

**THE GEOGRAPHICAL INDICATION OF GOODS  
(REGISTRATION AND PROTECTION ) ACT, 1999**

(To be filed in triplicate along with the Statement of case accompanied by five additional representations of the Geographical indication)  
One representation to be fixed within the space and five others to be send separately)

**FORM GI-1**

Application for registration of a geographical indication in Part A of the Register

Section 11(1), Rule 23(2)

1. Application is hereby made by SPICES BOARD for registration in Part A of the Register of the accompanying geographical indication furnishing the following particulars: -

A. Name of the Applicant

**SPICES BOARD – A Commodity Board and Agency under the Ministry of  
Commerce and Industry**

B. Address

**SPICES BOARD, Ministry of Commerce and Industry, SUGANDHA  
BHAVAN, N.H. Bye-pass, P.B. No. 2277, Palarivattom, Cochin 25**

C. List of association of persons/producers/organization/authority

**The members and constituents of the SPICES BOARD**

D. Type of goods

Variety of spices in class 30

E. Specification

Spices – Pepper

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F. Name of the Geographical Indication and particulars.

### **MALABAR PEPPER**

Spice has been Kerala's lifeblood for millennia, and the crop that has drawn traders from all over the world is ~~pepper~~ "MALABAR PEPPER" is an indigenous spice of the Malabar Region in the State of Kerala. The pepper has a special quality based upon the unique agro-climatic condition of the said geographical indication. The Applicant is a Commodity Board under the Ministry of Commerce and Industry, Government of India, to monitor and develop the Indian spice trade and to regulate and encourage the export of authentic quality pepper from India. It is a certifying authority for indigenous, quality pepper from various producers. The said geographical indication identifies and indicates the pepper produced in the Malabar Region of Kerala State.

The mark MALABAR is truly descriptive of the said geographical region and its native products. This application is now necessitated by the incessant, irrational use, misuse and depiction of the name MALABAR in relation to various goods thereby misleading the trade and the public at large as to the origin of the these goods. The mark MALABAR has been subject of trademark registrations in India and even in the United States thereby deliberately misleading the general public and reaping unjust gains out of the geographical indication. Several spices, spice powders, food stuffs, branded fruits and vegetables are being marketed all over the world under the name and style of MALABAR, thereby allowing a handful to make huge commercial advantages. The indigenous spices, plant varieties and the rich bio-diversity of the MALABAR region are also the subject matter of various patents outside India. The conscious understanding and awareness that the mark MALABAR is a gold mine of opportunities has led to the irrational misuse of the said mark in alarming proportions.

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Since pepper and like spices account for a quarter of the world's trade, the Applicant is making a consistent effort to protect the true place of origin of MALABAR PEPPER, thereby boosting the export of MALABAR PEPPER and promoting the economic prosperity of the producers.

#### G. Description of the goods

The word ~~pepper~~ is derived from the Sanskrit *pippali* via the Latin *piper* and Old English *pipor*. "MALABAR PEPPER" is further classified under two grades – garbled and un-garbled. The garbled variety is black in colour, nearly globular with a wrinkled surface, the deepest wrinkles forming a network in the dried fruit. The ungarbled variety has a wrinkled surface and the colour varies from dark brown to black. Black ~~pepper~~ (*Piper nigrum*) is a flowering vine in the family Piperaceae, cultivated for its fruit, which is usually dried and used as a spice and seasoning. The fruit, known as a peppercorn when dried, is a small drupe five millimetres in diameter, dark red when fully mature, containing a single seed.

#### H. Geographical area of production and map

The "MALABAR PEPPER" has its origin in the Malabar Region in the State of Kerala. The map of the geographical area is produced herewith.

#### I. Proof of origin (Historical Records)

~~Pepper~~ "Piper Nigrum", has been used as a spice in India since prehistoric times. It was first cultivated on the ~~Malabar~~ coast of India, in what is now the state of Kerala.

Until well after the Middle Ages, virtually all of the black ~~pepper~~ found in Europe, the Middle East, and North Africa travelled there from India's ~~Malabar~~ region. Ports in the ~~Malabar~~ area also served as a stop-off point for much of the trade in other spices from farther east in the Indian Ocean. By the time of the early Roman Empire — especially after Rome's conquest of Egypt in 30 BCE — open-ocean crossing of the Arabian Sea directly to

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southern India's Malabar Coast was near routine. Details of this trading across the Indian Ocean have been passed down in the Periplus of the Erythraean Sea. According to the Roman geographer Strabo, the early Empire sent a fleet of around 120 ships on an annual one-year trip to India and back. The fleet timed its travel across the Arabian Sea to take advantage of the predictable monsoon winds. Returning from India, the ships travelled up the Red Sea, then the cargo was carried overland or via the Nile Canal to the Nile River, barged to Alexandria, and shipped from there to Italy and Rome. The rough geographical outlines of this same trade route would dominate the pepper trade into Europe for a millennium and a half to come. With ships sailing directly to the Malabar coast, black pepper was now travelling a shorter trade route than long pepper, and the prices reflected it. Pliny the Elder's Natural History tells us the prices in Rome around 77 CE:

A depiction of Calicut, India is seen published in 1572 during Portugal's control of the pepper trade.

Its exorbitant price during the Middle Ages—and the monopoly on the trade held by Italy—was one of the inducements which led the Portuguese to seek a sea route to India. In 1498, Vasco da Gama became the first European to reach India by sea; asked by Arabs in Calicut (who spoke Spanish and Italian) why they had come, his representative replied, "we seek Christians and spices." Though this first trip to India by way of the southern tip of Africa was only a modest success, the Portuguese quickly returned in greater numbers and used their superior naval firepower to eventually gain complete control of trade on the Arabian sea. This was the start of the first European empire in Asia, given additional legitimacy (at least from a European perspective) by the 1494 Treaty of Tordesillas, which granted Portugal exclusive rights to the half of the world where black pepper originated.

The Portuguese proved unable to maintain their stranglehold on the spice trade for long. The old Arab and Venetian trade networks successfully smuggled enormous quantities of spices through the patchy Portuguese blockade, and pepper once again flowed through Alexandria and Italy, as

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well as around Africa. In the 17th century, the Portuguese lost almost all of their valuable Indian Ocean possessions to the Dutch and the English. The pepper ports of Malabar fell to the Dutch in the period 1661-1663.

Logan's Malabar Manuel narrates in page 375 and 382, how the English and the Dutch fought for rich trade of pepper in the Malabar Coast

John Milton's 'Paradise Lost' in page 31 of Book No. IX - verse 1100, refers to "Malabar" and its rich resources.

Pepper finds a place as a medicine in *Charaka Samhita*. There are ever many historical events linking the origin of pepper to Malabar Coast. According to Watt (1898), pepper was one of the earliest articles of Indo-European trade. *Linschotten in 1598* gives a detailed account of the method of growing and gathering the spices, stating that "much pepper" was there to be found along the whole coast of Malabar. Malabar has always been considered to produce the best pepper.

#### Historical evidences of linking the origin of pepper to the Malabar Coast.

##### *3000-2000BC*

*The Assyrians and the Babylonians were in close contact with the Malabar Coast and were trading in pepper, cardamom and cinnamon. The ancient Babylonia had a flourishing sea trade with Malabar Coast and China possibly touching many ports on the way. The Babylonian-China connection via Malabar Coast is the earlier possible routes through which the black pepper plants reached the far east and south east asian countries.*

##### *200BC-700AD*

*Jeanine Auboyar, author of Daily Life in Ancient India.. narrates the collection and marketing of pepper and long pepper in the Malabar and export to Alexandria*

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1<sup>st</sup> Century AD

*Pliny reported that black pepper came from South India (Malabar) and that the long pepper came from North India*

23-79AD

*Reference to the use of pepper in the "Natural History" by Pliny the Elder*

851 AD

*Chinese traveler Sulaiman visited the Kerala Coast – recorded the black pepper cultivation and trade with china*

10-11<sup>th</sup> Century

*Raja Raja Chola and his son Rajendra, the powerful South Indian kings extended their empire to Malay and Bali islands. This was probably the route through which pepper plants reached Indonesia and Malaysia*

1403-1433

*Voyages of Zheng He from China to Malabar Coast and the strong trade relation ship between Malabar coast and china*

1498

*Vasco de Gama discovered the sea route to India and landed near Calicut on the Malabar Coast on 20<sup>th</sup> May, 1498.*

1500

*Pedro Alvares Cabral landed in Calicut accompanied by ships and men and established the supremacy of Portugal over the spices trade in Malabar Coast.*

1600

*Establishment of the British East India Company for trading in spices.*

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1636

*British started export of Pepper from the Malabar Coast.*

1700-1800

*The rise of the British presence in Malabar. They entered into contracts with local rulers for monopoly procurement of pepper and spices. French established a small pocket in Mahe. By 1800 the British became the supreme power in pepper trade, the rest is history!*

Anon 1969

*In modern Indian medicine pepper is employed as an aromatic stimulant in cholera, weakness following fevers, vertigo as a stomachic in dyspepsia and flatulace.*

*According to Watt (1898) pepper was one of the earliest articles of Indo-European trade, and has been extensively cultivated on the Western Coast of Southern India for many centuries.*

*Linschotten in 1598 gives first detailed account of method of growing and gathering spices, stating that "much pepper" was there to be found along the whole coast of Malabar... Malabar has always been considered to produce the best pepper*

*Towards the end of the century, Dr. Roxburgh discovered the plant piper growing wild in the hills north of Samucoltah and commended a large plantation in that neighbourhood.*

#### Method of Production

Black ~~pepper~~ is produced from the still-green unripe berries of the ~~pepper~~ plant. The berries are cooked briefly in hot water, both to clean them and to prepare them for drying. The heat ruptures cell walls in the fruit, speeding the work of browning enzymes during

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drying. The berries are dried in the sun or by machine for several days, during which the fruit around the seed shrinks and darkens into a thin, wrinkled black layer around the seed. Once dried, the fruits are called black peppercorns. Black ~~pepper~~ is grown in soil that is neither too dry nor susceptible to flooding, is moist, well-drained and rich in organic matter. The plants are propagated by cuttings about 40 to 50 centimetres long, tied up to neighbouring trees or climbing frames at distances of about two metres apart; trees with rough bark are favoured over those with smooth bark, as the ~~pepper~~ plants climb rough bark more readily. Competing plants are cleared away, leaving only sufficient trees to provide shade and permit free ventilation. The roots are covered in leaf mulch and manure, and the shoots are trimmed twice a year. On dry soils the young plants require watering every other day during the dry season for the first three years. The plants bear fruit from the fourth or fifth year, and typically continue to bear fruit for seven years. The cuttings are usually cultivars, selected both for yield and quality of fruit.

A single stem will bear 20 to 30 fruiting spikes. The harvest begins as soon as one or two berries at the base of the spikes begin to turn red, and before the fruit is mature, but when full grown and still hard. If allowed to ripen, the berries lose pungency, and ultimately fall off and are lost. The spikes are collected in bags or baskets and then spread out to dry in the sun, and the peppercorns then stripped off the spikes.

### J. Uniqueness

~~Pepper~~ has a sharp, hot and biting taste. It's a warming spice. It is one of the oldest and important spices in the world. So important, that in ancient times it was used to pay taxes. In 410 A.D, when the Huns lay siege of Rome, 3000 pounds of ~~pepper~~ was demanded as ransom. India has always reigned supreme in the production and ~~supply~~ of this most exotic and sought-after spice.

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The **pepper** of Kerala provides a quarter of the world's supply of Pepper. **pepper** is highly aromatic, with a distinctive, fruity bouquet. Tellicherry **pepper** from Malabar Region is considered the most complex, balanced and elegant of the black peppers. It is actually a special type of **pepper** which has been allowed to ripen completely so that it develops more flavor, sugar and size. Its aroma is sweet and spicy. Its flavor is rich and bold. **Black Pepper** has the perfect combination of flavor and aroma.

Sanskrit authors describe black pepper as acrid, pungent, hot dry, carminative and useful in intermittent fever, haemorrhoids and dyspepsia. In modern Indian medicine, pepper is employed as an aromatic stimulant in cholera, weakness following fevers, vertigo and as a stomachic in dyspepsia and flatulace. Its action as a stimulant is specially evident on the mucous membrane of the rectum, and so is good for constipation, also on the urinary organs; externally it is a rubefacient, useful in relaxed conditions of the rectum when prolapsed; sometimes used in place of cubeb for gonorrhoea; given in combination with aperients to facilitate their action, and to prevent griping. As a gargle it is valued for relaxed uvula, paralysis of the tongue. On account of its stimulant action it aids digestion and is specially useful in atonic dyspepsia and torbid condition of the stomach. It will correct flatulence and nausea. It has also been used in vertigo, paralytic and arthritic disorders. It is sometimes added to quinine when the stomach will not respond to quinine alone. It has also been advised in diarrhoea, cholera, scarlatina, and in solution for a wash for *tinea capitis*.

**pepper** is used in Ayurvedic And Siddha in Kat Rasa, Kat Vipakam, Ushna Veriyam, Vata Kapha haram, Pitta haram, Tikshnam, Ruksham, Lagu, Dipanam in Swasam, Soolam, Krimi hicca. The black **pepper** as a culinary spice and condiment is well known throughout the world. It removes balgham, carminative, aphrodisiac, used in colic.

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The average annual price of Pepper at Cochin was Rs. 108 for 300kg in 1938. By about 1948 it reached upto Rs. 690 and in 1949 the price suddenly shot upto to Rs. 2,286/- and increased still further in subsequent years. In the 1960's pepper had been exported to about 16 major countries and many other small nations. Major countries which purchased pepper from India include USSR, USA, Italy, Yugoslavia, Czechoslovakia, East Germany, West Pakistan, Bulgaria, France Etc. *Drury* estimates the average annual production of the hilly districts of Travancore to be 5000 candies.

Indian trade designation of whole black pepper and their requirements

Grade Designations	Moisture % max	Pinheads % max	Light fruits max	Extraneous matter % max	Special characteristic
1	2	3	4	5	6
<b>Garbled</b>					
MG1	11.0	Nil	2.0	0.5	Grown in S. India; garbled by cleaning of Winnowing, black in colour, nearly Globular with a wrinkled surface, the deepest wrinkles forming a network in the dried fruit
MG2	11.0	Nil	3.0	0.5	
<b>Ungarbled</b>					
<b>Malabar</b>					
MUG 1	12.0	1.0+	7.0	2.0+	Grown in S. India; colour varying from Brown to black, with a wrinkled surface
MUG 2	12.0	1.0+	10.0	2.0+	
<b>Garbled light:</b>					
GL1	12.0	1.5+		1.5+	Grown in S. India; colour varying from Dark brown to black; garbled, consisting of light fruits
GL2	12.0	4.0++		2.0++	
<b>Non-Specified</b>					
NS	12.0	3.0++		2.0++	Mixture of fruits of different grades in varying proportions
<b>Pinheads</b>					
PH	12.0			3.0	

S. J. *curran*

- + The total of the 2 values under columns 3 and 5 shall not be more than 2%
- ++ The total of the 2 values under columns 3 and 5 shall not be more than 4%

### ***The Global Scenario***

- The global production of ~~pepper~~ fluctuates between 3-3.5 lakh tons tons, with a production of 3.25 lakh tons recorded in 2003.
- Vietnam (85000 tons), Indonesia (67000 tons), India (65000 tons), Brazil (35000 tons), Malaysia (22000 tons), Sri Lanka (12750 tons), Thailand, China are the major producers of ~~pepper~~ in the World.
- The global exports of ~~pepper~~ are around 2-2.5 lakh tons, with 2.29 lakh tons being exported in 2003.
- The major exporters of ~~pepper~~ are Vietnam (82000 tons), Indonesia (57000 tons), Brazil (37940 tons), Malaysia (18500 tons) and India (17200 tons).

### ***Major World Markets***

New York, Singapore and Rotterdam are major international trading centers for ~~pepper~~. The primary international grades and their markets are Lampung at Panjang (Indonesia), Sarawak at Kuching (Malaysia), Vietnam at HCM City (Vietnam). However, ~~pepper~~ grade of ~~pepper~~ from India traded at Kochi, Kerala is considered to be the premium grade of ~~pepper~~ and rules above the international grades.

### ***Indian Scenario***

- India harvests most of its ~~pepper~~ at the beginning of the year. During 2003, production of ~~pepper~~ in India was reported to be 65,000 tons against 80,000 tons in 2002.
- Kerala accounts for 90% of India's ~~pepper~~ production. The other producers are Karnataka and Tamil Nadu.

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## INSPECTION BODY

Core Consultative Group of the applicant comprising experts will review and certify the standards and conformity to the authentic method of cultivating MALABAR PEPPER.

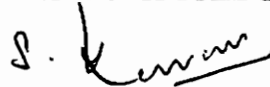
### Other

Along with the Statement of Case in Class 30 in respect of PEPPER in the name(s) of SPICES BOARD whose address is SPICES BOARD, Ministry of Commerce and Industry, SUGANDHA BHAVAN, N.H. Bye-pass, P.B. No. 2277, Palarivattom, Cochin 25, Kerala, India, who claim to represent the interest of the producers of the said goods to which the geographical indication relates and which is in continuous use in respect of the said goods.

2. The Application shall include such other particulars called for in rule 32(1) in the Statement of Case.
3. All communication relating to this application may be sent to the following address in India:

Mr. SATISH MURTI  
M/s. MURTI & MURTI, ADVOCATES  
PATENT AND TRADEMARK ATTORNEYS  
2<sup>ND</sup> FLOOR, BEETA PLAZA, KRISHNASWAMY ROAD  
KOCHI - 682 035

ON BEHALF OF SPICES BOARD



DIRECTOR - MARKETING

एस. कण्णन / S. Kannan  
निदेशक (विपणन) / Director (Mktg.)  
स्पाइसेस बोर्ड / Spices Board  
भारत सरकार / Govt. of India  
कोच्चिन / Cochin-682 025