

**The Geographical Indications of Goods  
(Registration & Protection) Act, 1999**

In the Matter of an  
application by Tea Board,  
India for registration of  
NILGIRI (Orthodox) Logo as  
a geographical indication in  
class 30.

**STATEMENT OF CASE**

1. Tea Board, India (hereinafter referred to as "the Board") is a statutory authority of the Government of India established in 1953 under the Tea Act of 1953 for the purpose of controlling the Indian tea industry. The objects of the Board are to regulate the production and cultivation of tea in India, to improve its quality, to encourage research to regulate the sale and export of tea, to provide training in tea tasting and fixing grade standards of tea, and improving the marketing of tea in India and elsewhere.
2. The Board is not involved in the manufacture of any product and is run on a non-profit making basis.

**Name of the Geographical Indication**

3. The Board proposes to register the name "NILGIRI (Orthodox) Logo" tea as a Geographical Indication in Class 30.

**Description of "NILGIRI (Orthodox)" tea**

4. The botanical name of the Nilgiri tea plant is "*camellia sinensis*". This plant is 1-2 meters tall with many vibrate stems arising from the base of the plant near the ground. The "NILGIRI (Orthodox)" leaves are hard, thick and leathery with a matt surface. The veins of the leaf are indistinct and appear sunken in lamina. The leaf blades are elliptic with an obtuse apex, the young leaves are garnet brown in colour. It has typical malty flavour and bright

liquor. "NILGIRI (Orthodox)" are known for their good antioxidant activity (reducing power).

### Geographical Area and List of Producers

5. The district of Nilgiri is the smallest District in the state of Tamil Nadu in the south of India. The Nilgiri mountain range is a part of the Western Ghats, being one of the oldest mountain ranges in India. The Nilgiri with high mountain ranges, beautiful valleys and salubrious climate supports a wide range of flora and fauna which is so enchanting that the Nilgiri has deservedly earned the sobriquet- "Queen of Hills". The Nilgiri hills properly written as "Neilgnerry" consist of a plateau of about 35 meters long, 20 miles broad. The name "Nilgiri" which is at least 900 years old was bestowed on it by the dwellers in the plains below. The Moyar river in the North and the Bhavani river in the South are the main rivers draining these hills. The Nilgiri is situated at an elevation of 900 to 2636 meters above the mean sea level. Nilgiri is India's first biosphere. The district receives an average rainfall of 1100 mm to 1600 mms. The soils are mostly latosols with dominant clay composition; clay content is more than 30 per cent. In India, tea is grown from near sea level to about 8000 feet elevation and the Nilgiris records some of the highest grown tea. **Annexure- A** hereto is a copy of the map of the district of Nilgiri with a list of the "NILGIRI (Orthodox)" tea producing gardens.

6. Currently, there are 41 gardens located within the said district cultivating, growing or producing Nilgiri Orthodox tea. The tea gardens are situated at elevations above 1500 meters on steep slopes which provide ideal natural drainage for the generous rainfall the district receives. It is a well established fact that aroma composition varies with the altitude and high elevation is an important evaluation for the quality of Orthodox teas. These gardens all fall in the four Taluks of Nilgiri district viz, Coonor, Kundah, Udthagamandalam and Kotagiri. The list of gardens

coming under the Geographical area of Nilgiri producing the "NILGIRI (Orthodox)" tea is attached herewith as **Annexure B**.

### **Historical Origin of "NILGIRI (Orthodox)" Tea**

7. The climatic conditions and soil being suitable for tea cultivation, the first planting of tea was introduced in the Nilgiris in the year 1834 when these plants were planted chiefly at the experimental farm at Ketti, under the supervision of Col. Crewe and M. Perrottet (a French botanist) and were reported in 1839 to be growing luxuriantly but it was another fifteen years before attempts were made to grow tea on the Nilgiris on a commercial scale. The experiment was carried out at the initiative of the Government of Madras. Later on, good supply of quality tea seeds were procured and tea plantations were set up on a commercial level. The growth and development of the Plantations in the Nilgiris is due to the courage and determined efforts of the early pioneers. For a long period over 150 years, Nilgiris is the home for specialty teas, of the region. Attached as **Annexure- C** hereto is the relevant extract from the book "Horticultural and Economic Plants of the Nilgiris" published in 1953.

### **Method of Production**

8. Planting  
June and August are the recommended seasons for planting for the areas receiving south west and north east monsoon season respectively. The tea plant starts its life in a nursery, either as a seedling or as a cutting. The latter method of vegetative propagation produces plants of known qualities and hence has been in recent years advocated for tea. After a period of up to two years in the nursery, the young plants are put out in the field and when they are established, their future shape is determined by the initial pruning. After this, the bush is pruned at regular intervals throughout its life to maintain its shape and to

encourage its functional activity of the flush producer. There are usually some 3000- 3500 bushes per acre in the tea field. One year old plants are planted in pits with a dimension of 30 X 45 cm. Double hedge system with a spacing of 135 X 75 X 75 cm ( plant population 13,000 / ha ) is recommended. The selected plants for planting should have 14 to 16 healthy mature leaves and the root system should have reached the bottom end of the sleeves at the time of planting. The stem at the collar region should be about pencil thick and brown. Three to four months after planting, all the plants should be centered as low as possible leaving 8 - 10 healthy mature leaves. About three to four months after centering first tipping is recommended at 35 cm from the ground level. After this, a second tipping at 50 cm is recommended to establish the plucking surface.

9. Plucking

Harvesting the crop or "plucking" as it is called, takes place throughout the year, the intervals between plucking depending upon the rate of growth of the new flush which in turn is governed by environmental condition. During rush periods, which in the Nilgiris occur usually between March and has been in recent years May and to a lesser degree in August and September, rounds of plucking are made at intervals of seven days or less, while under adverse conditions of climate, the intervals may extend to fourteen days. Like pruning, plucking is also a highly skilled operation usually carried out by the female members of the labour force and consists of removing by hand all the harvestable young flush above the plucking level. In the majority of the cases, plucking is restricted to the terminal bud and the two most recently expanded leaves, popularly called "two leaves and a bud".

10. Manufacturing Process

After the tea is taken to the tea-house, the leaf is "withered" by spreading thinly on shelves of some material and left there until it can be "rolled" between the fingers without breakage. Like

almost every other process in tea-making, this stage requires to be timed with care and experience. Utmost care is taken to ensure that the leaf is withered correctly. If the leaf is not sufficiently withered it will break when rolled, while if it is left to wither for long the quality of liquor may be inferior.

When withering is completed the leaf is taken for "rolling". This is done in machines consisting of two horizontal brass-faced plates placed one above the other like the stones in a mill, which are rapidly revolved by steam with an eccentric motion. This rolling, again requires to be timed to a nicety or the subsequent processes are adversely affected. The smaller leaves naturally roll quickest, so to secure evenness in the rolling and subsequent fermenting. The leaf is next usually sifted and the bigger leaf rolled a second time. When the rolling is complete, the leaf is laid out in a thin layer in a darkened and moist room and left to "ferment". This process requires perhaps more careful watching than any other, the time required to complete it differing with the size of the leaf, the elevation, the humidity and warmth of the atmosphere in a specific season. The point at which the process is complete is judged partly by the smell and partly by the colour of the leaf. It should be a bright copper colour. The moment this stage has arrived, fermentation must be stopped by "firing" or roasting the leaf. This is affected by scattering it in very thin layers on shallow wire trays and placing the later in a machine called "sirocco", in which hot air from a charcoal fire is drawn over and between the trays by a fan. This firing results in the ultimate product forming the world renowned "NILGIRI (Orthodox)" teas.

#### Uniqueness of the "NILGIRI (Orthodox)" Tea

11. Different estates make different grades of tea, but the classes usually distinguished are orange pekoe, broken pekoe, pekoe souchong, broken souchong and congo which are named after the nature of the leaves of which they consist.

12. "NILGIRI (Orthodox)" is famous for its bright and brisk liquor and mellow, light and clean flavoured teas. The vintage specialty teas are produced during the months of December to February. The rare flavour of "NILGIRI (Orthodox)" tea is a result of combination of plant genes, soil chemistry, elevations, mean temperature and rainfall and relative humidity unique to the Nilgiri hills. In fact, the flavour index (FI) has been used in the price evaluation. The bright colour and briskness of the "NILGIRI (Orthodox)" tea is on account of its optimum and well balanced polyphenolic pigments with a good colour and briskness index. "NILGIRI (Orthodox)" teas are rich in essential quality constituents. "NILGIRI (Orthodox)" tea possesses high content of protein, amino acids and carotoids. "NILGIRI (Orthodox)" has excellent liquor which is reflected in the high catechin and polyphenol content along with higher activities of the enzymes phenylalanine ammonia lyase. The high level of total soluble solids and lower level of crude fibre content are known to have higher bulk density which is one of the quality attributes that partly decides the market value and has a positive influence of the cuppage of tea. The liquor quality constituents of tea such as Thealavin, Thearubigin, High Polymerized substances, TF:TR Ratio and caffeine are maintained at optimum levels.
  
13. Due to the unique and complex combination of agro-climatic conditions prevailing in the region comprising the said 41 gardens within the district of Nilgiri and the production regulations imposed by the Board, tea produced in the said region has the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouth feel which have won the patronage and recognition of discerning consumers all over the world. Consequently, the tea produced in the said region and having the said special characteristics, is and has for long being known to the trade and the public in India and abroad as "NILGIRI (Orthodox)" tea and as such it has acquired substantial

domestic and international reputation. Any member of the trade or public in India or abroad ordering "NILGIRI (Orthodox)" tea or seeing tea advertised or offered for sale as "NILGIRI (Orthodox)" will expect the tea so ordered, advertised or offered for sale to be the tea cultivated, grown and produced in the aforesaid district of the Nilgiris and having the aforesaid special characteristics.

14. Consequently, while the name "NILGIRI (Orthodox)" has acquired a special uniqueness, reputation and goodwill in the public mind when used in relation to tea produced in the aforesaid region so that the right to attach it to such tea forms part of the goodwill of all those who are duly associated with the said region. In other words, the name "NILGIRI (Orthodox)" when used in relation to tea, qualifies as a geographical indication.
15. In an endeavour to promote NILGIRI (Orthodox) tea as a premium tea, the Board has developed and designed the following logo:

## NILGIRI TEA



The aforesaid logo in a roundel is a distinctive eye appealing and stylized representation of three tea leaves against the background of a blue mountain with the words 'NILGIRI ORTHODOX' fringing the upper half of the roundel. Outside the roundel, on the top are the words 'NILGIRI TEA'. All these elements depicted in dark blue colour blend into and constitute the NILGIRI (Orthodox) logo.

16. The objects of the Board are to offer the consumers a guarantee of quality by means of use of "NILGIRI (Orthodox) logo", to regulate the production and cultivation of tea in India, to improve its quality, to encourage research to regulate the sale and export of tea, to provide training in tea tasting and fixing grade standards of tea, and improving the marketing of tea in India and elsewhere. The Board is accordingly making this application for registration of "NILGIRI (Orthodox) logo" as a geographical indication.

#### **Quality Control and Inspection Mechanism**

17. The tea industry has been under the control of the Central Government since 1933. Originally, the Indian Tea Act of 1933 was enacted. Being a temporary enactment, it lapsed by efflux of time. In 1938, a permanent enactment was passed whose object was the control of the export of tea and extension of the cultivation of tea. The Tea Board Act of 1949 came to be passed with the object of development of the tea industry under the control of the Central Government. Since the objects of the 1938 and 1949 Acts were interrelated, it was proposed that there should be a single Act containing the provisions of the two Acts. With a view to achieving the said objectives, the Tea Act, 1953 came to be passed on May 28, 1953.
18. The process of tea distribution follows the uniform pattern of being cultivated and processed at the gardens/ estates and from the tea gardens, tea is sent to the warehouses for onward sale to



the ultimate buyers. These warehouses are registered with the Board under the Tea Warehouses Licensing Order. The channels of distribution are broadly divided into export, private sale and auction sale. Tea bought at the auction may either be meant for export or enter the domestic market. All auction centres and tea brokers are licensed by the Board including any new auction centre or broker. The Board has laid down auction norms and rules for compliance by the auction centers and brokers, and these norms are enforced through an Auction Committee comprising main buyers, growers and representatives of the Board. The tea bought by wholesalers, retailers, packeteers or exporters are registered with the Auction Centres. All buyers are registered with the Auction Committee. All exporters are registered with the Board under the Tea (Distribution & Export Control) Order.

19. The Board has arrangements whereby testing or confirmation testing of all "NILGIRI (Orthodox)" tea is carried out by a Panel of Tasters. These tea tasters are considered competent to evaluate the distinctive characteristics of "NILGIRI (Orthodox)" tea as a result of many years of practical training and experience in the assessment of tea and their highly refined sensory perception, in particular, in relation to the sensations of smell, taste and mouth feel of different types of tea. This enables them to easily recognize the distinctive characteristics associated with a particular type of tea and thereby accurately analyse the nature and quality of the tea.
20. Besides the abovementioned statutory mechanisms under the Tea Act the tea producers also must adhere to the norms prescribed under the Prevention of Food Adulteration Act, 1954.
21. The policy of tea manufacture is to reduce the pesticide level in tea to the residue tolerance limits as prescribed by the Environmental Protection Agency of USA and European/ East

European Countries. Subject to the approval of the Board, a committee consisting of the Chairman of Nilgiri Planter's Association, the Executive Director of the Regional Tea Board Office and the Secretary General of UPASI (United Planters Association of South India) have been formed for ensuring the standard, quality, integrity and consistency or other special characteristics of the "NILGIRI (Orthodox)" tea. The proposed inspection structure would regulate the quality standard and use as under:

- (i) The Committee formed as above would inspect the registered tea factories every six months and draw samples of tea at random.
- (ii) The drawn samples will be sent for analysis to the Nationally Accredited Laboratories (NABL) of UPASI- Tea Research Foundation at Coonor/Valparai.
- (iii) The authorised user of the "NILGIRI (Orthodox) logo" Geographical Indication should be legally and environmentally compliant with Central and State Government laws.
- (iv) The authorised user of the "NILGIRI (Orthodox) logo" Geographical Indication should adhere to well laid Health Policy.
- (v) Each of the registered units should have a sound Food and Safety System.

#### **Objectives of the Board**

22. The Board submits that it is in the interest of both trade and public that there should be a registration for "NILGIRI (Orthodox) logo" as a geographical indication to ensure that the tea sold under it is recognized as tea produced in the defined region of the district of the Nilgiris and having the aforesaid special distinctive and naturally occurring organoleptic characteristics.

23. Such a registration would assist in enforcing the provisions of the Geographical Indications of Goods (Registration & Protection) Act, 1999.

Dated this the 21<sup>st</sup> day of November, 2007

Tea Board, India  
By their Attorney

*Rajendra K.*  
Of K&S PARTNERS