

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

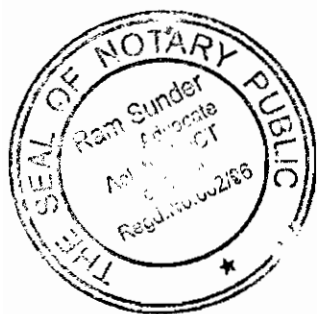
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In the matter of an application by the Agricultural & Processed Food Products Export Development Authority, India for registration of BASMATI as a geographical indication in class 30 in respect of 'Rice'.

STATEMENT OF CASE

Name of the Geographical Indication

1. The geographical indication which is the subject matter of this application is the name 'BASMATI' to describe a special long grain aromatic rice grown and produced in a particular geographical region of the Indian sub-continent. Historically, BASMATI rice was a product of the undivided India with a recorded history of over 200 years.
2. The name BASMATI is derived from two Sanskrit roots 'Vas' meaning 'aroma' and 'mati' meaning 'ingrained from the origin'. In Hindi, the equivalent of 'Vas' is 'Bas' and, therefore, BASMATI. Essentially, BASMATI means, 'the one containing aroma'. BASMATI is Nature's gift and farmers have been growing this scented rice variety for many centuries. In India, various types of aromatic rice including short and long grains are grown. There are over hundreds of varieties of aromatic rice grown in the world as well. However, BASMATI is the best known among these owing to its many unique cooking and eating properties attributable to the agro-climatic conditions prevailing in the aforesaid geographical area.

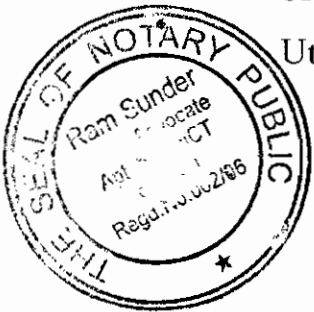


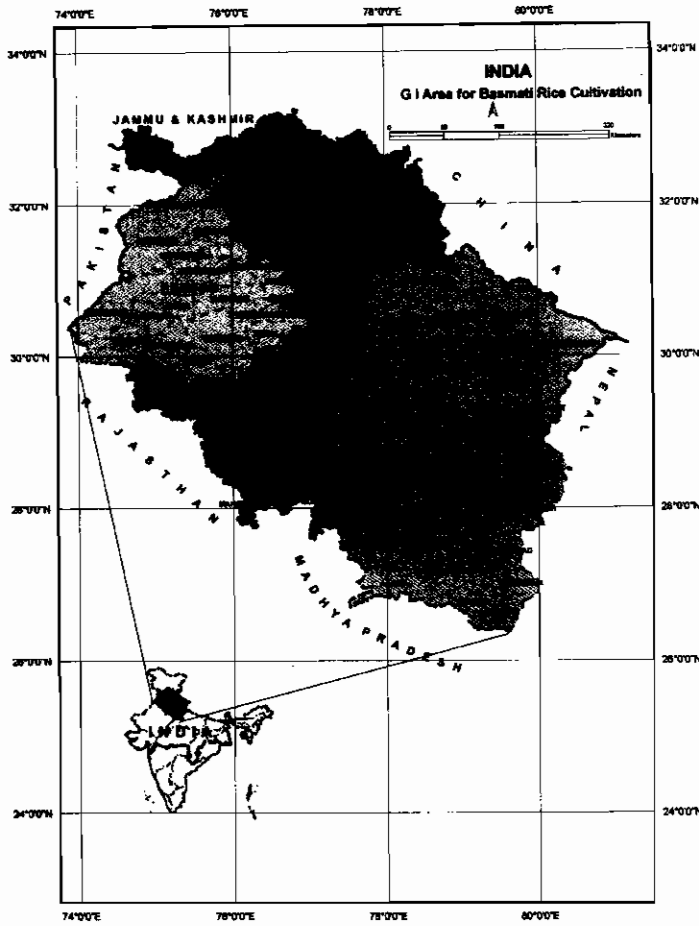
Why GI Protection for BASMATI?

3. BASMATI rice is an iconic heritage of India which needs to be preserved in the national interest, being a unique product originating only from a defined growing region of the Indo-Gangetic plains.
4. Patronized domestically and internationally, BASMATI is a premium export product and its exports have increased from Rs. 294 crores in 1990 to Rs. 9456 crores in 2008-2009, which is a recorded increase of 400%.
5. The objective of protection of BASMATI as a geographical indication is two fold: (a) to protect the interest of the stakeholders such as farmers, millers, traders, exporters and importers; and (b) to protect the consumers against deception and acts of unfair trade competition. Article 24.9 of the TRIPS Agreement to which India is a signatory mandates that home protection of a geographical indication is a pre-requisite for international protection. Hence, it is imperative that, apart from the actions that are being taken domestically and internationally to protect BASMATI, there must be statutory protection for the name BASMATI in its home country to have an effective international protection.

Growing area

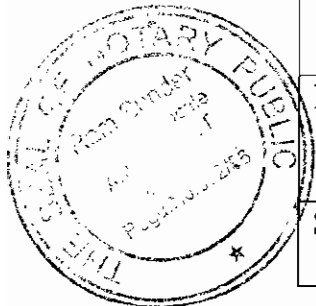
6. Traditionally, BASMATI rice has been grown and produced in the states of Punjab, Haryana, Delhi, Himachal Pradesh, Uttarakhand, and parts of Uttar Pradesh and Jammu & Kashmir as shown below:





It may be relevant to state that the States of Punjab, Haryana and Himachal Pradesh were originally part of the erstwhile Punjab and, as a result of the reorganization of the states in India for administrative reasons, these separate states have been formed. Consequently, the BASMATI growing area which fell in the undivided Punjab is now shared among the various states as aforesaid.

Extremes	District	State	Geographic Coordinates
East	Pithoragarh	Uttrakhand	81° 02' 09.3" E Longitude
West	Ferozepur	Punjab	73° 52' 33.9" E Longitude
North	Chamba	Himachal Pradesh	33° 16' 14.7" N Latitude
South	Auraiya	Uttar Pradesh	26° 22' 13.5" N Latitude



The growing areas of BASMATI rice lie within the above identified extremes and geographic coordinates corresponding thereto. Three certified maps showing the latitude and longitude of the defined growing area of BASMATI rice have already been submitted to the Registrar of Geographical Indications on January 20, 2010 and may be treated as part and parcel of this Statement of Case.

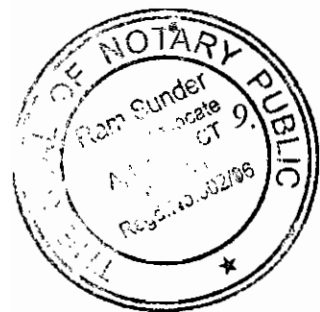
7. Members of the trade and public in India have always traditionally associated BASMATI rice with the aforesaid defined region only.

Description of the Applicant and its objectives

8. The Agricultural and Processed Food Products Export Development Authority (APEDA) is a statutory authority of the Government of India under the Ministry of Commerce established under the Agricultural and Processed Food Products Export Development Authority Act, 1985 (APEDA Act) which provides for the development and promotion of export of certain agricultural and processed food products from India including BASMATI rice. APEDA has its office at 3, NCUI Building, August Kranti Marg, Siri Institutional Area, New Delhi 110016. APEDA is, therefore, a statutory authority entrusted with the task of development and promotion of exports of certain agricultural products including BASMATI rice in India and abroad.

A copy of the APEDA Act, 1985 is attached hereto and marked as **Annexure 1**. The Schedule to the APEDA Act, 1985 was amended vide a notification dated March 28, 2008 issued by the Ministry of Commerce and Industry to add 'Cereals' (which includes BASMATI rice) to the Schedule and omit the entry 'Non-Basmati rice' therefrom. A copy of the said notification is attached and marked as **Annexure 2**.

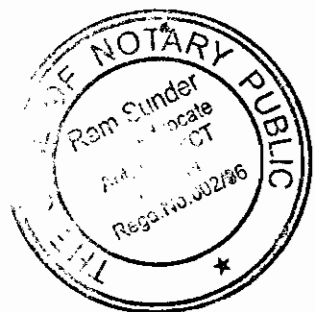
APEDA is a non-trading body, representing the interests of all the producers / stake holders in the property and goodwill in the BASMATI name and product including the farmers, millers, traders, exporters and importers of BASMATI rice. The constitution of the Applicant is



statutorily mandated and represents diverse interests and groups. Besides the Chairman of the Applicant, its other members include:

- (i) 3 Members of Parliament
- (ii) 8 members appointed by the Central Government to represent the ministries of agriculture and rural development, commerce, finance, industry, food, civil supplies, civil aviation, shipping and transport
- (iii) 5 members appointed by the Central Government to represent the States and the Union Territories
- (iv) 7 members appointed by the Central Government to represent, among others the Indian Council of Agricultural Research, the National Horticulture Board, the National Agricultural Co-operative Marketing Federation, the Central Food Technological Research Institute etc
- (v) 12 members appointed by the Central Government to represent fruit and vegetable products industries, other scheduled products industries etc.
- (vi) 2 members appointed by the Central Government from amongst specialists and scientists in the field of agriculture, economics and marketing of scheduled products.

10. Besides the statutory mandate vested in APEDA for protection and enforcement of all the rights in the BASMATI name and product on behalf of all the stakeholders, APEDA has been acting in furtherance of these objectives for the past almost 16 years and some of the steps taken and actions pursued to protect the BASMATI rice interest include the following:

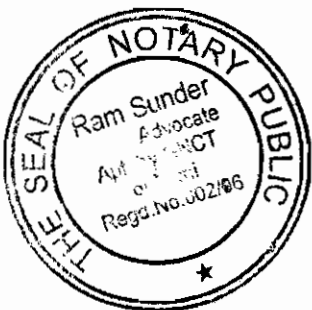


Securing commercial interests

- a. APEDA has been seeking market access to help BASMATI rice trade.
- b. The growing area of BASMATI rice was mapped through an extensive exercise.
- c. Establishment of a Basmati Research Farm and laboratory-cum-office complex by the name Basmati Export Development Foundation (BEDF) at Modipuram, Uttar Pradesh for quality seed production of BASMATI rice varieties/ transfer of technology related to BASMATI rice cultivation and authentication of BASMATI rice quality based on grain and cooking quality and DNA based technologies.
- d. Being a Schedule product, all exports of BASMATI rice out of India are required to be registered with APEDA vide Section 10(2)(b) of the APEDA Act.
- e. Creating awareness among the domestic traders and exporters by issuing circulars and labeling guidelines on the correct usage of BASMATI name
- f. Organizing and/ or participating in promotional trade fairs for BASMATI rice in India and abroad

Securing legal interests

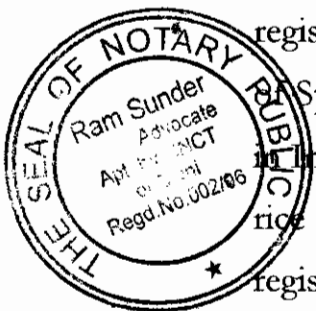
- a. A world-wide watch agency was appointed in the year 1996-1997 to monitor the trademark registers worldwide for any third party attempted registrations of the name BASMATI or any deceptive variations thereof. In such capacity, APEDA has taken actions by way of oppositions/ rectifications/ civil suits/ cease and desist letters/ amicable settlements etc., against all such attempted third party registrations and use of the term 'BASMATI' or any other deceptive variations thereof, contrary to its significance as a geographical indication.



- b. Till date, APEDA has initiated actions against third party usurpers of the goodwill and property in the name BASMATI in over 40 countries of the world. Such actions have included those which have prevented the use of BASMATI per se or deceptively similar names such as TEXMATI, JASMATI, KASMATI, TASMATI etc. Attached hereto and marked as **Annexure 3** is a table depicting a brief summary of such actions initiated by APEDA till the date of this application.
- c. In particular, APEDA successfully challenged and forced a partial voluntary surrender/ revocation of several claims of a patent taken out in the United States of America by Ricetec, Inc., which sought to confer a monopoly upon Ricetec in the production and marketing of rice grains, which claims would have interfered with the export of BASMATI rice to the United States of America.
- d. Enforcing labeling guidelines in India through cease and desist letters and/or oppositions.

With APEDA taking such active steps against the unauthorized and illegal attempts at usurpation of the goodwill in the name BASMATI by third parties, it has been able to enhance the already existing public awareness and recognition of BASMATI rice as a geographical indication.

11. By an Ordinance, namely, the Agricultural and Processed Food Products Export Development Authority (Amendment) Ordinance, 2008 [APEDA (Amendment) Ordinance], dated October 13, 2008, the APEDA Act has been amended and a new Section 10A has been inserted to confer on APEDA the specific authority to undertake such measures, as may be prescribed by the Central Government, for registration and protection of the Intellectual Property rights in respect of Special Products listed in a new Second Schedule to the APEDA Act in India or outside India. The (Amendment) Ordinance listed BASMATI rice as an entry in the new Second Schedule. For the purposes of such registration and protection, Intellectual Property shall include geographical indications. Section 2(j) of the Ordinance defines "Special



Products” to mean and refer to agricultural and processed food products included in the Second Schedule of the Ordinance.

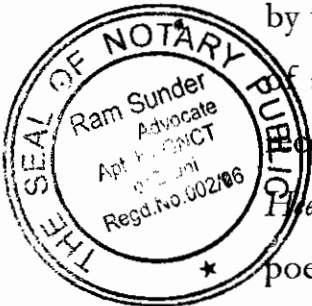
A copy of the APEDA (Amendment) Ordinance is attached herewith and marked **Annexure 4.**

The APEDA Amendment Ordinance has since been replaced with the Agricultural and Processed Food Products Export Development Authority (Amendment) Act, 2009 (APEDA Amendment Act, 2009) with retrospective effect from October 13, 2008. A copy of the APEDA Amendment Act, 2009 is attached hereto and marked as **Annexure 5.**

12. Accordingly, APEDA, by virtue of the APEDA Act as amended by the APEDA Amendment Act, 2009 and the aforesaid representative actions taken to protect BASMATI name on behalf of its legitimate users is an appropriate and competent body to represent all the diverse interests in the BASMATI supply chain and thus legitimately entrusted with the responsibility to represent the interests of the stakeholders of BASMATI rice, among other products and is thus competent to make this application under Section 11 of the Geographical Indications of Goods (Registration & Protection) Act, 1999.

Historical origin and development of the geographical indication “BASMATI”

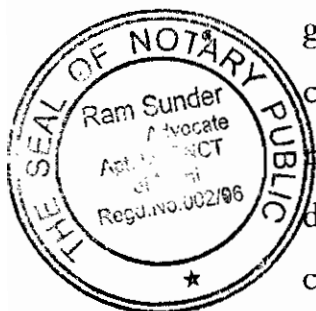
13. Indian farmers are known to have been growing scented rice varieties for several centuries. Scented rice varieties in ancient literature were known by various names. In fact, the name BASMATI is so old that the origin of assigning the same to this famed rice is lost in antiquity. The first recorded reference to BASMATI rice can be found in the epic poem *Heer Ranjha* by the great Punjabi Poet Varis Shah dated 1766. The said poet had sung in praise of BASMATI rice at the wedding preparations of the beautiful heroine, Heer. An extract from the said poem is attached hereto and marked as **Annexure 6.**



14. Historically, BASMATI rice has been associated in the public mind as a special long grain aromatic rice grown and produced in the aforesaid region in the foothills of the Himalayas. This public perception and recognition is evident from the general body of information such as the following:

- a) References to BASMATI rice can be found in gazetteers published during the British rule in India. Some such gazetteers referring to the cultivation of BASMATI rice are attached hereto and collectively marked as **Annexure 7**.
- b) Besides, BASMATI rice traders nationally and internationally have been consistently describing BASMATI rice marketed by them to mean a unique rice variety originating from a region in the foothills of the Himalayas and possessing the said qualities. Certain specimen packaging of BASMATI rice sold in India and abroad by traders as well as extracts taken from the websites of prominent traders and exporters of BASMATI rice, all describing the sub-Himalayan origin of BASMATI rice are collectively marked as **Annexure 8** attached hereto.
- c) Even among the food and restaurant industry, BASMATI rice occupies a special place as a variety of premium rice both in India and internationally. Attached hereto and collectively marked as **Annexure 9** are copies of some literature including references from well-known dictionaries and food encyclopedias which clearly describe the geographical origin and significance of the name BASMATI in relation to this famous rice.

15. Independently of the above, there is recorded evidence that the unique characteristics of BASMATI rice such as exceptionally long and slender grain and an exquisite aroma are attributable to the agro-climatic conditions prevailing in the specified region as aforesaid. BASMATI rice varieties require prolonged sunshine, high humidity, cool weather during grain filling, sufficient water supply and normal soil. These conditions are available only in the aforesaid geographical region of the Indo-Gangetic plain with a relatively cooler climate with day temperature



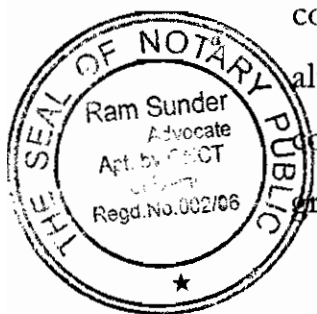
ranging between 25 to 32 degrees Celsius and night temperature ranging between 20 to 22 degrees Celsius during grain filling for maximum retention of aroma in the grains. Consequently, only one crop of BASMATI can be grown in a year during the Kharif season. BASMATI rice has been grown in this region for centuries and is known to possess its unique characteristics owing to the agro-climatic conditions of the said region as well as the method of harvesting and processing employed by the farmers.

16. BASMATI rice has also been the subject of scientific research aimed towards increased productivity and quality refinement for value addition. There is also extensive written scientific literature regarding BASMATI rice dating back to the 1800s. Attached hereto and collectively marked as **Annexure 10** are copies of some scientific and historical records pertaining to BASMATI rice.

17. The evaluation and testing of a rice variety to be released and notified as a BASMATI rice variety is conducted only within the aforesaid growing areas of BASMATI rice. Further, the said rice variety is released and notified for cultivation only in the aforesaid growing areas of BASMATI rice. There is an elaborate procedure followed for release and notification of BASMATI varieties under the NBT, which is a trial process under the aegis of the National Agricultural Research System (NARS). NARS is an agricultural research system under the control, supervision and coordination of the Indian Council of Agricultural Research (ICAR) Institutes, the State Agricultural Universities (SAUs), and various other government and higher education agencies.

18. The NBT is conducted by the Directorate of Rice Research (DRR) in coordination with the ICAR institutes and the SAUs. There are altogether 32 SAUs in India. However, there are only a few SAUs that conduct NBT on BASMATI rice, all located within the above-defined growing areas and include the following:

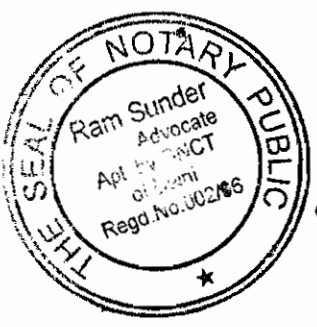
- a. Indian Agricultural Research Institute, New Delhi.
- b. Punjab Agricultural University, Ludhiana



- c. Govind Ballabh Pant University of Agriculture and Technology, Udhham Singh Nagar, Uttarkhand
- d. Haryana Agricultural University, Hisar
- e. Sher-e-Kashmir University of Agricultural Science and Technology, Jammu
- f. Sher-e-Kashmir University of Agricultural Science and Technology, Kashmir
- g. Chaudhary Sarwan Kumar Himachal Pradesh Krishi Vishwavidyalaya
- h. Sardar Vallabhai Patel University of Agriculture and Technology, Meerut

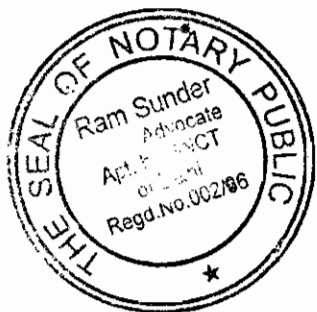
19. The NBT is conducted as follows:

- a. The development of those seed varieties proposed to be released and notified as BASMATI rice varieties are developed by rice breeders over a period of 10-11 rice crop seasons (Kharif).
- b. Thereafter, these seeds are sent to the DRR for the Initial Varietal Trial-Basmati Trial (IVT-BT). IVT-BT is conducted in ten separate locations, all located within the defined growing areas of BASMATI rice. In order for these seeds to be released and notified as BASMATI, they are compared with the characteristics of standard check BASMATI rice varieties such as Pusa Basmati-1 and Tarori Basmati.
- c. Those seed varieties that are better than the standard check varieties in terms of average yield (usually 10% better than the controlled varieties) and quality (on par with the controlled varieties) are promoted to the Advanced Varietal Trial (AVT).
- d. AVT consists of two stages- AVT-1 and AVT-2. Tests under the AVT usually take 2 years to be completed. The seed varieties progresses from AVT-1 to AVT-2. AVT is conducted in two sequences of two stages. Stage one is a qualifier evaluation for the test varieties to get promoted to the Advance Varietal Trial stage.



This happens only when test variety performs beyond doubt better than the standard check. At the Stage two, the test entry is not only evaluated against the standard check for its stability and performance but also for its reaction of insect, pests and diseases or such yield reducing factors. This rigorous testing enables ascertaining consistency in productivity and BASMATI quality.

- e. Once the seed varieties progress through the two stages of AVT, these are identified for release.
- f. These identified varieties are then placed before the Varietal Identification Committee (VIC) comprising representatives from all rice production technologies and stake holders approved by the Indian Council of Agricultural Research that meets once a year at the Annual Rice Group Meeting.
- g. Once the identified varieties are approved by the VIC, these are released and notified under the Seeds Act, 1966 by the Central Sub Committee on Varietal Release and Notification, which is a body under the Central Seeds Committee. The identified variety, once notified and released, should have the name BASMATI in the body of denomination, along with its initial evaluation trial number in parenthesis.
- h. Subsequent to being notified and released, the rice variety enters the seed production chain. Only these varieties are produced, processed and marketed as certified seeds under the Seeds Act, 1966. The seed production is taken up independently by the public sector undertaking such as National Seeds Corporation, Government of India, States Seeds Farm Corporation, Government of India, States Seeds Corporation as well as Department of Agriculture of States in the defined BASMATI G.I region. This ensures seeds purity as well as strict standards of quality.



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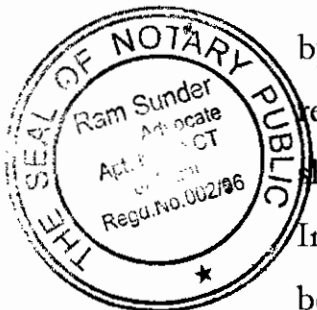
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Attached and marked collectively as **Annexure 11** are copies of the NBT results conducted for the period 2001-2008.

20. Based on the aforesaid evidence of public recognition, recorded history and scientific literature, today, the recognition and reputation of BASMATI rice as a geographical indication with unique characteristics attributable to its geographical origin remains a universally acknowledged fact to all rice aficionados as well as those in the relevant trade and industry.

Uniqueness of 'BASMATI' rice and the natural and human factors contributing to the same

21. As per the provisions of the Seeds Act, 1966 and the recommendations of the Central Sub-committee on Crops Standards Notification and Release of Varieties for Agricultural Crops constituted by the Central Seed Committee established under Section 3 of the Seeds Act, 1966 to define the standards of and delineate the qualifications of the rice varieties to qualify as BASMATI, BASMATI rice should conform to certain pre-determined standards. These standards are prescribed in the Office Memorandum dated May 29, 2008 issued by the Ministry of Agriculture through the Department of Agriculture and Co-operation, Government of India. In particular, the variety should be either a traditional known BASMATI or evolved through breeding process. In order to be labeled a variety of BASMATI rice, the variety has to be tested and evaluated through the NBT for quality parameters organized by the All India Coordinated Rice Improvement Project, ICAR and released/ notified under the Seeds Act, 1966. Further, the said varieties should be suitable to be grown in the aforementioned growing areas of India in the Indo-Gangetic plains. Also, the sample for the testing would be direct harvest from the current seed batch being used for the corresponding trial from the location specified by the Directorate of Rice Research within the geographical area where BASMATI rice is grown. During evaluation and decision making for promotion and

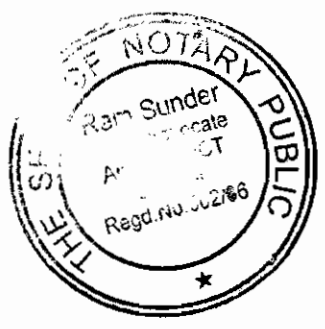


identification/ release, the quality standards will have to be met and supported by desirable range of expression of other ancillary characters as prescribed in the Office Memorandum dated May 29, 2008. The primary and ancillary characters of a variety have to be verified by one or more laboratories identified by the Directorate of Rice Research. Lastly, the variety should be proposed for release/ notification with the term "BASMATI" in the body of denomination, along with its initial evaluation trial (IET) number in parenthesis. The Office Memorandum further approves the condition among others that the procedure for notification of a BASMATI variety must ensure that only such varieties would qualify for the use of the name BASMATI in their denomination which contain the prescribed standards and are grown in the Indo-Gangetic region covered by the geographical indication. A copy of the said Office Memorandum issued by the Ministry of Agriculture through the Department of Agriculture and Co-operation highlighting all the primary quality characteristics of BASMATI rice is attached hereto and marked **Annexure 12**.

- 22. Two sets of tabulated details of the quality characteristics and ancillary characters of BASMATI rice as prescribed in the Office Memorandum are given below:

Primary Quality Characteristics of BASMATI rice

S. No.	Parameter **	Value
1.	Minimum average precooked milled rice length (mm)	6.61
2.	Average precooked milled rice breadth (mm)	≤2.00
3.	Minimum length/breadth ratio of precooked milled rice (L/B Ratio)	3.50
4.	Minimum average cooked rice length (mm)	12.00
5.	Minimum cooked rice length/precooked rice length ratio OR Minimum elongation ratio	1.70
6.	Average volume expansion ratio	>3.5
7.	Aroma	Present (Qualitative sensory analysis as Panel Test *)
8.	Texture of cooked grain for high integrity (without bursting the surface), non-stickiness,	Present (Qualitative



tenderness, good taste and good mouth feel.	sensory analysis as Panel Test *)
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** The grain sample for analyses will necessarily have to be 'aged' for three months under protected conditions at normal room temperature as milled kernel

*As per standardized protocol (Directorate of Rice Research, Hyderabad)

Other ancillary characters

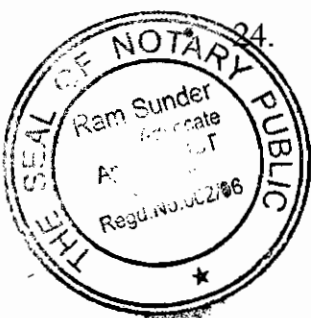
S. No.	Parameter **	Value
1.	Amylose content range	20-25%
2.	Alkali spreading value range (ASV)	4.0 – 7.0
3.	Minimum brown rice recovery (%)	76%
4.	Minimum milled rice recovery (%)	65%
5.	Minimum head rice recovery (%)	43%

** The grain sample for analyses will necessarily have to be 'aged' for three months under protected conditions at normal room temperature as milled kernel.

23. The supremacy of BASMATI rice over other varieties of scented and non-scented rice is attributed to its unique and delicately balanced combination of a number of unique characteristics such as long slender kernels with high length breadth ratio, an exquisite aroma, sweet taste, soft texture, delicate curvature, intermediate amylose content, high integrity of grain on cooking, and linear kernel elongation with least breadth wise swelling on cooking. These unique characteristics are attributable to the various natural and human factors involved in the sowing, harvesting and processing of BASMATI rice.

Natural factors

24. The agro-climatic conditions – The traditional varieties of BASMATI rice are long duration varieties which come to maturity in the month of October. The photoperiod sensitivity of traditional BASMATI rice varieties makes these vulnerable to erratic climate which sometimes



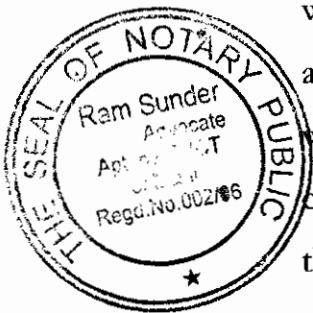
reduces the productivity. Further, traditional BASMATI rice may be vulnerable to lodging. These limitations have been overcome to a great extent in the evolved varieties using scientific, genetic and plant breeding methodologies. The evolved varieties are able to withstand changes in the climate within the defined growing area. The evolved varieties come to maturity towards the end of September to the first half of October in the defined growing areas when the temperature is conducive for accumulation and retention of aroma during grain filling process. The evolved varieties come to harvesting stage about 20-30 days earlier than traditional varieties.

Further, to overcome the problem of lodging, research programmes were initiated for the development of semi-dwarf high-yielding BASMATI varieties which led to the first success in the form of 'Pusa Basmati-1' by the Indian Agricultural Research Institute in 1989. Since then, all the evolved varieties have used this character which also enables the BASMATI plant to better respond to fertilizer.

Barring that, both traditional and evolved varieties must have the essential agro-climatic conditions such as requirement of high humidity, sufficient water supply and normal soil. In other words, only when grown in the aforesaid geographical region of the Indo-Gangetic plains do these varieties, traditional or evolved, produce the characteristics associated with BASMATI rice.

25. The eating qualities of BASMATI rice such as a soft texture, delicate curvature, high integrity of grain on cooking and linear kernel elongation with least breadth wise swelling on cooking are greatly influenced by the agro-climatic conditions such as soil, fertility, irrigation practices, cool weather during grain filling period, harvesting, storage etc. Even the cooking qualities cannot be replicated when the seed is grown outside the traditional growing areas.

26. BASMATI rice emits a specific aroma in the field, at harvesting, in storage, during milling, cooking and eating which is due to harmonious



combination of more than 200 chemical compounds among which, 2-acetyl-1-pyrroline is the most predominant.

Human factors

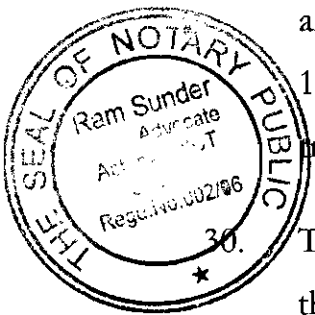
27. Water Quality and Irrigation:

BASMATI rice varieties can be grown following any rice growing agronomy practices in terms of both transplanted or direct seeding technologies in the above defined geographical area for cultivation with irrigation or rain water facilities. Any canal supplied water, rain water or ground water from the defined geographical area for BASMATI cultivation can be effectively used for irrigation. These practices prevent drying of the BASMATI plant like any other variety of rice.

28. Where transplanting method is adopted, seeds of BASMATI rice are sown in nurseries for further transplantation in the month of June for higher productivity and reducing incidence of blast disease. The sprouted seeds are sown in the evening on a wet seed bed with 5 cm of fresh standing water. The excess water is drained on the second day and is to be irrigated with fresh water the following day. This procedure has to be followed for about a week and after that water level is to be kept constant, but not above the seedling level.

29. Seedlings of 25-30 days and 5-6 leaf stage are most suitable. The nursery beds have to be irrigated the previous day before uprooting the seedlings so as to minimize root injuries to the seedlings. The uprooted seedlings are washed carefully to remove the mud and are tied in bundles of 100-150 each. The bundles are then carried carefully to the field for transplantation without causing damage to seedlings.

30. The productivity and quality of BASMATI rice is greatly influenced by the time of transplanting. If the traditional tall varieties of BASMATI rice are transplanted before 30th of June, they would attain excessive vegetative growth and get prone to lodging at flowering or grain filling stage. Also, early transplantation of seedlings impairs cooking quality as grains become extremely opaque or exhibit abdominal whiteness due to

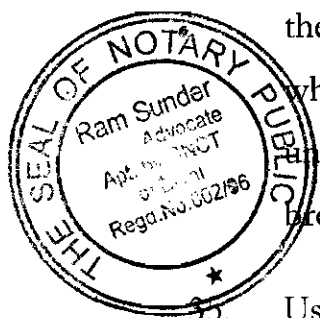


improper development under high temperature caused by loose packing of starch molecules. Hence, the optimum time for transplanting the seedlings is during the first half of July.

31. Seedlings are transplanted in rows with 1-2 seedlings per hill. For timely transplanted crop, row to row and plant to plant distance of 20x15 cm and in case of late transplanted crop a spacing of 15x15 cm is maintained. Seedlings should be planted shallow (2 to 3 cm deep) as deep planted take more time for establishment and give less tillering.
32. Standing water is maintained in paddy fields up to 2-3 weeks after planting, which helps in good plant establishment and weed control. After this period, fields are irrigated only after absorption of water.
33. In the case of traditional varieties of BASMATI rice which are tall, foliage pruning of excessive vegetative growth between 45-55 days after transplanting at about 10 cm from upper most leaf collar is done to reduce the plant height and prevent thereby lodging of the crop without affecting the production.

Method of production

34. For maximum paddy yield and head rice recovery, harvesting of the crop is done between 30 to 35 days after flowering, when the moisture content in the grains ranges between 20 and 22 percent. At this stage, all the grains on the panicle turn yellow except one or two lower ones which are still green but fully filled with grain. Drying unthreshed paddy under shade is recommended and practiced by the farmers to minimize broken percentage (head rice recovery) on milling.



35. Use of fertilizer, herbicide, pesticide and insecticides:

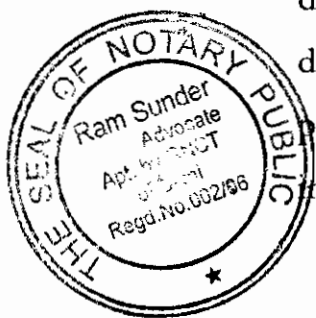
The traditional tall varieties (such as Taraori Basmati and Basmati 386) and the semi-tall BASMATI varieties like Pusa Basmati 1121 are prone to lodging and, therefore, need to be provided less nitrogen in the range of 40-50 kg nitrogen / ha compared to 80-100 kg nitrogen / ha in the

case of evolved semi-dwarf varieties like Pusa Basmati 1. Further, 55-60 kg phosphorus and about 40 kg potash per hectare is applied. Micronutrient zinc needs to be applied at the rate of 20-25 kg/ ha in the defined geographical area for BASMATI cultivation for optimum growth of BASMATI rice. However, need-based modifications to the above standards are recommended based on tests of the soil nutrient content in a location. BASMATI rice grows best with carbon enriching of the soil through farm yard manure application of 8-10 tons/ ha or green manuring with legumes. While in the new generation BASMATI varieties, genetic resistance to biotic stresses (pests and diseases) is incorporated to minimize the use of chemicals and pesticides, the traditional tall and the released evolved BASMATI varieties in the past may require periodical field evaluation to assess their pest and disease load and to facilitate technical prescription for the specific chemical or pesticide required. Such specific chemical or pesticide application package of practices can be readily obtained from the State Department of Agriculture, State Agricultural Universities, Krishi Vigyan Kendras and Indian Council of Agricultural Research institutes.

36. Harvesting and Storage:

Harvesting of the BASMATI crop takes place as soon as 90% of the grain matures so as to avoid loss by shattering, lodging and physical damage to the grains. The harvested crop is generally threshed the same day or as soon as possible and dried to a moisture content of 12-14 % to prevent the development of grain moulds or any other fungal attack or insect damage during storage.

37. Upon harvest the paddy is dried to 12% grain moisture. BASMATI rice is stored for aging which along with pre-soaking in water before cooking adds to grain elongation. Freshly harvested BASMATI rice cooks very soft, moist and sticky with thick gruel and swells very little. During storage, grain hardness increases which allows more swelling and good elongation on cooking. Aged BASMATI rice with increased volume



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cooks fluffy, separates better without bursting.

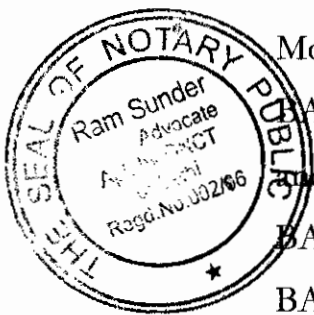
38. Processing:

The processing of BASMATI rice is generally done by modern and state-of-the-art rice mills which carry out cleaning, drying, de-hulling, milling, separating, polishing, grading, sorting and packaging operations. During these operations/ processes, the quality traits of BASMATI rice are not altered and remain intact. These mills conform to prescribed national and international standards.

Quality control and Inspection mechanisms

A. Domestic

39. *The Basmati Export Development Foundation (BEDF)*: - The BEDF was established with the objective amongst others to undertake the promotion and development of the supply chain of BASMATI rice and in particular to promote, develop and co-ordinate integration of activities of diverse stake holders such as consumers, farmers, millers, traders and exporters by bringing focus and objectivity thereto. The BEDF has been promoted by APEDA with a vision for an all-round development of BASMATI rice. BEDF is a society registered under the Societies Registration Act, 1860 and in pursuance of its objectives, a Basmati Research Farm and a Lab-cum-Office complex has been set up in Modipuram, Uttarpradesh to undertake testing and research of BASMATI rice. BEDF has established modern world class DNA testing and quality testing laboratory for testing authenticity and purity of BASMATI rice. It is a unique integrated facility for complete testing of BASMATI rice under one roof, for exports as well as for the domestic market. This facility is located within the BASMATI rice growing region. Attached hereto and marked as **Annexure 13** is a copy of the Memorandum of Association of the BEDF.



40. The Ministry of Commerce, vide a circular dated March 31, 2010 has decided to designate the BEDF laboratory, Modipuram as an

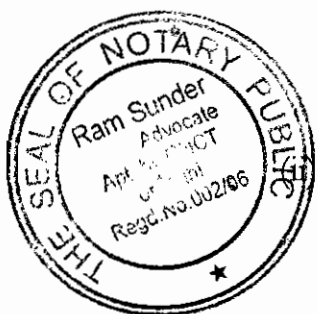
authorized centre for the testing of samples of BASMATI rice for variety identification. As per this circular, the Customs authority may draw rice samples for variety identification and send the same for analysis to BEDF laboratory, in addition to AGMARK testing centres. Attached herewith and marked as **Annexure 14** is a copy of this circular. Accordingly, BEDF is inherently competent to act as body for inspection to ensure that the standards, quality, integrity and consistency/ other unique characteristics of BASMATI rice are maintained by the diverse stake holders in the domestic and export markets.

41. Besides BEDF, the domestic supply chain of BASMATI rice is governed by the following legislations as well:

- (i) *The Seeds Act, 1966*: - The Seeds Act, 1966 provides for an elaborate mechanism for the regulation of the quality of certain seeds for the purposes of sale, including BASMATI rice. Several authorities have been created/ established under the said Act including the Central Seed Committee, Central/ State Seed Laboratory, Certification Agency, Seed Analysts and Seed Inspectors. In pursuance of the mandate vested in the various authorities under the Seeds Act, primary quality characteristics of BASMATI rice have been defined.

Attached herewith and marked as **Annexure 15** is a chart depicting the seed production and supply chain in respect of BASMATI rice.

The Agricultural Produce (Grading and Marking) Act, 1937 (Agmark Act): - This Act provides for the grading and marking of all agricultural products including BASMATI rice.



B. Export

42. Vide a notification dated January 23, 2003 issued under the Export (Quality Control and Inspection) Act, 1963, certain minimum

characteristics and qualities for BASMATI rice have been laid down towards the purposes of inspection of BASMATI rice to ensure quality for exports.

A copy of the said notification is attached hereto and marked as **Annexure 16.**

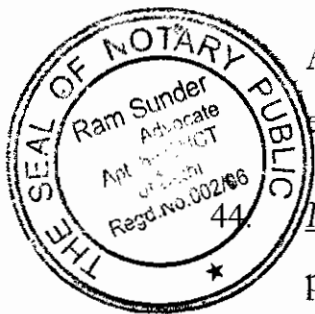
International reference and reputation of 'BASMATI' rice

43. Export of BASMATI rice :- Owing to its unique flavor, aroma and cooking properties which are best suited for Asian dishes such as *biryani* and *pulao*, BASMATI rice has become very popular in numerous foreign countries. In fact, the demand for BASMATI rice has been increasing over the last few decades. BASMATI rice has been and continues to be exported to major countries all over the world including Saudi Arabia, Kuwait, United Arab Emirates, the United Kingdom, the United States of America, Canada and Europe. The total quantity of exports of BASMATI rice between the period 1991 to 2009 (December) is in excess of 1,47,92,724 Metric Tons. The estimated cost of exports between the said period is in excess of INR 26,81,879 crores. Attached herewith and marked **Annexure 17** is a table depicting the country-wise break-up of export of BASMATI rice along with the total cost for the years 2006 to 2010.

Also attached and marked **Annexure 18** is a table representing the total exports of BASMATI rice between the periods 1991-2009.

Promotional campaigns :- Besides, APEDA itself has been carrying out promotional campaigns for BASMATI rice in jurisdictions such as the United States of America and Europe. Attached hereto and collectively marked as **Annexure 19** are copies of some promotional literature used in such campaigns.

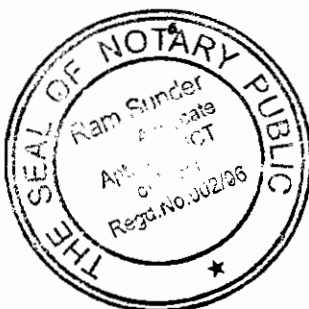
45. Judicial Recognition :- As described above, APEDA has been active in the protection of the goodwill and property in the name BASMATI as a geographical indication. APEDA has initiated and continues to initiate



action against all third parties who have applied for registration of the name BASMATI, either by itself or in combination with other elements, as a trademark / service mark all over the world. Courts and Tribunals in various jurisdictions have recognized and identified BASMATI rice as a special and aromatic rice originating from the Indian sub-continent and, consequently, a geographical indication. Attached hereto and collectively marked as **Annexure 20** are copies of some court decisions from a few countries around the world which have acknowledged that BASMATI rice is a special and unique rice originating from India.

- 46. The name 'BASMATI' is, therefore, a geographical indication for a slender, aromatic and long grain variety of rice grown in the specific geographical area at the foothills of the Himalayas and the name 'BASMATI' can be used only by the legitimate stakeholders in the same such as farmers, millers, traders, exporters, importers etc. and allowing the unauthorized and illegal use of the name might lead to a drop in quality and value to the legitimate stakeholders.
- 47. APEDA submits that it is in the interest of both trade and public that there should be a registration for the name 'BASMATI' as a geographical indication in India to ensure that the rice sold under it are recognized as 'BASMATI' grown in the aforementioned geographical area and having the aforementioned special, distinctive and naturally occurring characteristics.
- 48. Such a registration would assist in enforcing the provisions of the Geographical Indications of Goods (Registration & Protection) Act, 1999.

Dated this the 22nd day of April 2010.



ATTESTED
[Signature]
 Notary Public

22 APR 2010

[Signature]
 APEDA
[Signature]
 Authorized Signatory

ATTACHMENT-A

Other Particulars

1. BASMATI rice is also grown in the neighboring country of Pakistan. The districts in Pakistan wherein BASMATI rice is grown are Gujrat, Gujranwala, Sialkot, Narowal, Mandi Bahauddin, Hafizabad, Sheikhpura, Nankana Sahib, Lahore, Faisalabad, Jhang, Toba Tek Singh, Khushab and Sargodha.
2. For decades, BASMATI rice has been accepted and recognized as originating only from a specific contiguous region shared by India and Pakistan. This fact has been recorded in certain international agreements and documents relating to BASMATI rice.
3. For instance, the European Commission stated in Commission Regulation (EEC) No.833/87 and Commission Regulation (EEC) No.81/92, that morphological characteristics alone do not enable BASMATI rice to be distinguished from other long-grain rice and that BASMATI rice is harvested in regions situated in India and Pakistan. The European Commission also stated that the arrangement provided for in Regulation (EEC) No.3877/86 shall apply to BASMATI rice with certain Common Customs Tariff codes, provided that the rice is the subject of a certificate of authenticity which can be issued only by certain authorities in India and Pakistan. A copy each of these Regulations is attached hereto and collectively marked as Annexure 21.
4. However, the European Commission Regulation (EEC) No.833/87 and Regulation (EEC) No.3877/86 have since been repealed and replaced by two new agreements that India and

Pakistan have entered into with the European Community on August 28, 2004 relating to modification of concessions with respect to rice including certain varieties of BASMATI rice. As per these agreements, both India and Pakistan are to protect the name BASMATI as a geographical indication and also to continue to issue authenticity certificates prior to the issuance of import licenses. Copies of these agreements are attached hereto and collectively marked as Annexure 22.

5. Further, "The Code of Practice on Basmati Rice" agreed by 'the Rice Association', the 'British Rice Millers Association' and the 'British Retail Consortium' in consultation with the Local Authorities Coordinators of Regulatory Services (LACORS) and the Association of Public Analysts (APA) and in discussion with the Federation of European Rice Millers, the All India Rice Exporters Association (AIREA) and the Rice Exporters Association of Pakistan (REAP), defines the name BASMATI as 'the customary name for certain varieties of rice that are grown exclusively in specific areas of the Indo-Gangetic Plains. India and Pakistan have agreed to protect the geographical indication BASMATI covered by EC Regulation 1549/2004, as detailed in Council Decisions 2004/617/EC and 2004/618/EC. A copy of the said Code is attached hereto and marked as Annexure 23.