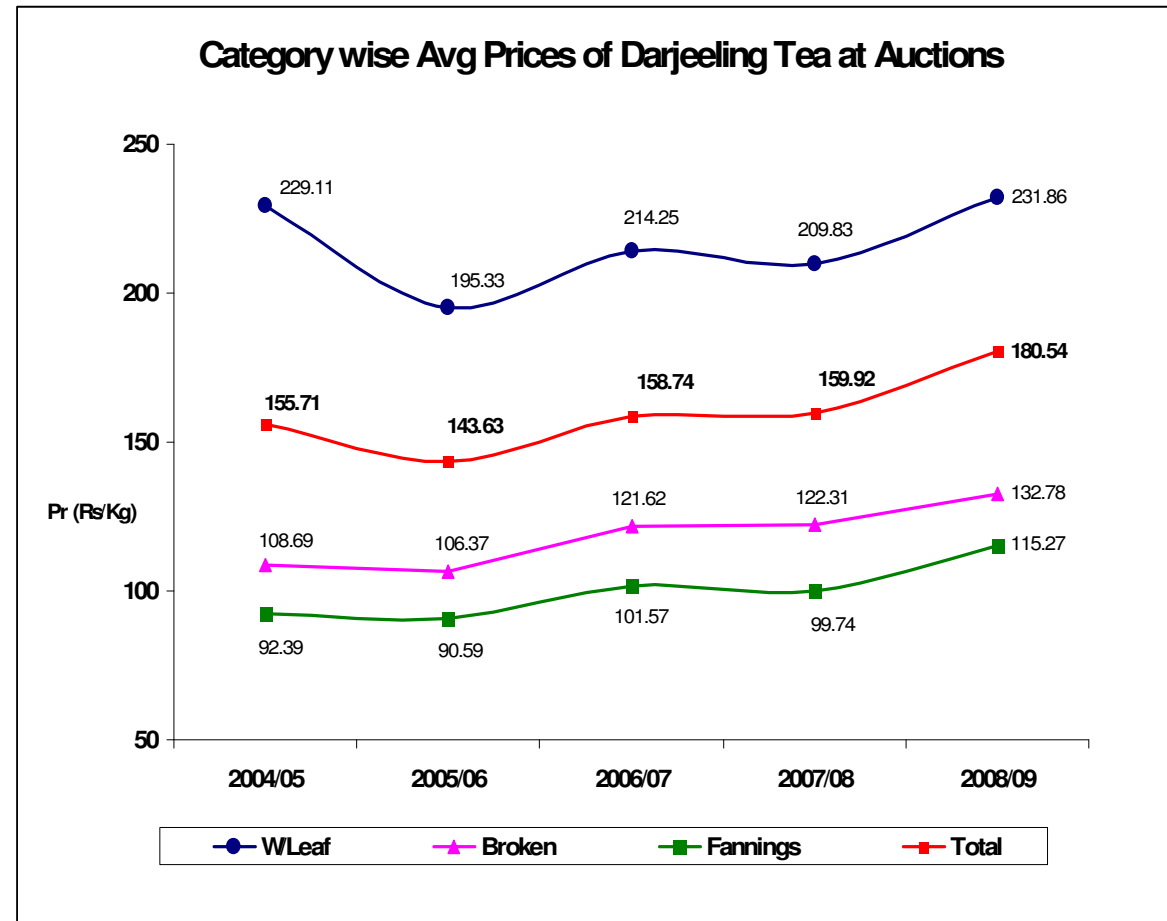
Blend correction by Indian packers in domestic market

Price increase in broken and fannings

Diversification of export market portfolio - interest in direct sourcing



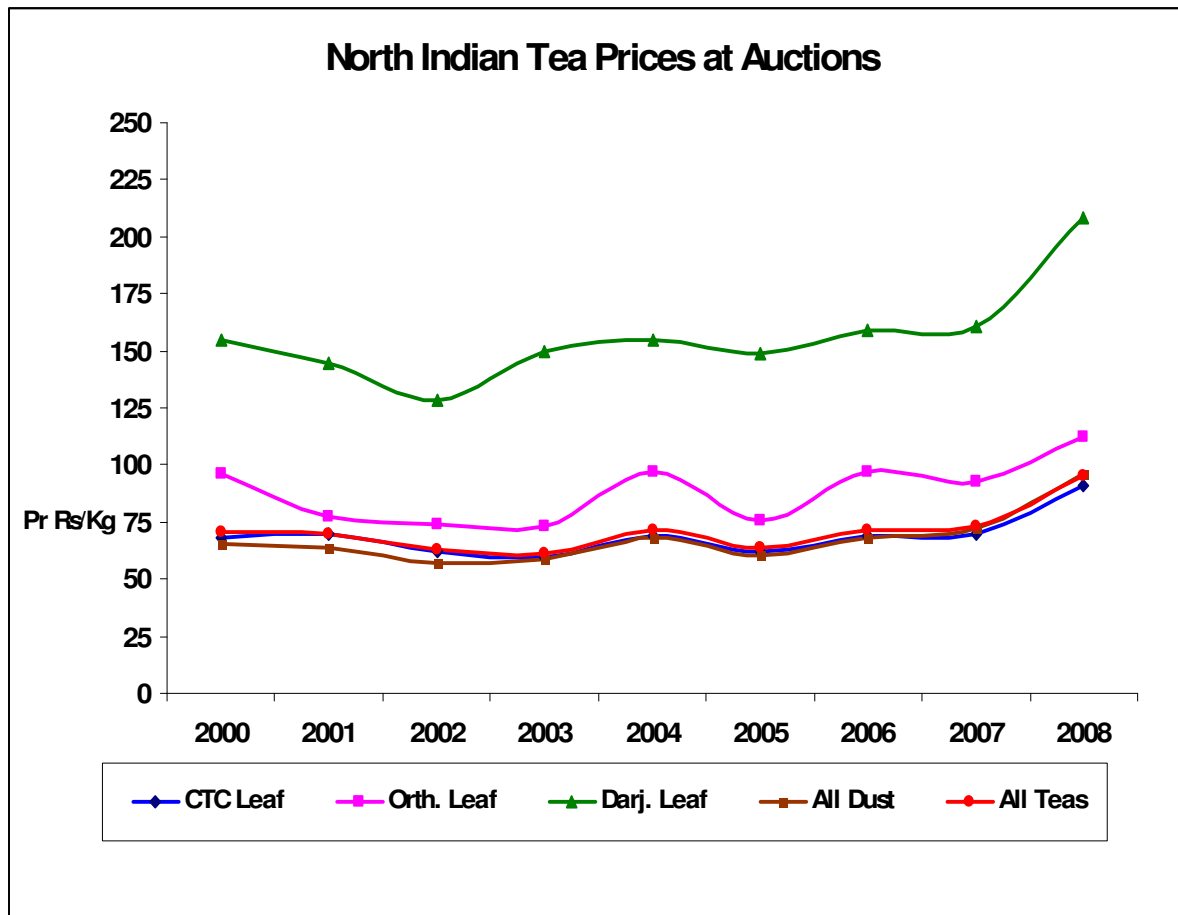
# Impact of GI protection



*Overall Broken & Fannings have moved up steadily*

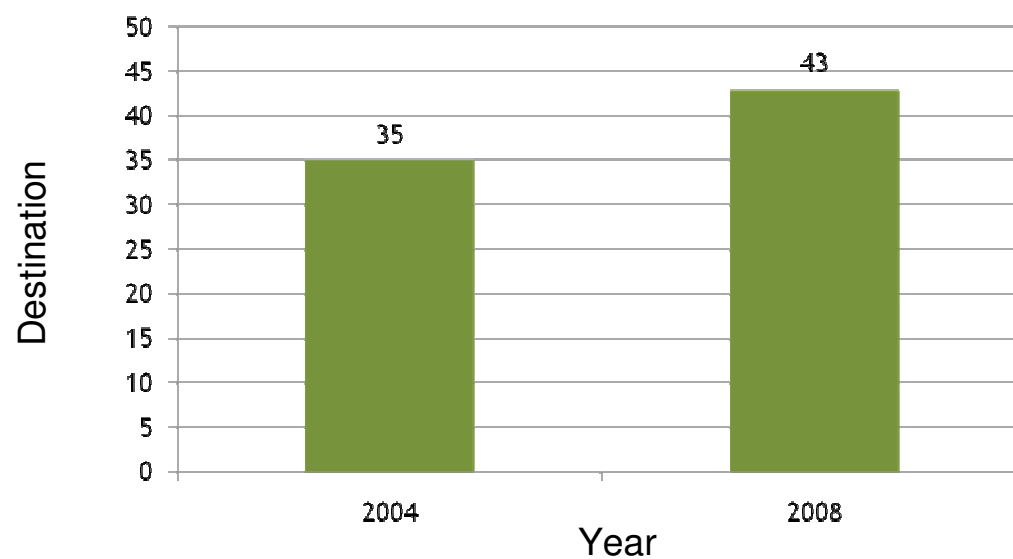
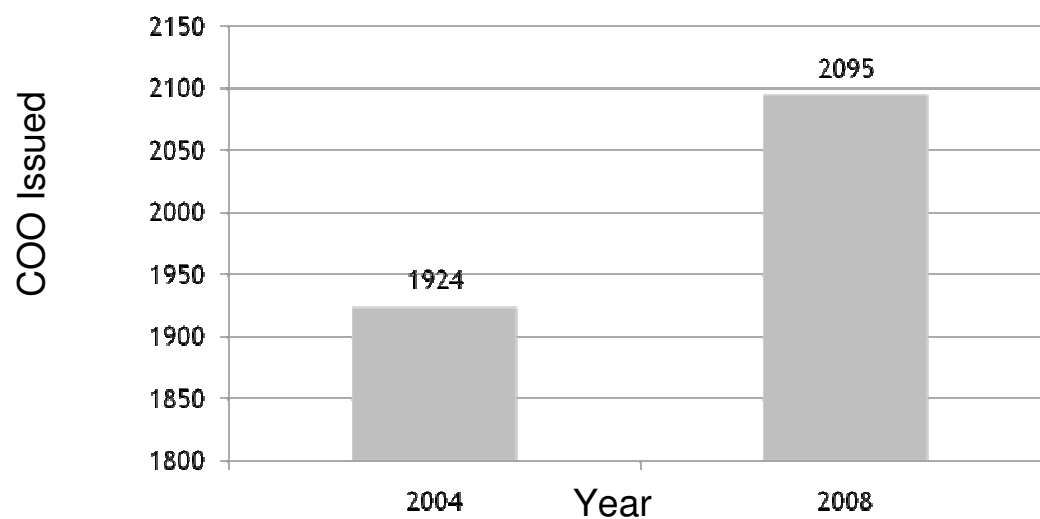


# Impact of GI protection



*2000 - 07 period shows less fluctuations in Darjeeling*

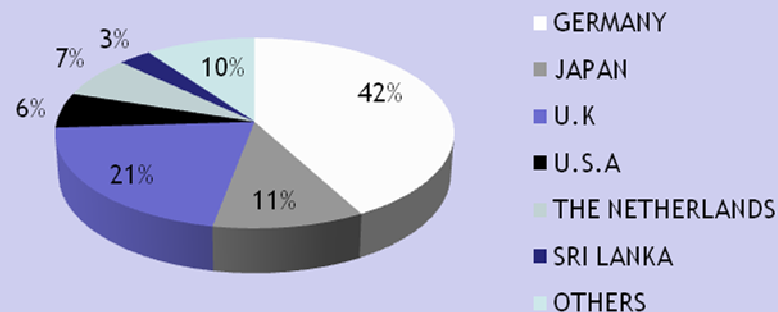
# Increased number of Certificate of Origin(COO) Issued and Destination



# Destinationwise Export



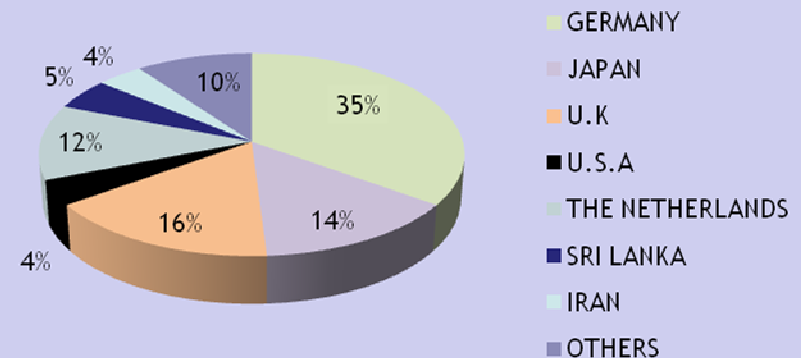
**Year : 2004**



**Others include :**

AUSTRALIA	IRELAND	RUSSIA
BELGIUM	ITALY	SAUDI ARABIA
CANADA	KOREA	SINGAPORE
CHINA	KUWAIT	SOUTH KOREA
DENMARK	MALAYSIA	SWEDEN
FINLAND	MAURITIUS	SWITZERLAND
FRANCE	NEW ZEALAND	TAIWAN
HONGKONG	NORWAY	THAILAND
INDONESIA	PHILIPPINES	U.A.E
IRAN	POLAND	

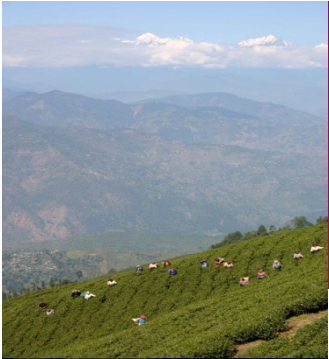
**Year : 2008**



**Others include :**

ARMENIA	FRANCE	NORWAY	TAIWAN
AUSTRALIA	GREECE	PHILIPPINES	THAILAND
BELGIUM	HONGKONG	POLAND	MACEDONIA
BULGARIA	INDONESIA	RUSSIA	UKRAINE
CANADA	IRELAND	SAUDI ARABIA	U.A.E
CHINA	ITALY	SEYCHELLES	
CROATIA	KAZAKHSTAN	SINGAPORE	
CZECH REPUBLIC	KOREA	SOUTH KOREA	
DENMARK	LATVIA	SWEDEN	
ESTONIA	NEW ZEALAND	SWITZERLAND	

# Impact of GI protection



Entrepreneurs bullish on the Darjeeling tea trade. Taking over sick and loss making units for revival during 2003 -07 period. All 87 Tea Estates in Darjeeling are commercially operational today.

There has also been a consolidation of ownership in the Darjeeling tea industry over last 4 years



# Challenges Legal



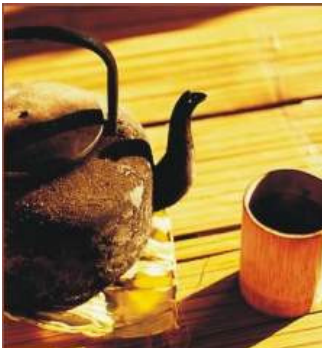
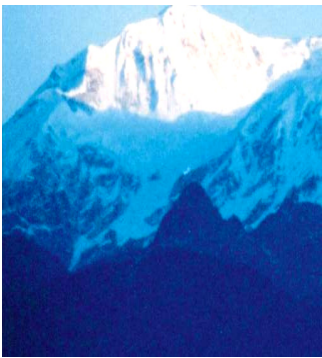
Fighting TM registrations by third parties - US case

Registrations under varying legal platforms from jurisdiction to jurisdiction

Varying judicial interpretation - Delta Lingerie/ Dusong - a question of legal interpretation of obligations under Art 22. Need for higher level of protection - Art 23

Lack Of Registration - Civil law countries

# Challenges



Maintaining supply chain integrity across borders - repackaging at re export hubs

Global Administrative mechanism for supply chain integrity for bulk exported product

Change management – domestic & international

# 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 22 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 dealings 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.

You either love it or you grow to love it.



If the fine flavour of Darjeeling tea passes you by at first go, don't lose heart.

It took us over a century to perfect the delicate art of Darjeeling tea. You might have to allow it to grow on you.

To fully appreciate the heavenly aroma and taste, treat your cup of Darjeeling as the finest of wines. Take a whiff before you take a sip. Roll the mild liquor (sans milk and sugar, ideally) around your tongue. Wait for the faint hint of the celebrated bouquet, following the signature *muscat-sweet-mellow* taste.

Once your senses are fine-tuned enough to discern the distinctive Darjeeling flavour, it will be a lifetime obsession - as it has been with connoisseurs around the world.

To begin this journey of romance, just raise your cup... with finesse.



## The story of the legendary Darjeeling tea.

Darjeeling is a sleepy little hill station in north-east India where no miracle happens. Except for tea.

Over the last 100 years, many learned men have taken great pains, to unravel the mystery behind the miracle called Darjeeling tea.

To figure out what's it about Darjeeling that lends such unique aroma, flavour and colour to its teas.

What's it that makes Darjeeling tea one of the most expensive, yet most coveted?



What's it that makes the world's tea aficionados flock to Darjeeling during springtime, to 'book' the First Flush teas?

After decades of research and analysis, the wise men's verdict was telling.

That Darjeeling tea just happens.

The reports blame it on the mixed soil, the pristine air, the well orchestrated rainfall, the lofty altitude, the optimum humidity levels - and how they've all come together uniquely to make Darjeeling tea Darjeeling tea.

To science, Darjeeling tea is a strange phenomenon. To the faithful, it's a rare blessing.

Thankfully, the Darjeeling tea estates have always lived by their faith - by humbly accepting this unique gift of nature and doing everything to retain its natural eloquence.

So, Darjeeling tea is hand-plucked by local women with magician's fingers, withered, rolled and fermented in orthodox fashion, with the sole intention of bringing out the best in them.

Then, the tea is manually sorted, packed and begins its world tour. The only problem with Darjeeling tea is that there's never enough of it to satisfy connoisseurs around the world.

But then, the finest things on earth are like that - very very rare - or they wouldn't be considered the finest.

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

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

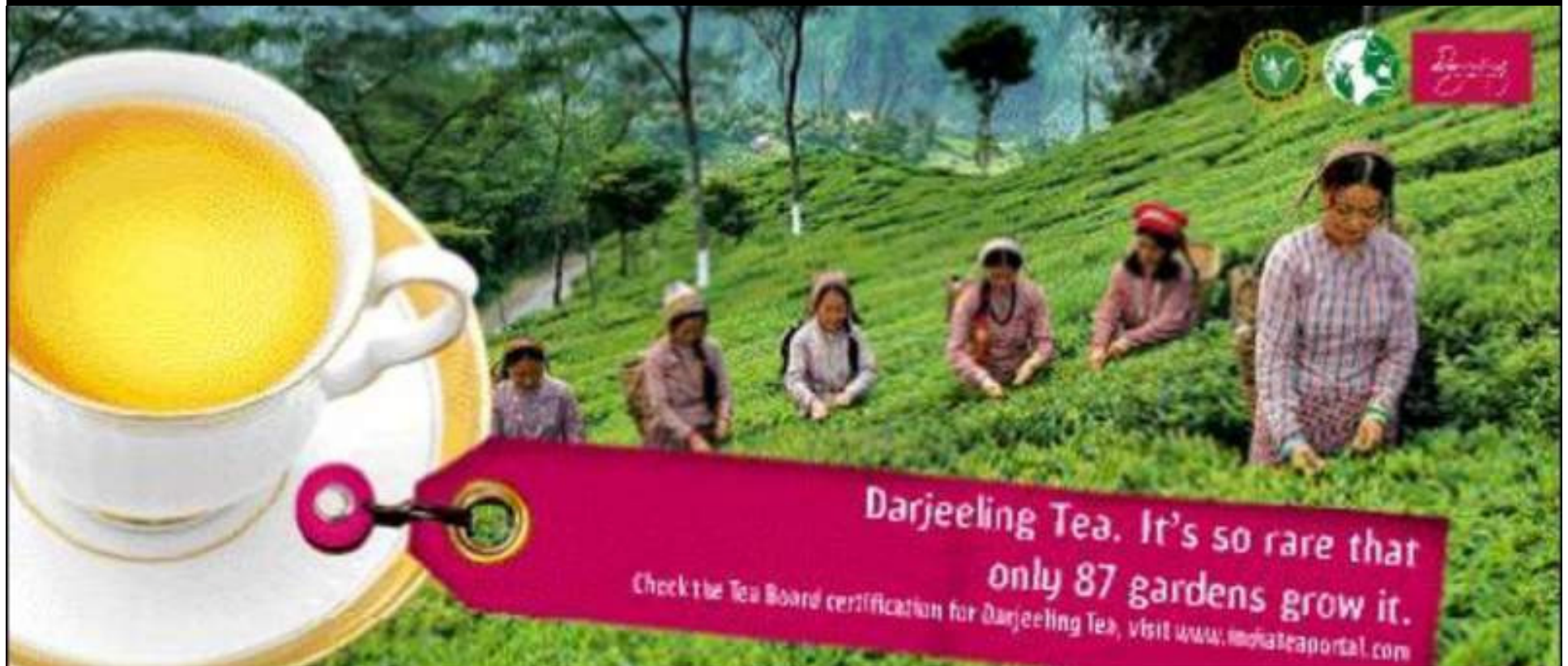
Tea Board of India (Ministry of Commerce and Industry) Govt. of India



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

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





YS FLIGHT







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

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

# 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.](#)



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# The Way Forward



- International assistance & help from WIPO & FAO on Enforcement
- ORIGIN  
Tea Board and the Darjeeling Tea Association to join the newly formed Geographical Indications Network.
- There is need for closer cooperation with WIPO and ORIGIN for a International register for WTO countries



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

***DARJEELING***