

J
P
O

縁

ENISHI

*IP Friends
Connections*

December 2012

No. 2



This Magazine is published as part of the Intellectual Property Cooperation in Human Resource Development Program of the Japan Patent Office. The aim of this Magazine is to follow up on training programs through the dissemination of information to IP Friends, those who have completed training courses of the above program. We very much hope that the information in this publication related to intellectual property, and the comments from either IP Friends or lectures, will prove beneficial to you in your work.

【The meaning of 縁 (Enishi)】

“Enishi” refers to the bond created between people when encountering someone they were destined to meet. We have chosen this term as the title for our publication because we are all members of the Intellectual Property community, and the bonds created between us extend beyond national borders. We hope that you will use this informative publication to deepen the “Enishi” you have created with your IP Friends.

Table of Contents

1. Report of Patent Practical and Tailored Training from APIC
2. FY 2012 Follow-up Seminars List
3. Report of JPO/IPR Training Course for IP Protection Lawyers from the participants
Ms. Dionne Ecap Pulma (The Philippines)
4. Report of WIPO/JF Training Course on the Examination Practices of Industrial Property from the participants
Mr. Shyam Kumar Barik (India)
Mr. Roderick T. Ugto (The Philippines)
5. Introduction of FY 2012 the second Long Term Fellowship Reserchers
Ms. Tatiana Carestiato da Silva (Brazil)
Ms. Zhang Wei (China)
6. Messeage from Lecturer Mr. Tetsuo Tsukanaka, Deputy President, Patent Attorney Sugimura International Patent & Trademark Attorneys
7. Messages from IPAAAs (Thailand and the Philippines)
8. Contributions from FY 2012 the first Long Term Fellowship Researchers
 - 1) “Six months experience in Japan” & “Three main types of Trademark disputes”
Mr. Ly Sonabend (Cambodia)
 - 2) “My experience as long-term researcher in Japan: 6 month of unforgettable experience”
Ms. Pattarawan Charumilin (Thailand)
9. Articles from the former trainees
 - 1) “A Brief Analysis of Infringement by Equivalence in Brazil”
Mr. Marc Hargen Ehlers (Brazil)
 - 2) “Geographical Indication Protection in China”
Mr. Liu Guodong (China)
 - 3) Growth of GEOGRAPHICAL INDICATIONS of Goods in INDIA
Mr. Panneer Selvam Sanjai Gandhi (India)
 - 4) “Winning the Uphill Battle”
Ms. Nor Husna Shafini Binti Nor Bashah (Malaysia)
10. Column: “Words that Leverage People”
Mr. Takao Ogiya, Director General of APIC
11. Introducing new technology from “Cool Japan! *MONOZUKURI* Japan!”
~“Neji-Saurus®”~
Mr. Mitsuhiro Takasaki (President and CEO of Engineer Inc.)
12. Happenings in Japan (Four-Flame Cartoon)
13. The movie of “Introduction of JPO’s Cooperation in Human Resources Development Program”
14. Editor’s Note

Growth of GEOGRAPHICAL INDICATIONS of Goods in INDIA

Mr. Panneer Selvam Sanjai Gandhi
Addl. Govt. Pleader, High court,
IPR Attorney
India



Mr. Panneer Selvam Sanjai Gandhi

Geographical indications refer to indications that identify a good as originating in a particular territory, or a region or locality within a territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. It may also be defined as a sign used on goods that have a specific geographical origin, and possess qualities or a reputation that is due to that place of origin. Most commonly, a geographical indication consists of the name of the place of origin of the goods. For instance, 'Champagne,' 'Cognac,' and 'Tuscany' are geographical indications designating the specific geographical area from which they originate.

Under Articles 1 (2) and 10 of the Paris Convention for the Protection of Industrial Property, geographical indications are covered as an element of IPRs. They are also covered under Articles 22 to 24 of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which was part of the agreements concluding the Uruguay Round of GATT negotiations.

As per the TRIPS agreement, India enacted the Geographical Indications of Goods (Registration & Protection) Act, 1999. This act came into force beginning on 15th September 2003.

According to this act, barring unauthorised people or associations from exploiting the geographical indications would serve to protect consumers from being cheated, while contributing to the economic success of the goods' producers and also promoting goods with Indian geographical indications in the export market. Under the TRIPS Agreement, countries are under no obligation to extend protection to a particular geographical indication unless that geographical indication is protected in the country of its origin. Therefore, prior to 2003, India did not protect geographical indications of Indian origin.

Since coming into effect, 178 products have been registered under the Geographical Indications Act of India to date (as of October 2012), including not less than six foreign products that include Peruvian Pisco from Peru, Champagne and Cognac from France, Napa Valley wine from the USA, Scotch whiskey from the UK, Prosciutto di Parma from Italy, and Porto and Douro from Portugal.

Several other products in several different categories have come under the purview of this act. The various categories under which they are currently divided are those of foodstuffs, handicrafts, agriculture and manufactured goods.

The trade-related aspects of intellectual property rights (TRIPS) agreement, to which India is a signatory, warrant that members may enact legislation for protection of GIs. As per these guidelines, the government of India announced additional protection for wines and spirits under the Geographical Indications of Goods (Registration and Protection) Act, 1999. Since then, 150 applications have been filed under the act by various member countries seeking registration for wines and spirits.

As a result of the efforts of Mr. Sanjai Gandhi, President, IPR Attorney Association, Chennai, India, ten items from Tamil Nadu, India have been registered under the Geographical Indication Act. These products are Kancheepuram silk sarees, Bhavani Jamukkalam (bed-

sheet), Madurai Sungudi sarees, Salem white silk, Kovai Kora cotton, Arni silk, Thanjavur paintings, Thanjavur dancing dolls, Ethomozhi tall coconut of the Kanyakumari district and Tangalia shawls of Gujarat.

One of the registered GI products is Kancheepuram silk sarees. They derive their name from the Kancheepuram region situated in Tamil Nadu, and are bright coloured heavy weight sarees featuring solid gold zari borders for the pallu. Their specialty lies in their durability. The tradition of Kancheepuram silk sarees dates back to the third century. They are supplied to the international market as a registered GI product from Tamil Nadu, India.

Another registered GI product are Thanjavur paintings, which involve laborious human skills with limited use of painting brushes. Their uniqueness lies in the fact that no two paintings are similar, and the use of precious stones and golden flakes gives them a three-dimensional effect.

The third registered GI product is Bhavani Jamakkalam, which are fine cotton carpets/spreads woven in pit looms in and around Bhavani Taluk in the Erode district. They are known for their multi-coloured crossbar effect on both sides.

Madurai sungudi sarees are handwoven cotton sarees with excellent colour patterns made by the 'tie and dye' process. This process involves tying the sarees with ropes or threads and untying the knots after having dipped the saris into the dye. This produces patches with and without colour, giving these sarees a unique look.

The KovaiKora traditional cotton saris are made of cotton with a good measure of silk woven into them. Therein lies the aesthetic beauty and uniqueness of these sarees.

The uniqueness of the Arani silk sarees lies in their different varieties. Dobby varieties, double side borders, intricate designs, twisted yarn, specialized weaving in border designs and extensive zari work are the distinctive features of Arani silk sarees.

Made from natural fibres such as wool, silk and cotton, Tangaliya fabrics used in making Tangaliya shawls are woven using raised dots/danas that have a bead-like effect. They consist of geometric designs with vibrant hues of pink, red, blue, green, maroon, purple and orange. Traditionally, white is used along with other colours against a black background.

Registration of these products under the GI Act has brought about tremendous improvements in the lives of the artisans. There has been a marked improvement in their standard of living. It has also led to the growth of awareness amongst them about maintaining the standard of their products in the international market.

A total of 178 products have been registered in India to date. Of these, 44 are agricultural products, 116 are handcrafted items, 14 are manufactured products and 4 are food stuff items. Countries including Spain (wines), Finland (spirits), Sweden (spirits), France (wines), and Czech Republic (beer) have filed applications for registration of their products in India.

Any member country of the TRIPS agreement can also avail itself of the Indian GI Act and file for the protection of their products. At the same time, following recent awareness campaigns on Intellectual Property Rights, there has been a growing awareness regarding the registration of Indian as well as foreign products under the GI Act.

(JPO/IPR Training Course for Lawyers, Nov.-Dec. 2007)