[Text of The Geographical Indications of Goods (Registration and Protection) Rules, 2002 published in the Gazette of India, Extraordinary, Part II Section 3, Sub-Section (i) Extraordinary, Dated 8th March, 2002)

MINISTRY OF COMMERCE & INDUSTRY
(DEPARTMENT OF INDUSTRIAL POLICY AND PROMOTION)

NOTIFICATION

New Delhi, the 8th March, 2002
The Geographical Indications of Goods
(Registration and Protection) Rules, 2002

G.S.R.176(E).- In the exercise of the powers conferred by sub-section 87 of Geographical Indications of Goods(Registration & Protection)Act,1999, the Central Government makes the following rules, namely:

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PART 1

CHAPTER 1

PRELIMINARY

Short title and commencement.

1. (1) These rules may be called the **Geographical Indications Of Goods (Registration and Protection) Rules, 2002**

(2) They shall come into force on the date on which the Act comes into force.

2(1). **Definitions.-**

In these rules, unless the context otherwise requires, -

a) "Act" means The **Geographical Indications Of Goods (Registration & Protection)** Act, 1999.
b) "agent" means a person authorised under Section **76;**
c) "application for registration of a geographical indication" includes the geographical indication for goods contained in it;
d) "appropriate office of the Geographical Indications Registry" means the relevant office of the Geographical Indications Registry as specified in rule 4;
e) "business" includes the trading, dealing, production exploitation, making or manufacturing, as the case may be, of the goods to which geographical indication relates;
f) "class fee" means the fee prescribed under entry no.1 of the First Schedule;
g) "Convention Country" means a country notified as such under sub-section (1) of section **84;**
h) "Convention Application" means an application for the registration of a geographical indication made by virtue of Section 84;

i) "divisional application" means a divided application made by the division of a single initial application for registration of a geographical indication for different classes of goods;
j) "divisional fee" means the fee so prescribed under the First Schedule;
k) "form" means a form set forth in either the Second or the Third Schedule;

l) "graphical representation" means the representation of a geographical indication for goods in paper form;

m) "journal" means the Geographical Indications Journal;

n) "notified date" means the date on which the rules come into force;

o) "opposition" includes an opposition to the registration of a geographical indication or authorised user as the case may be;

p)"principal place of business in India" means the relevant place in India as specified in rule 3;

q) "publish" means publish in the Geographical Indications Journal;

r) "registered geographical indications agent" means a geographical indications agent whose name is actually on the Register of Geographical Indications Agent maintained under rule 102;

s) "renewal" means and includes renewal of a geographical indication by the registered proprietor of geographical indication or of the authorised user of a geographical indication as the case may be;

t) "Schedule" means a Schedule to the rules;

u) "section" means a section of the Act;

v) "Specification" means the designation of goods in respect of which a geographical indication is registered or proposed to be registered;

w) All other words and expressions used but not defined in these rules and defined in the Act shall have the meaning assigned to them in the Act.

(2) In these rules, except as otherwise indicated, a reference to a section is a reference to that section in the Act, a reference to a rule is a reference to that rule in these rules, a reference to a Schedule is a reference to that schedule to these rules and a reference to a form is a reference to that form mentioned in the second or third schedule, as the case may be.

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3. Principal place of business in India.-"Principal place of business in India" means-

i) where a person carries on business in the goods concerned bearing a geographical indication

a) if the business is carried on in India at only one place, that place;

b)if the business is carried on in India at more places than one, the place mentioned by him as the principal place of business in India;

ii) where a person is not carrying on a business of the goods concerned bearing a geographical indication -

a) if he is carrying on any other business in India at only one place, that place;

b) if he is carrying on any other business in India at more places than one, the place mentioned by him as the principal place of business in India; and

iii) where a person does not carry on any business in India but has a place of residence in India, then such place of residence in India.

4. Appropriate office of the Geographical Indications Registry.-

(I) The "appropriate office of the Geographical Indications Registry" for the purposes of making an application for registration of a geographical indication under section 11(1) or registration as an authorised user under section 17(1) or for giving notice of opposition under sub-section (1) of section 14 or sub-section (3)(e) of Section 17, as the case may be or for filing an application for rectification under section 27 or for any other proceedings under the Act and the rules shall be –

in relation to a geographical indication for which an application for registration is made on or after the notified date, the office of the Geographical Indications Registry within whose territorial limits -

i) the principal place of business in India of the applicant as disclosed in his application or, in the case of an association of persons or producers the principal place of business in India of the applicant whose name is first mentioned in the application, as having such place of business is situate;

ii) where neither the applicant nor any of the association of persons or producers, as the case may be, has a principal place of business in India, the place mentioned in the address for service in India as specified in the application is situate.

(2) Notwithstanding anything contained in sub-rule (1) all applications, communications, documents or fee authorised or required by the Act or the rules to be sent, served, left or paid shall be sent or paid at or to the Head Office of the Registry notified by the Central Government initially and subsequently at the appropriate office as and when notified,.

5. Jurisdiction of appropriate office not altered by change in the principal place of business or address for service.- No change in the principal place of business in India or in the address for service in India, as the case may be, of an applicant or of any of the association of persons or producers for registration in relation to any geographical indication for which an application for registration is made on or after the notified date, made or effected subsequent to that date shall affect the jurisdiction of the appropriate office of the Geographical Indications Registry.

6. Entry of the appropriate office in the Register.- Subject to sub-rule (2) of Rule 4, in respect of every geographical indication registered after the notified date, the Registrar shall cause to be entered in the register the appropriate office of the Geographical Indications Registry and the Registrar may, at any time, correct any error in the entry so made.

7. Leaving of documents, etc.- Save as otherwise provided in sub-rule (2), of rule 4 all applications, notices, statements or other documents or any fee authorised or required by the Act or the rules to be made, served, left or sent or paid at or to the Geographical Indications Registry in relation to a geographical indication shall be made, served, left or sent or paid to the appropriate office of Geographical Indications Registry.

8. Documents etc. filed or left not at the appropriate office.- Subject to the provisions of rule 7, in an exceptional case where any application, statement or other document or any fee authorised or required by the Act or the rules is made, served, left or sent or paid, at or to an office inadvertently which is not the appropriate office of the Geographical Indications Registry as and when such an office is notified under this Act by the Central Government under sub-rule 2 of rule 4, the Registrar may on a written request return such application, statement or document to the appropriate office if he is satisfied that it was a bonafide error on the part of the applicant in such cases:

Provided the period for which such application, or statement or document is retained by the office which is not the appropriate office shall be excluded for the purposes of computing the period of limitation where any of such application, statement or document is required to be presented within the prescribed period.

Provided before declining any such request the Registrar shall provide an opportunity of being heard.

9. Issue of notices, etc:- Subject to sub-rule (2) of rule 4 any notice or communication relating to any application, matter or proceeding under the Act or the rules shall ordinarily be issued from the appropriate office of the Geographical Indications Registry but may, nevertheless, be issued by the Head of Office of any office of the Geographical Indications Registry.

10. Fees:- (1) The fees to be paid in respect of applications, oppositions, registration, renewal or any other matters under the Act or the rules shall be those specified in the First Schedule, hereinafter referred to as the prescribed fees.

(2) Where in respect of any matter a fee is required to be paid under the rules, the form or the application or the request of the petition, therefor, shall be accompanied by the prescribed fee.

(3) Fees may be paid in cash or sent by money order addressed to the Registrar of Geographical Indications or by a bank draft issued by, or by a cheque drawn on by a scheduled bank at the place where the appropriate office of the Geographical Indications Registry is situated and if sent through posts shall be deemed to have been paid at the time when the money order or the properly addressed bank draft or cheque would be delivered in the ordinary course of post.

(4) Bank drafts and cheques shall be crossed and made payable to the Registrar at the appropriate office of the Geographical Indications Registry and they shall be drawn on a scheduled bank at the place where the appropriate office of the Geographical Indications Registry is situate.

(5) Where a fee is payable in respect of filing of document and either the document is filed without fee or with insufficient fee, such document shall be deemed to have not been filed for the purposes any proceedings under the rules.

(6) Where any fee paid by a party is ordered to be returned by the Registrar under any of the provisions of the Act or the rules the amount may be refunded by money order in which event money order commission shall be deductible from such amount.

(7) The Registrar may after notification in the Geographical Indications Journal make available electronic fee transfer facilities subject to such conditions as may be specified on that behalf.

11. Forms:- (1) The forms set forth in the Second and the Third Schedules shall be used in all cases to which they are applicable and may be modified as directed by the Registrar to meet other cases.

(2) Any form, when filed at the Geographical Indications Registry shall be accompanied by the prescribed fee.

(3) A requirement under this rule to use a form as set forth in the schedules is satisfied by the use either of a replica of that form or of a form which is acceptable to the Registrar and contains the information required by the form as set forth in the schedule and complies with any direction as to the use of such a form.

(4) The Registrar may after notification in the Geographical Indications Journal specify such forms as are required to be submitted in machine readable forms. Thereafter, such forms shall be completed in such a manner as may be specified as to permit an automated input of the content into a computer such as by character recognition or scanning.

12. Size, etc of documents:- (1) Subject to any other directions that may be given by the Registrar, all applications, notices, statements, or other documents except the geographical indication required by the Act or the rules to be made, served, left or sent, at or to the Geographical Indications Registry shall be typewritten, lithographed or printed in Hindi or in English in large and legible characters with deep permanent ink upon strong paper, and except in the case of affidavits, on one side only and of size of approximately 33 cms by 20 cms and shall have on the left hand part thereof a margin of not less than 4 centimetres.

(2) Duplicate documents including copies of geographical indications shall be filed at the Geographical Indications Registry if at any time so required by the Registrar.

(3) The Registrar may after notification in the Geographical Indications Journal alter the size of all applications, notices, statements or other document and forms required under the rules to make it compatible in machine readable form.

(4) The Registrar may after notification in the Geographical Indications Journal permit the filing of applications, statements, notices or other documents by electronic means subject to such conditions as he may specify either generally by published notice in the Journal or in any particular case by written notice to the persons desiring to file any such documents by such means.

13. Signing of documents:- (1) An application for the registration of a geographical indication purporting to be filed by an association of persons or producers shall be signed by the authorised signatory thereof to sign such documents and a document purporting to be signed by a body corporate or any organisation or any authority established by or under any law for the time being in force shall be signed by the Chief Executive, or the Managing Director or the secretary or other principal officer of such organisation. A document purporting to be signed by a partnership shall be signed by at least one of the partners. The capacity in which an individual signs a document on behalf of an association of persons or a body corporate shall be stated below his signature.

(2) Signatures to an application and any other documents shall be accompanied by the name of the signatory in English or in Hindi and in capital letters.

14. Service of documents:- (1)All applications, notices, statements, papers having representations affixed thereto, or other documents authorised or required by the Act or the rules to be made, served, left or sent, at or to the Geographical Indications Registry or with or to the Registrar or any other person may be sent through the post by a prepaid letter.

(2) Any application or any document so sent shall be deemed to have been made, served, left or sent at the time when the letter containing the same would be delivered in the ordinary course of post.

(3) In proving such sending it shall be sufficient to prove that the letter was properly addressed and put into the post.

15. Particulars of address etc. of applicants and other persons:- (1) Names and addresses of the association of persons, producers, authorised users and other persons shall be given in full, together with their nationality, calling and such other particulars as are necessary for identification.

(2) In the case of a body corporate the full name and nationality of the Board of Directors thereof shall be stated.

(3) In the case of foreign applicants and persons having no principal place of business in India, their addresses in their home country shall be given in addition to their address for service in India.

(4) In the case of a body corporate or any organisation or authority established by or under any law for the time being in force, the country of incorporation or the nature of registration, if any, as the case may be, shall be given.

16. Statement of principal place of business in India in an application:- (1) Every application for registration of a geographical indication or as an authorised user shall state the principal place of business in India, if any, of the applicant or the authorised user or in the case of association of persons or producers of goods such of them as have a principal place of business in India.

(2) Subject to the provisions of rules 17, 18, and 20, any written communication addressed to an applicant or his agent, or an authorised user or his agent or in the case of association of persons, the person authorised to act in the matter in connection with the registration of a geographical indication or their agent, at the address of his principal place of business in India given by him in the application shall be deemed to be properly addressed.

17. Address for service:- (1) An address for service in India shall be given:-

(a) by every applicant for registration of a geographical indication or by an authorised user of a geographical indication who has no principal place of business in India;

(b) in the case of an association of persons or producers for registration of a geographical indication if none of them has a principal place of business in India;

(c) by the applicant for a geographical indication who had his principal place of business in India at the date of making the application for registration but has subsequently ceased to have such place, and

(d) by every applicant or authorised user in any proceeding under the Act or the rules and every person filing a notice of opposition, who do not have a principal place of business is India.

(e) by every person granted leave to intervene under **Rule 67** (the intervener)

(f) Every proprietor of a registered geographical indication which is the subject of an application to the Registrar for the invalidation or rectification of the registered geographical indication .

(g) by every applicant for cancelling, expunging and varying any entry on the register relating to a Geographical Indication or of an authorised user under sub-section (1) and (2) of Section 27

(2) Any written communication addressed to a person as aforesaid at an address for service in India given by him shall be deemed to be properly addressed.

(3) Unless an address for service in India as required in sub-rule (1) is given, the Registrar shall be under no obligation to send any notice that may be required by the Act or the rules and no subsequent order or decision in the proceedings shall be called in question on the ground of any lack or non-service of notice.

18. Address for service in application and opposition proceedings:- An applicant for registration of a geographical indication or as an authorised user or an opponent filing a notice of opposition may notwithstanding that he has a principal place of business in India, if he so desires, may furnish to the Registrar with an address in India to which communications in relation to the application or opposition proceedings only may be sent. Such address of the applicant or the authorised user or the opponent shall be deemed, unless subsequently cancelled, to be the actual address of the applicant or the authorised user or the opponent, as the case may be, and all communications and documents in relation to the application, or notice of opposition may be served by leaving them at, or sending them by post to such address of the applicant or the authorised user or the opponent, as the case may be.

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19. Non-availability of an address for service:- The Registrar may, at any time when a doubt arises as to the continued availability of an address for service in India entered in the register, request the person for whom it is entered by letter directed to any other address entered in the register or if no such address is entered in the register to the address at which the Registrar considers that the letter would reach him to confirm the address for service in India and if within two months of making such a request the Registrar receives no such confirmation, he may strike the entry in the register of the address for service in India and require such person to furnish a fresh address for service in India or his address at the principal place of business in India, if he has any at that time.

20. Agency:- (1) The authorisation of an agent for the purpose of Section **76** shall be executed on **Form GI-10** or in such other written form as the Registrar may deem sufficient and proper.

(2) In the case of such authorisation, service upon the agent of any document relating to the proceeding or matter shall be deemed to be service upon the person so authorising him; all communications directed to be made to such person in respect of the proceeding or matter may be addressed to such agent, and all appearances before Registrar relating thereto may be made by or through such agent.

(3) In any particular case the Registrar may require the personal signature or presence of an applicant, opponent, proprietor, authorised user or other person.

21. Classification of goods:- (1) For the purposes of the registration of a geographical indication or as an authorised user, goods shall be classified in the manner specified in the Fourth Schedule.

(2) The goods mentioned in the Fourth Schedule only provide a means by which the general content of numbered international classes can be quickly identified. They correspond to the major content of each class and are not intended to be exhaustive in accordance with the International Classification of Goods. For determining the classification of particular goods and for full disclosure of the content of international classification, reference may be made to the alphabetical index of goods if any, published by the Registrar under sub-section (3) of section 8 or the current edition of International Classification of Goods for the purpose of registration of trade marks published by the World Intellectual Property Organisation or any subsequent edition as may be available.

(3) Where goods of more than one class are set out in an application for which only one application fee has been paid, the Registrar shall require the applicant to amend the application in order to restrict the goods to a single class.

22. Request to Registrar for search:- (1) Any person may request the Registrar on form GI-5 to cause a search to be made in respect of specified goods classified in any one class in the Fourth Schedule in order to ascertain whether any geographical indication is on record which resembles a trade mark or geographical indication of which two representations accompany the form. The Registrar shall cause a search to be made and inform the applicant of the result of such search.

(2) If within three months from date of communication of the result of the search aforesaid an application is made for the registration of the trade mark or geographical indication in question and the Registrar takes objection on the ground that the mark or the geographical indication resembles a geographical indication, which was not disclosed in the search, but was on record on the last of the date on which the search was made the applicant shall be entitled, after withdrawal of the application for the registration of the said trade mark or the geographical indication, to have repaid to him the fee paid for search in Form GI-5

CHAPTER II

PROCEDURE FOR REGISTRATION OF GEOGRAPHICAL INDICATIONS

23. Form and signing of application.- (1) Every application for the registration of a geographical indication shall be made in the prescribed form and shall be signed by the applicant or his agent and must be made in triplicate alongwith three copies of a Statement of Case.

(2) An application to register a geographical indication for a specification of goods included in any one class shall be made in **Form GI-1;**

(3) An application to register a geographical indication under section 84(1) for a specification of goods included in any one class from a convention country shall be made in **Form GI- 1;**.

(4) A single application for the registration of a geographical indication for different classes of goods from a convention country under section 84(1) shall be made in **Form GI-1;**

(5) A single application for the registration of a geographical indications for different classes of goods shall be made in **Form GI-1;**

(6) Every application for the registration of a geographical indication for goods must satisfy the following conditions:

a) The geographical indication must be defined with sufficient precision so that the right to obtain relief in respect of infringement of geographical indication can be determined;

b) The graphical representation must be able to stand in place of the geographical indication without the need for supporting samples;

c) It must be reasonably practicable for persons inspecting the Register or reading the Geographical Indications Journals to understand from the graphical representation what the geographical indications is

d) An application for the registration of a three dimensional geographical indication shall not be acted upon as such unless the application for registration contains a statement to that effect;

e) Where a colour combination is claimed as an element of a geographical indication in an application for the registration, it shall not be acted upon as such unless the application contains a statement to that effect and specifies the colours;

(7) An amendment to divide an application under proviso to section 15 shall be made in **Form GI-5;**

(8) Every application shall be in respect of one geographical indications only for as many class or classes of goods as may be made.

(9) The Registrar may require a more concise description of a geographical indications if relates to colour combination, a three-dimensional geographical indication, design which are symbols of definite concepts, a configuration of goods or packaging to evaluate the substantive rights in the geographical indications.

(10) Where an applicant files a single application for one or more classes and the Registrar determines that the goods applied for fall in class or classes in addition to those applied for, the applicant may restrict the specification of goods to the class applied for or amend the application to add additional class or classes on payment of the appropriate class fee and the divisional fee. The new class created through a division retains the benefit of original filing date or in the case of an application from a convention country, the convention application date under sub-section (1) of section 84 provided the claim was otherwise properly asserted in the original application.

24. **Application under convention arrangement.-** (1) Where an application for registration of a geographical indications is filed by an applicant from a convention country under section 84, a certificate by the Registry or competent authority of the Geographical Indications Office of the convention country shall be included in the application for registration under sub-rule (3) or (4) of Rule 23, as the case may be, and it shall include the particulars of the geographical indication, the country and the date or dates of filing of the first application in the convention country and such other particulars as may be required by the Registrar.

(2) Unless such certificate has been filed at the time of the filing of the application for registration, there shall be filed, within two months of the filing of the application under sub-rule (3) or (4) of rule 23, as the case may be, certifying or verifying to the satisfaction of the Registrar the date of the filing of the application, the country, the representation of geographical indication, the class and goods covered by the application.

(3) The application relied under sub-rule (1) must be the applicants' first application in a convention country for the same geographical indications and for all or some of the goods under that application. The application must include a statement indicating the filing date of the foreign application relied upon, the convention country where it was filed, the serial number, if available and a statement indicating the convention application date as claimed.

(4) Where a single application under sub section (3) of section 11 from a convention country is received in respect of a geographical indications for one or more classes of goods, the applicant must establish a continuous valid basis for the convention application date in all classes.

25. Statement of user in applications.- An application to register a geographical indication or as an authorised user shall, contain a statement of the period during which, and the person by whom it has been used in respect of the goods mentioned in the application. The applicant shall file an affidavit testifying to such user with exhibits showing the geographical indication as used, the volume of sales under that geographical indication , the definite territory of the country, region or locality in the country to which geographical indication relates and such other particulars as the Registrar on perusal of the application may call for from the applicants.

26. Representation of Geographical Indication .- Every application for the registration of a geographical indication and where additional copies of the application are required every such copy, shall contain a representation of the geographical indication in the space provided on the application form for that purpose provided the size of such representation shall not exceed 33 centimetres by 20 centimetres with a margin of 4 cm. on the left hand side.

27. Additional representations.- (1) Every application for the registration of a geographical indication shall, except as hereinafter provided, be made in triplicate and shall be accompanied by five additional representations of the geographical indication . The representations of the geographical indication on the application and each of its copies and the additional representations shall correspond exactly with one another. The additional representations shall in all cases be noted with the specification and class of goods for which registration is sought, the name and address of the applicant, together with the name and address of his agent, if any, the period of use, and such other particulars as required under sub-rule 1 to rule 32 by the Registrar and shall be signed by the applicant or his agent.

(2) Where an application contains a statement to the effect that the applicant wishes to claim combination of colours as a distinctive feature of the geographical indication , the application shall be accompanied with three reproduction of the geographical indication in black and white and five reproduction of the geographical indication in colour.

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(3) (i) Where an application for the registration of a geographical indication consist of shape of goods or its packaging, the reproduction furnished shall consist of at least three different view of the geographical indication and a description by word of the geographical indication .

(ii) If the Registrar considers the different views and description of the geographical indication in sub-para (i) still does not sufficiently show the particulars of the shape of goods or its packaging he may call upon the applicant to furnish a specimen of the goods or packaging, as the case may be, as sold in respect of the geographical indication .

28. Representations to be durable and satisfactory.-(1)All representations in respect of a geographical indication shall be of a durable nature, and each additional representation required to be filed with an application for registration shall be mounted on a sheet of strong paper of the size of approx. 33 cm by 20 cm leaving a margin of not less than 4 centimetres on the left hand part of the sheet.

(2) If the Registrar is not satisfied with any representation of a geographical indication he may at any time require another representation satisfactory to him to be substituted before proceedings with the application.

29. Transliteration and translation.-(1) Where a geographical indication contains a word or words in characters other than Devnagari or Roman, there shall be endorsed on the application form and the additional representation thereof, a sufficient transliteration and translation to the satisfaction of the Registrar of each of such words, and every such endorsement shall state the language to which the word belongs and shall be signed by the applicant or his agent failing which the Registrar shall be under no obligation to take any action on the application.

(2) Where an application for a geographical indication or authorised user contains a word or words in a language other than Hindi or English, the Registrar may ask for an exact translation thereof together with the name of the language, and such translation and name, if he so requires, shall be endorsed and signed as aforesaid.

30. Name or description of goods on a Geographical Indication .-Where the name or description of any goods appears on a geographical indication, the Registrar may refuse to register such geographical indication .

31. Deficiencies.- Subject to sub-rule (2) of rule 10, where an application for registration of a geographical indication does not satisfy requirements under section 11 or rule 23, the Registrar shall send notice thereof to the Applicants to remedy the deficiencies and if within one month from the date of receipt of the notice, the applicants fails to remedy any deficiency so notified by him the application may be treated as abandoned.

PROCEDURE ON RECEIPT OF APPLICATION FOR REGISTRATION OF A GEOGRAPHICAL INDICATION

32(1). Content of application: Every application for the registration of a geographical indication shall be made in the prescribed forms and shall contain the following:

(1) a statement as to how the geographical indication serves to designate the goods as originating from the concerned territory of the country or region or locality in the country, as the case may be, in respect of specific quality, reputation or other characteristics which are due exclusively or essentially to the geographical environment, with its inherent natural and human factors, and the production, processing or preparation of which takes place in such territory, region or locality as the case may be ;

(2) the class of goods to which the geographical indication relates shall apply;

(3) the geographical map of the territory of the country or region or locality in the country in which the goods are produced of originate or are being manufactured;

(4) the particulars regarding the appearance of the geographical indication as to whether it is comprised of the words or figurative elements or both;

(5) A statement containing such particulars of the producers of the concerned goods proposed to be initially registered. The statement may contain such other particulars of the producers mentioned in Section 11(2)(f) including a collective reference to all the producers of the goods in respect of which the application is made.

(6) the statement contained in the application shall also include the following:

a). an affidavit as to how the applicant claim to represent the interest of the association of persons or producers or any organization or authority established by or under any law ;

b). The standards benchmark for the use of the geographical indication or the industry standard as regards the production, exploitation, making or manufacture of the goods having specific quality, reputation, or other characteristic of such goods that is essentially attributable to its geographical origin with the detailed description of the human creativity involved, if any or other characteristic from the definite territory of the country, region or locality in the country, as the case may be;

c). the particulars of the mechanism to ensure that the standards, quality, integrity and consistency or other special characteristic in respect of the goods to which the geographical indication relates which are maintained by the producers, maker or manufacturers of the goods, as the case may be;

d) three certified copies of the map of the territory, region or locality showing the title, name of publisher and date of issue along with the application;

(e) the particulars of special human skill involved or the uniqueness of the geographical environment or other inherent characteristics associated with the geographical indication to which the application relates;

f) the full name and address of the association of persons or organisation or authority representing the interest of the producers of the concerned goods;

g)particulars of the inspection structure, if any, to regulate the use of the

geographical indication in respect of the goods for which application is made in the definite territory region or locality mentioned in the application;

(h)where the geographical indication is a homonymous indication to an already registered geographical indication, the material factors differentiating the application from the registered geographical indications and particulars of protective measures adopted by the applicant to ensure consumers of such goods are not confused or mislead or confused in consequence of such registration;

(2). Acknowledgement of receipt of applications.- Every application for the registration of a geographical indication in respect of any goods shall, on receipt , be acknowledged by the Registrar. The acknowledgement shall be by way of return of one of the additional representations of the geographical indication filed by the applicant along with his application with the official number of the application duly entered thereon.

33. **Examination of application**.-Upon receipt of an application, the Registrar shall examine the application and the accompanying Statement of Case as required under rule 32(1) as to whether it meets the requirements of the Act and the Rules and for this purpose, he shall ordinarily constitute a Consultative Group of not more than seven representatives chaired by him from organization or authority or persons well versed in the varied intricacies of this law or field to ascertain the correctness of the particulars furnished in the Statement of Case referred to in rule 32(1) which shall ordinarily be finalised within three months from the date of constitution of the Consultative Group. Thereupon, the Registrar shall issue a Examination Report on the application to the applicant.

34.**(1) Objection to acceptance-Hearing.-**If, on consideration of the application on merits and of any evidence of use or of a given quality, reputation or other characteristic of such goods that are essentially attributable to its geographical origin or of any other matter relevant which the applicant may be required to furnish, the Registrar has any objection to the acceptance of the application or proposes to accept it subject to such conditions, amendments, modifications or limitations as he may think right to impose, the Registrar shall communicate such objection or proposal in writing to the applicant.

(2) If within two months from the date of communication mentioned in sub-rule (1), the applicant does not amend his application according to the proposal aforesaid, or submit his observations to the Registrar or apply for a hearing or fails to attend the hearing, as the case may be, the application shall be dismissed.

35. Decision of Registrar.- (1) The decision of the Registrar under rule 34 or rule 37 after a hearing or without a hearing if the applicant has duly communicated his observations in writing and has stated that he does not desire to be heard, shall be communicated to the applicant in writing and if the applicant intends to appeal from such decision he may within one month from the date of receipt of such communication request the Registrar to state in writing the grounds of, and the materials used by him in arriving at his decision.

(2) In a case where the Registrar makes any requirements to which the applicant does not object the applicant shall comply therewith before the Registrar issues a statement in writing under sub-rule (1).

(3) The date when the statement in writing under sub-rule (1) is sent shall be deemed to be the date of the Registrar's decision for the purpose of appeal.

36. Correction and amendment of application.-An applicant for registration of a geographical indication may, whether before or after acceptance of his application but before the registration of the geographical indication, apply on **Form GI-5** accompanied by the prescribed fee for the correction of any error in or in connection with his application or any amendment of his application provided such proposed amendment does not relates to amendment of the geographical indication or amendment in the description of goods or to the definite, territory, region or locality, as the case may be, that would have the effect of substantially altering or substituting the original application.

37. **Withdrawal of acceptance by the Registrar.-** (**1**) If, after the acceptance of an application but before the registration of the geographical indication , the Registrar has any objection to the acceptance of the application on the ground that it was accepted in error, or that the geographical indication ought not to

have been accepted in the circumstances of the case, or proposes that the geographical indication should be registered only subject to conditions or limitations, or to conditions additional to or different from the conditions or limitations subject to which the application has been accepted, the Registrar shall communicate such objection in writing to the applicant.

(**2**) Unless within thirty days from the date of the communication mentioned in sub-rule (1) the applicant amends his application to comply with the requirements of the Registrar or applies for a hearing , the acceptance of the application shall be deemed to be withdrawn by the Registrar, and the application shall proceed as if it had not been accepted.

(3) Where the applicant intimates the Registrar within the period mentioned in sub-rule (2) that he desires to be heard, the Registrar shall give notice to the applicant of a date when he will hear him. Such appointment shall be for a date at least 15 days after the date of the notice, unless the applicant consents to a shorter notice. The applicant may state that he does not desire to be heard and submit such submissions as he may consider desirable.

(4) The Registrar may, after hearing the applicant and on considering the submissions, if any, of the applicant pass such orders as he may deem fit.

ADVERTISEMENT OF APPLICATION

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38. Manner of Advertisement.- (**1**) An application for the registration of a geographical indication required or permitted to be advertised by sub-section (1) of section 13 or to be re-advertised by sub-clause (2) of that section shall be ordinarily advertised in the Journal within three months of the acceptance of an application for advertisement.

(**2**) The Registrar may after notification in the Journal put the published Geographical Indications Journal on the internet, website or any other electronic media.

(**3**) The Registrar may after notification in the Journal make available the Geographical Indications Journal in CD-ROM on payment of the cost thereof.

39. Notification of correction or amendment of application.- In the case of an application to which Para (b) of sub-section (2) of section 13 applies, the Registrar may if he so decides, instead of causing the application to be advertised again, insert in the Journal a notification setting out the number of the application, the class in which it was made, the name and address of the principal place of business in India, if any, of the applicant or where the applicant has no principal place of business in India his address for service in India, the number of the Journal in which it was advertised and the correction or amendment made in the application.

40. Request to Registrar for particulars of advertisement of a Geographical Indication .-Any person may request the Registrar on **Form GI-7** to be informed of the number, date and page of the Journal in which a geographical indication specified in the form was advertised and the Registrar shall furnish such particulars to the person making the request.

OPPOSITION TO REGISTRATION

41 (1). **Notice of Opposition.-**A notice of opposition to the registration of a geographical indication under sub-section (1) of section 14 or an authorised user under section 17(3)(e) shall be given in triplicate on **Form GI-2** within three months or within such further period not exceeding one month in the aggregate from the date when such Journal was made available to the public (which date shall be certified as such by the Registrar) as the case may be, of the application for registration in the Journal. The notice shall include a statement of the grounds upon which the opponents objects to the registration of the geographical indication or of the authorised user, as the case may be.

(2) Where a Notice of Opposition is filed in respect of single application for the registration of a geographical indication it shall bear the fee in respect of each class in relation to which the opposition is filed.

(3) Where an opposition is filed only for a particular class or classes in respect of a single application made under sub-section (3) of section 11, the application shall not proceed to registration until a request in **Form GI-5** for division of the application together with the divisional fee is made by the applicant.

(4) Where in respect of a single application for the registration of a geographical indication no notice of opposition is filed in any class or classes, the application in respect of such class or classes shall proceed to registration after the division of the application in the class or classes in respect of which an opposition is pending.

(5) An application for an extension of the period within which a notice of opposition to the registration of a geographical indication or an authorised user may be given under sub-section(1) of section 14, shall be made on **Form GI-2** accompanied by the prescribed fee before the expiry of the period of three months under sub-section (1) of section 14.

(6) A copy of notice of opposition shall be ordinarily served by the Registrar to the applicants within two months of the receipt of the same by the appropriate office.

42. Verification of Notice of Opposition

(1) The notice of opposition shall be verified by the opponent.

(2) The verification shall specifically state by reference to the numbered paragraphs of the notice of opposition, what is verified of his own knowledge and what is verified upon information received and believed to be true.

(3) The verification shall be signed by the person making it and shall state the date and the place at which it was signed.

IndiaCode

43. Counterstatement.- (1) The counter-statement required by sub-section (2) of section 14 shall be sent in triplicate on **Form GI-2** within two months from the receipt by the applicant of the copy of the notice of opposition from the Registrar and shall set out what facts, if any, alleged in the notice of opposition, are admitted by the applicant. A copy of the counter-statement shall be served by the Registrar on the person giving notice of opposition ordinarily within two month from the date of receipt of the same.

(2) The counterstatement shall be verified in the same manner as the notice of opposition as stated in rule **42**.

44. Evidence in support of opposition by the opponents.- (**1**) Within two months from services on him of a copy of the counterstatement or within such further period not exceeding one month in the aggregate thereafter as the Registrar may on request allow, the opponent shall either leave with the Registrar such evidence by way of affidavit as he may desire to adduce in support of his opposition or shall intimate to the Registrar and to the applicant in writing that he does not desire to adduce evidence in support of his opposition but intends to rely on the facts stated in the notice of opposition. He shall deliver to the applicant copies of any evidence that he leaves with the Registrar under this sub-rule and intimate the Registrar forthwith in writing of such delivery.

(2) If an opponent takes no action under sub-rule (1) within the time mentioned therein, he shall, be deemed to have abandoned his opposition.

(3)An application for the extension of the period of one month mentioned in sub-rule (1) shall be made in **Form GI-9** accompanied by prescribed fees before the expiry of the period of two months mentioned therein.

45. Evidence in support of application by the applicant.-(1) Within two months or within such further period not exceeding one months thereafter in the aggregate as the Registrar may on request allow, on the receipt by the applicant of the copies of affidavits in support of opposition or of the intimation that the opponent does not desire to adduce any evidence in support of his opposition, the applicant shall leave with the Registrar such evidence by way of affidavit as he desires to adduce in support of his application and shall deliver to the opponent copies thereof or shall intimate to the Registrar and the opponent that he does not desire to adduce any evidence but intends to rely on the facts stated in the counterstatement and or on

the evidence already left by him in connection with the application in question. In case the applicant relies on any evidence already left by him in connection with the application, he shall deliver to the opponent copies thereof.
(2)An application for the extension of the period of one month mentioned in sub-rule (1) shall be made in **Form GI-9** accompanied by prescribed fees before the expiry of the period of two months mentioned therein.

46. Evidence in reply by opponent.- Within one month from the receipt by the opponent of the copies of the applicant's affidavit or within such further period not exceeding one month in the aggregate thereafter as the Registrar may on request on **Form-GI 9** accompanied by the prescribed fee allow, the opponent may leave with the Registrar evidence by affidavit in reply and shall deliver to the applicant copies thereof. This evidence shall be confined to matters strictly in reply.

47. Further evidence.- No further evidence shall be left on either side, but in any proceedings before the Registrar, he may at any time, if he thinks fit, give leave to either the applicant or the opponent to leave any evidence upon such terms as to costs or otherwise as he may think fit.

48. Exhibits.- Where there are exhibits to affidavits filed in an opposition, a copy of the exhibit or impression of each exhibit shall be sent to the other party on his request and at his expense, or, if such copies or impression cannot conveniently be furnished, the original shall be left at the Registry in order that they may be open to inspection. The original exhibits shall be produced at the hearing unless the Registrar otherwise directs.

IndiaCode

49. Translation of documents. - Where a document in a language other than Hindi or English is referred to in the notice of opposition or any other proceedings before the Registrar, counter-statement or an affidavit filed in an opposition, an attested translation thereof in English or Hindi shall be furnished in duplicate.

50. Hearing and decision.-(1) Upon completion of the evidence (if any), the Registrar shall give notice to the parties of a date when he will hear the arguments in the case. Such notice shall be ordinarily given within three months of completion of the evidence. The date of hearing shall be for a date at least one month after the date of the first notice, unless the parties consent to a shorter notice. Within fourteen days from the receipt of the first notice, any party who intends to appear shall so notify the Registrar. Any party who does not so notify the Registrar within the time last aforesaid shall be treated as not desiring to be heard and the Registrar shall proceed ex-parte in the matter.

(2) If sufficient cause is shown, not more than two request for adjournment for one month each by either the opponent or the applicant to the proceeding may be considered by the Registrar on a request in **Form GI-9** accompanied with the grounds for such request.

(3) If the applicant is not present at the adjourned date of hearing and has not notified his intention to appear at the hearing , the Registrar may treat the application as dismissed.

(4) If the opponent is not present at the adjourned date of hearing and has not notified his intention to appear at the hearing, the Registrar may treat the opposition as dismissed for want of prosecution and the application may proceed to registration.

(5) In every case of adjournment the Registrar shall fix a day for further hearing of the case and shall make such order as to cost occasioned by the adjournment or such higher costs as the Registrar deems fit.

(6) The fact that the agent or advocate on record of a party is engaged in another court, shall not be a ground for adjournment.

(7) Where illness of an advocate on record or agent or his inability to conduct the case for any reason is put forward as a ground for adjournment, the Tribunal shall not grant the adjournment unless it is satisfied that the advocate on record or agent, as the case may be, could not have engaged another agent or advocate in time.

(8) The Registrar shall take on record written arguments if submitted by a party to the proceeding.

(9) The Registrar shall have powers to limit time for oral arguments.

(10) The decision of the Registrar shall be notified to the parties in writing.

51. Security for costs.-The security for costs which the Registrar may require under sub-section (6) of section 14 may be fixed at any amount which he may consider proper, and such amount may be further enhanced by him at any stage in the opposition or other proceedings.

NOTICE OF NON-COMPLETION OF REGISTRATION

52. Procedure for giving notice.- The notice which the Registrar is required by sub-section(3) of section 16 to give to an applicant, shall be sent on **Form –O1** to the applicant at the address of his principal place of business in India or if he has no principal place of business in India at the address for service in India as stated in the application but if the applicant has authorised an agent for the purpose of the application, the notice shall be sent to the agent and a duplicate thereof to the applicant. The notice shall specify twenty one days time from the date thereof or such further time as the Registrar may allow on a request made in the prescribed **Form GI-9** for completion of the registration.

REGISTRATION

53. Entry in the Register.-(1) Where no Notice of Opposition is filed to an application for the registration of a geographical indication advertised or re-advertised in the Journal within the period specified in sub-section (1) of section 14 or where an opposition is filed and it is dismissed and the appeal period is over, the Registrar shall, subject to the provisions of sub-section (1) of section 16 enter the geographical indication in Part A of the register on receipt of a request.

(2) The entry of a geographical indication in the register shall specify the date of filing of application, the actual date of the registration, the goods and the class in respect of which it is registered, and all particulars required by sub-section (1) of section 6 including -

(a) the name and description of the applicant, the address of the principal place of business in India, if any, of the proprietor of the geographical indication or in the case of an association of persons of such of the association of persons as have a principal place of business in India.

(b) where the proprietor of the geographical indication has no place of business in India his address for service in India as entered in the application for registration together with his address in his home country.

(c) in the case of an association of persons or producers, where none of the association of persons or producers has a principal place of business in India, the address for service in India as given in the application together with the address of each of the association of persons or producers in his home country.

(d) particulars of the trade, business, profession, occupation or other description of the proprietor or of the association of persons or producers of the geographical indication as entered in the application for registration;

(e) particulars affecting the scope of the registration or the rights conferred by the registration;

(f)The priority date ,if any, to be accorded pursuant to claim to a right of a convention application made under section **84;**

(g) A summary of the particulars furnished under rule 32 as finally accepted by the Registrar; and;

(h)the appropriate office of the Geographical Indications Registry in relation to the Geographical Indication.

54. Death of applicant before registration.- In case of death of any applicant for the registration of a geographical indication after the date of his application and before the geographical indication has been entered in the register, the Registrar may, on proof of the applicant's death and on proof of the transmission of the interest of the deceased person, substitute in the application his successor in interest in place of the name of such deceased applicant and the application may proceed thereafter as so amended.

55. Certificate of registration.- (1) The certificate of registration of a geographical indication or an authorised user to be issued by the Registrar under sub-section (2) of section 16 shall be on **Form-O2**,

with such modification as the circumstances of a case may require, and the Registrar shall annex a copy of the geographical indication or authorised user to the certificate.

(2) The Registrar may issue a duplicate or further copies of the certificate of registration of a geographical indication on request by the registered proprietor on **Form GI-7** accompanied by the prescribed fee. An unmounted representation of the geographical indication exactly as shown in the form of application for registration thereof at the time of registration shall accompany such request.

(3) The certificate of registration referred to in sub-rule (1) shall not be used in legal proceedings or for obtaining registration abroad.

CHAPTER III
AUTHORISED USER

56. Authorised User. –(1) An application to the Registrar for the registration under Section 17 by a producer as an authorised user of the registered geographical indication shall be made jointly by the registered proprietor and the proposed authorised user in **Form GI-3** and shall be accompanied by a Statement of Case of how he claims to be the producer of the registered geographical indication along with an affidavit.

(2). A copy of the letter of consent from the registered proprietor of the geographical indication may accompany the application and where such consent letter is not furnished, a copy of the application shall be endorsed to the registered proprietor for information and the Registrar shall be intimated of due service by the proposed authorised user.

57. Upon receipt of an application for the registration as an authorised user in respect of a registered geographical indication, the Registrar shall cause it to be examined and shall issue a report.

58. Thereupon, the provision of Rule 34 to 52, and 54 and 55 shall apply *mutatis mutandis* to further proceedings in respect of an application for the registration of an authorised user of a registered geographical indication.

59. Registration of an authorised user entry in the Register.- (**1**) Where no notice of opposition is filed to an application advertised or re-advertised in the Journal within the period specified under sub-clause (e) of sub-section (3) of Section 17 or where an opposition is filed and it is dismissed and the appeal period is over, the Registrar shall enter the authorised user in Part B of the register on receipt of a request for issuance of the registration certificate in **Form GI-3** together with the prescribed fee.

(**2**) The entry of an authorised user in the register shall specify the date of filing of application for registration as an authorised user, the actual date of the registration, the goods and class or classes in respect of which it is registered, and all particulars required by sub-section (1) of section 6 including:-

(a)The address of the principal place of business in India, if any, of the registered proprietor of the geographical indication ,

(b)Particulars of the geographical indication registered including the specification of goods and the class in which it is registered.

(c)The address of the principal place of business in India, if any, of the authorised user.

(d)Where the authorised user of a registered geographical indication has no place of business in India his address for service in India as entered in the application for registration together with his address in his home country.

(e)Particulars of the trade, business, profession, occupation, dealership or other description of the authorised user of the geographical indication as entered in the application for registration.

(f)The priority date, if any, to be accorded pursuant to a convention application made under section 84 and;

(g)The appropriate office of Geographical Indications Registry in relation to the geographical indication .

(**3)** The Registrar may issue a duplicate or further copies of the certificate of registration as an authorised user on a request in **Form GI-7** accompanied by prescribed fee. An unmounted representation of the of

the geographical indication exactly as shown in the form of application for registration thereof at the time of registration shall accompany such request.

CHAPTER IV
RENEWAL OF REGISTRATION AND RESTORATION

60. Renewal of registration.- (**1**) An application for the renewal of the registration of a geographical Indication or an authorised user of a registered geographical indication shall be made on **Form GI-4** or **Form GI-3** as the case may be and may be made at any time not more than six months before the expiration of the last registration of the Geographical Indication or the authorised user.

(**2**) Such application for renewal must be filed by the person who is the proprietor of the registered geographical indication failing which by any of the authorised users on record, as the case may be.

(**3**) If the proprietor, as set forth in the application for renewal is not the same person or the same legal entity as the registrant shown in the registration, continuity of title from the registrant to the present owner must be shown in the first instance.

(**4**) The Registrar may accept an application for renewal from the managing trustee, executors, administrators and the like, when supported by court order or other evidence of such persons authority to act on behalf of the present proprietor.

(**5**) For the removal of doubt, it is clarified that where the registered proprietor of the geographical indication has ceased to exist, the renewal of the registered geographical indication shall be effected by any of the authorised users of the registered geographical indication acting collectively whose name has been entered in **Part B** of the register on the due date of renewal.

(**6**) Before issuing a renewal certificate, the Registrar may call upon the registered proprietor to file an affidavit concerning the use of the registered geographical indication in India where he has reasons to believe that the registered geographical indication may not be in use in the market.

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61. Notice before removal of Geographical Indication or authorised user from register.-(1) At a date not less than one month and not more than three months before the expiration of the last registration of a geographical indication or authorised user, as the case may be, if no application on **Form GI-4** or **Form GI-3** as the case may be, for renewal of the registration of a geographical indication or of an authorised user together with the prescribed fee has been received, the Registrar shall notify the registered proprietor or the authorised user, as the case may be, or in the case of an association of persons or producers of a registered geographical indication each of the association of persons, producers registered as registered proprietors or the person authorised to act on their behalf, if any, in writing on **Form O3 or O5,** as the case may be, of the approaching expiration at the address of their respective principal places of business in India as entered in the register or where such registered proprietor or authorised user has no principal place of business in India at his address for service in India entered in the Register.

(**2**) Where, in the case of a geographical indication or authorised user the registration of which (by reference to the date of application for registration) becomes due for renewal, the geographical indication or authorised user is registered at any time within six months before the date on which renewal is due, the registration may be renewed by the payment of the renewal fee within six months after the actual date of registration and where the renewal fee is not paid within that period the Registrar shall subject to rule 63, remove the geographical indication or authorised user from the register.

(**3**) Where, in the case of a geographical indication or authorised user the registration of which (by reference to the date of application for registration) becomes due for renewal, the geographical indication or authorised user is registered after the date of renewal, the registration may be renewed by the payment of the renewal fee within six months of the actual date of registration and where the renewal fee is not paid within that period the Registrar shall, subject to rule 63, remove the geographical indication or authorised user from the register.

62. **Advertisement of removal of geographical indication or the authorised user from the register.-**If at the expiration of last registration of a geographical indication or an authorised user, the renewal fees has not been paid, the Registrar may remove the geographical indication or the authorised user, as the case may be, from the register and advertise the fact forthwith in the Journal.

Provided the Registrar shall not remove the geographical indication or the authorised user from the Register if an application is made in **Form GI-4** within six months from the expiration of the last registration of the geographical indication or the authorised user accompanied by prescribed fees and appropriate surcharge.

63. Restoration and renewal of registration.- An application for the restoration of a geographical indication or authorised user to the register and renewal of its registration under sub-section (5) of section 18, shall be made in **Form GI-4** after six months and within one year from the expiration of the last registration of the geographical indication or the authorised user as the case may be, accompanied by the prescribed fee. The Registrar shall, while considering the request for registration, have regard to the interest of the persons who have either applied or registered identical or deceptively similar geographical indication or other affected persons in the intervening period.

64. Notice and advertisement of renewal and restoration.-Upon the renewal or restoration and renewal of registration, a notice to that effect shall be sent to the registered proprietor or the concerned authorised user and the said renewal or restoration and renewal shall be advertised in the Journal.

CHAPTER V
RECTIFICATION AND CORRECTION OF REGISTER
ALTERATION OR RECTIFICATION OF REGISTER

65. Application to rectify or remove a geographical indication from the register.- An application to the Registrar under Section 27 for the cancelling, expunging or varying of any entry relating to a geographical indication or of the Statement of Case referred to under rule 32(1) recorded in the Register of Geographical Indication or an authorised user in the register shall be made in triplicate on **Form GI-6 or Form GI-5 ,** as the case may be, shall be accompanied by a statement in triplicate setting out fully the nature of the applicant's interest, the facts upon which he bases his case and the relief which he seeks. Where the application is made by a person who is not the registered proprietor of the geographical indication in question, the application and the statement aforesaid shall be left at the Geographical Indications Registry in triplicate. In case there are authorised users, such application and statements shall be accompanied by as many copies thereof as there are authorised users on the register or alternatively furnish proof of publication in leading national newspapers circulated widely in the definite territory, region or locality to which the geographical indication relates notifying to the general public of proposed application for rectification or removal with full particulars thereof. A copy each of the application and statement shall be transmitted within two months by the Registrar to the registered proprietor and to any other person who appears from the register to have an interest in the geographical indication or makes a request for the same. The application shall be verified in the manner prescribed under Rule 42 for verification of notice of opposition.

66. Further procedure.-Within two months or within such further period not exceeding two months in the aggregate from the receipt by a registered proprietor of the copy of the application mentioned in rule 65 from the Registrar, he shall send to the Registrar and to the person making the application on **Form GI-2** a counterstatement in triplicate of the grounds on which the application is contested. The Registrar shall serve a copy of the counterstatement on the person making the application within one month of the receipt of the same. The provisions of rules 44 to 51 shall thereafter apply *mutatis mutandis* to the further proceedings on the application. The Registrar shall not, however, rectify the register or remove the geographical indication or any authorised user from the register merely because the registered proprietor or the authorised user has not filed a counterstatement unless he is satisfied that the delay in filing the counterstatement is wilful and is not justified by the circumstance of the case. In any case of doubt any party may apply to the Registrar for directions.

67. Intervention by third parties. - Any person alleging interest in a registered geographical indication in respect of which an application is made under rule 65 may apply on **Form GI-6** for leave to intervene, stating the nature of his interest, and the Registrar may refuse or grant such leave after hearing if so

required the parties concerned, upon such terms and conditions including undertakings or conditions as to security for cost as he may deem fit to impose.

68. Rectification of the register by the Registrar of his own motion.- (1) The notice, which the Registrar is required be give under sub-section (4) of section 27 shall be sent in writing to the registered proprietor and to any other person who appears from the register to have any interest in the registered geographical indication , and shall state the grounds on which the Registrar proposes to rectify the register and shall also specify the time, not being less than one month from the date of such notice, within which an application for a hearing shall be made.

(2) Unless within the time specified in the notice aforesaid, any person so notified sends to the Registrar a statement in writing setting out fully the facts upon which he relies to meet the grounds stated in the notice or applies for a hearing, he may be treated as not desiring to take part in the proceedings and the Registrar may act accordingly.

(3) If the Registrar decides to rectify the register he shall communicate his decision in writing.

ALTERATION OF ADDRESS

69. Alteration of address in register.- (1) A registered proprietor or an authorised user of a geographical indication the address of whose principal place of business in India or whose address in his home country, as the case may be, is changed so that the entry in the register is rendered incorrect shall forthwith request the Registrar on **Form GI-5** to make the appropriate alteration of the address in the register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(2) A registered proprietor or an authorised user of a geographical indication , whose address for service in India entered in the register is changed, whether by discontinuance of the entered address or otherwise, so that the entry in the register is rendered incorrect, shall forthwith request the Registrar on **Form GI -5** to make the appropriate alteration of the address in the Register, and the Registrar shall alter the register accordingly if he is satisfied in the matter.

(3) A registered proprietor or an authorised user of a geographical indication the address of whose principal place of business in India or whose address for service in India is altered by a public authority, so that the changed address designates the same premises as entered in the register, may make the aforesaid request to the Registrar on **Form GI-5** and if he does so he shall leave therewith a certificate of the alteration given by the said authority. If the Registrar is satisfied as to the facts of the case, he shall alter the register accordingly but shall not require any fees to be paid on the forms, notwithstanding the provisions of sub-rule (2) of rule 10 or sub-rule (2) of rule 11.

(4) (i) Where a registered proprietor makes a request under sub-rule (1), (2) or (3), he shall serve a copy of the request on the authorised user or users, if any, and inform the Registrar accordingly.

(ii) where the request aforesaid is made by an authorised user, he shall serve a copy thereof on the registered proprietor and other authorised users, if any or alternatively issue a public notice in at least two leading local newspapers circulated widely in the definite territory, region or locality to which geographical indication relates or issue a public notice in at least two leading local newspapers and inform the Registrar that he had done so.

(5) In case of the alteration of the address of a person entered in the register as the address for service in India of more than one registered proprietor or authorised users of Geographical Indications, the Registrar may, on proof that the said address is the address of the applicant and if satisfied that it is just to do so, accept an application from that person on **Form GI-5** amended so as to suit the case, for the appropriate alteration of the entries of his address as the address for service in the several registrations, particulars of which shall be given in the form and may alter the entries accordingly.

(6) All applications under this rule shall be signed by the registered proprietor or the authorised user, as the case may be, or by an agent expressly authorised by him for the purpose of such an application, unless in exceptional circumstances the Registrar otherwise allows.

CORRECTION OF REGISTER

70.Application under Section 28.-Where an application has been made under Sub-section (1) of section 28 for the alteration of the register by correction, change, cancellation or striking out of goods or for the

entry of a memorandum in the register, the Registrar may require the applicant to furnish such evidence by affidavit or otherwise as the Registrar may think fit, as to the circumstances in which the application is made. Such application shall be made on **Form GI-5** as may be appropriate and a copy thereof shall be served by the applicant on the authorised user or users, if any or issue a public notice in at least two leading local newspapers under the registration of the geographical indication in question and to any other person who appears from the register to have an interest in the geographical indication and inform the Registrar he has done so.

71. Alteration of registered Geographical Indication .- Where the registered proprietor of a geographical indication applies under section 29 for leave to add to or alter the registered geographical indication , he shall make the application in writing on **Form GI-9** and shall furnish five copies of the geographical indication as it will appear when so added to or altered. A copy of the application and of the geographical indication so amended or altered shall be served by the applicant on every authorised users on the record or issue a public notice in at least two leading local newspapers and inform the Registrar he has done so.

72. Advertisement before decision and opposition etc .-(**1**)The Registrar shall consider the application and shall, advertise the application in the Journal before deciding it.

(**2**) Within three months from the date of advertisement under sub-rule (1), or within such period not exceeding one month in the aggregate any person may give notice of opposition to the application on **Form GI-2** and may also send therewith a statement of his objections. The notice and the statement, if any, shall be sent in triplicate. In case there are any authorised users under the registration of the geographical indication in question, such notice and statement may also be accompanied by as many copies thereof as there are authorised users. A copy each of the notice and statement shall be transmitted by the person giving notice to registered proprietor and authorised user if any or alternatively issue a public notice in al least two leading local newspapers circulated widely in the definite territory, region or locality to which the geographical indication relates. The Registrar shall forward within two months a copy of the notice and statement to the registered proprietor and within two months from the receipt by the registered proprietor of such copies from the Registrar, he shall send to the Registrar on **Form GI-2** a counter-statement in triplicate of the grounds on which the opposition is contested. If the registered proprietor sends such a counter-statement the Registrar shall serve a copy thereof on the person giving notice of opposition within one month and the provisions of rules 44 to 51 shall thereafter apply *mutatis mutandis* to the further proceedings on the opposition. The Registrar shall not refuse the application merely because the registered proprietor has not filed a counterstatement unless he is satisfied that the delay in filing the counterstatement is wilful and is not justified by the circumstance of the case . In any case of doubt any party may apply to the Registrar for directions.

(3) If there is no opposition, within the time specified in sub-rule(2), the Registrar shall, after hearing the applicant if he so desires allow or refuse the application and shall communicate his decision in writing to the applicant.

73. Decision - Advertisement – Notification.-If the Registrar decides to allow the application he shall alter the geographical indication in the register accordingly and insert in the Journal a notification that the geographical indication has been altered. If the application has not been advertised under rule 71, he shall also advertise in the Journal the geographical indications as altered.

CHAPTER VI
Special Provisions relating to Trade Marks

74(1). Refusal or Invalidation of Registration of Trade Marks.- Where the Registrar of Trade Marks on his own motion decides to refuse the registration of a trade mark or invalidate a registered trade mark pursuant to sub-section (a) of Section 25 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, he shall in writing notify the applicants or the registered proprietor of the trade mark , as the case may be, stating the reason for the same. Thereafter, the Registrar shall decide the matter after

giving the applicant or the registered proprietor of the trade mark, as the case may be, an opportunity of being heard.

(2). A request under sub-section (a) of section 25 to refuse a trade mark or invalidate a registered trade mark which contains or consists of a geographical indication not originating in the territory of a country, or a region, or locality in that territory which such geographical indication indicates , which is likely to cause confusion or mislead persons as to the true place of origin of such goods or class or classes of goods shall be made in the prescribed form under the **Trade Marks Rules, 2002.** Thereafter, in case of a request for refusal the Registrar of Trade Marks shall forward the same to the applicant and provide an opportunity of being heard to the applicant. In case of a request for invalidation, the Registrar of Trade Marks shall forward the request to the registered proprietor and the procedure set out in Rule 93 of the **Trade Marks Rules, 2002** shall apply *mutatis mutandis* to further proceedings on the matter.

75(1). Refusal or Invalidation of Registered Trade Mark Conflicting with a geographical indication notified under Section 22(2).- Where the Registrar of Trade Marks on his own motion decides to refuse an application or invalidate the registration of a trade mark pursuant to sub-section (b) of Section 25 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, he shall notify in writing to the applicant or the registered proprietor of the trade mark, as the case may be, stating the reasons for the same. Thereafter, the Registrar shall decide the matter after giving the applicant or the registered proprietor of the trade mark, as the case may be, an opportunity of being heard.

(2). Refusal or invalidation under Section 25(b) of notified geographical indications .-A request under sub-section (b) of section 25 to refuse an application for the registration of a trade mark or invalidate a registered trademark which conflict with or which contains or consists of a geographical indication identifying goods or class or classes of goods notified under sub-section (2) of section 22 shall be made in the prescribed form under the **Trade Marks Rules, 2002.** Thereafter, in case of request for refusal, the Registrar of Trade Marks shall forward the same to the applicant and provide an opportunity of being heard to the applicant. In case of request for invalidation , the Registrar of Trade Mark shall forward the request to the registered proprietor and the procedure set out in Rule 93 of the **Trade Marks Rules, 2002** shall apply *mutatis mutandis* to further proceedings on the matter.

76(1). Publication of refusal or invalidation of Geographical indications.- The Registrar of Trade Marks shall record and publish a reference to the refusal or the invalidation of the registration of a trade mark pursuant to section 25 of the Geographical Indications of Goods (Registration and Protection) Act, 1999 and forwarded a copy of the publication to the Registrar of Geographical Indications.
(2). The publication of the reference to the refusal or the invalidation of the registration of a trademark pursuant to section 25 of the Geographical Indication of Goods (Registration and Protection) Act, 1999 shall include: –

(a) the representation of the mark;
(b) the application or registration number of the trade mark, as the case may be;
(c) the name and address of the applicant or the registered proprietor, as the case may be;
(d) the date of application or the date of registration in the case of a registered trade mark, as the case may be;
(e) the list of goods or class of goods in respect of which the trade mark was applied for or was registered; and
(f) a summary of the ground on which the application for registration of a trade mark had been refused or the registration of the registered trade mark was invalidated.

CHAPTER VII
PROCEDURE RELATING TO ADDITIONAL PROTECTION TO CERTAIN GOODS UNDER SECTION 22(2) OF GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) ACT, 1999

77. Additional protection to certain goods.- An application may be made to the Registrar in respect of goods notified by the Central Government under sub-section (2) of section 22 for additional protection for a registered geographical indications in **Form GI-9** accompanied by prescribed fee in triplicate along with a Statement of Case. Such case shall be furnished in triplicate and shall be accompanied with the copy of the notification issued.

78. The application shall be made jointly by the registered proprietor of the geographical indication in India and by all the producers of the geographical indication whose name has been entered in the register as authorised user in Part B.

79. Consideration by the Registrar- The Registrar on receipt of the application for additional protection for such goods in respect of a registered geographical indication in India shall examine whether there are measurable attributes to the particular geographical indication in relation to the goods or classes of goods in question with special regard to the reputation of the goods or classes of goods on a global scale, which requires the additional protection envisaged under sub-section (2) of section 22 be conferred against usurpation or imitation of the geographical indication even where the true origin of the goods or classes of goods is indicated or if the registered geographical indication is used in translated form or is accompanied by terms such as "kind", "type", "style", "imitation" or other like expressions.

80(1). Hearing before refusing an application.- If on consideration of the application or any other matter which the applicant may or may be required to furnish, the Registrar has any objections to the acceptance of the application or proposes to accept it subject to such conditions, as he may think right to impose, the Registrar shall communicate such objections or proposals in writing to the applicant.

(2). The decision of the Registrar under sub-rule(1) after a hearing or without a hearing if the applicant has duly communicated his observations in writing and has stated that he does not desire to be heard shall be communicated to the applicant in writing and if the applicant intends to appeal from such decisions, he may within two months from the date of such communication request the Registrar requiring him to state in writing the grounds and the material used by him in arriving at his decision.

81(1). Entry in the Register.- Where the Registrar decides to allow the geographical indication in respect of which additional protection is to be provided as envisaged under sub-section (2) of Section 22, he shall enter in the Register a summary of the grounds and the material used by him in arriving at his decision to accord additional protection to the notified goods in respect of the relevant geographical indication application.

(2). The entry in Part A of the Register shall state the date on which the application for additional protection was made, the name, description and principal place of business in India of the registered proprietor and if they do not carry on business in India their address for service in India.

CHAPTER VIII
MISCELLANEOUS

82(A) Single application.-(**1**) Where an application for the registration of a geographical indication for goods is made under sub-section (3)of section 11, the specification of goods contained in it shall set out the classes in consecutive numerical order beginning with the lowest number and list under each class the goods appropriate to that class.

(**2**) If the specification of goods contained in the original application for the registration of a geographical indication lists by reference to a class or classes in the Fourth Schedule in which they do not fall, the Registrar shall require the applicant to divide the application on payment of a divisional fee in

Form GI – 5 to the class or classes to which the application relates together with such class fee as may be appropriate.

(**3**)Applications filed under sub-section 3 of section 11 when ordered to be advertised shall be published in a separate section of the Geographical Indications Journal.

(4) The Registrar shall issue a single certificate of registration in respect of an application made under sub-section 3 of section11 which has proceeded to registration.

(B) Divisional Application.-(1)Where an application is made in **Form GI-5** under proviso to section 15 for the division of a single application, such an application shall be divided into two or more separate applications upon the payment of a division fee and such class fees as are appropriate.

(2) At any time before registration an applicant may request the Registrar for a division of his application for registration (the original applications) into two or more separate applications (divisional applications),indicating for each division the specification of goods. The Registrar shall treat each divisional application as a separate application for registration with the same filing date as the original application.

(3) In the case of a request to divide some, but not all, of the goods in a class, a divisional fee for separate application to be created by division shall be submitted.

(4) If the request to divide does not include necessary fee or is otherwise deficient, the Registrar will notify the applicant of deficiency. The applicant must correct any such deficiency within thirty days. If the applicant fails to correct the deficiency within the time provided, the request will be considered as abandoned and the application will be proceeded further without regard to the request.

(5) Where a request to divide an application is received, the Registrar shall assign an additional separate new serial number or numbers, as the case may be, and it will be cross referenced with the original application . Such additional separate application or applications shall be assigned same filing date as the original application.

(6) For the removal doubt, it is clarified that no new registration is effected when a single application is divided. On the contrary, application already filed are merely separated or divided into individual files.

83. Extension of time.- (1) An application for extension of time under section 64 (not being a time expressly provided in the Act or a time for the extension of which provision is made in the rules) shall be made on **Form GI- 9.**

(2) Upon an application made under sub-rule (1) the Registrar, if satisfied that the circumstances are such as to justify the extension of the time applied for, may subject to the provisions of the rules where a maximum time limit is prescribed and subject to such conditions as he may think fit to impose, extend the time and notify the parties accordingly and the extension may be granted though the time for doing the act or taking the proceeding for which it is applied for has already expired.

84. Exercise of discretionary power of Registrar.- The time within which a person entitled under Section 61 to an opportunity of being heard shall exercise his option of requiring to be heard shall, save as otherwise expressly provided in the Act or the rules, be one month from the date of a notice which the Registrar shall give to such person before determining the matter with reference to which such person is entitled to be heard. If within that month such person is required to be heard, the Registrar shall appoint a date for the hearing and shall give 10 day's notice thereof.

85. Notification of decision.-The decision of the Registrar in the exercise of any discretionary power given to him by the Act or the rules shall be notified to the person affected.

86. Amendments and correction of irregularity in procedure.- (1) Any document, communication or other representation respecting a geographical indication or an authorised user may be amended and any irregularity in procedure which in the opinion of the Registrar, may be obviated without detriment to the interests of any person, may be corrected, if the Registrar thinks fit and proper on such terms as he may direct.

(2) The Registrar may require the amendment of any application or representation of a geographical indication or any other document or the addition of any matter thereto in order to bring it in accordance with the formal requirements of the Act.

87. Directions not otherwise prescribed.- Where in the opinion of the Registrar, it is necessary for the proper prosecution or completion of any proceedings under the Act or rules for a person to perform an act, file a document or produce evidence, which is not provided for by the Act or the rules, the Registrar may by notice in writing require the person to perform the Act, file the document or produce the evidence, specified in the notice.

88. Hearings.- (**1**) Subject to sub-rule (2) of rule 4 in relation to a geographical indication for which an application for registration is made on or after the notified date, the application as well as any proceeding under the Act and the rules shall, in the event of a hearing becoming necessary, be heard at the appropriate office of the Geographical Indications Registry at which such application was made under sub-section (4) of section 11, or at such place within the territorial jurisdiction of that office as the Registrar may deem proper.

(**2**) Where an officer exercising the powers of the Registrar who has heard any matter under the Act or the Rules, has reserved orders therein, is transferred from one office of the Registry to another or reverts to another appointment before passing an order or rendering decision therein, he may, if the Registrar so directs, pass the order or render the decision as if he had continued to be the officer in the office of the Registry where the matter was heard.

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AWARD OF COSTS BY REGISTRAR

Costs in uncontested cases

89. Where any opposition duly instituted under the rules is not contested by the applicant, the Registrar in deciding whether costs should be awarded to the opponent shall consider whether the proceedings might have been avoided if reasonable notice had been given by the opponent to the applicant before the notice of opposition was filed.

90. Exception to rule 89.-Notwithstanding anything in rule 89, costs in respect of fees specified under entries, 7, 8 and 9 of the First Schedule and of all stamps used on and affixed to affidavits used in the proceedings shall follow the event.

91. Scale of costs.- Subject to the provisions of rules 89 and 90, in all proceedings before the Registrar the Registrar may, save as otherwise expressly provided by the Act, award such costs, not exceeding the amount admissible therefor, as he considers reasonable having regard to all the circumstances of the case.

REVIEW OF DECISION BY REGISTRAR

92. Application for review of Registrar's decision.-An application to the Registrar for the review of his decision under clause (c) of section 60 shall be made on **Form GI-7** within one month from the date of such decision or within such further period not exceeding one month thereafter as the Registrar may on request allow, and shall be accompanied by a statement setting forth the grounds on which the review is sought. Where the decision in question concerns any other person in addition to the applicant, such application and statement shall be left in triplicate and the Registrar shall forthwith transmit a copy each of the application and statement to the other person concerned. The Registrar may, after giving the parties an opportunity of being heard, reject or grant the application, either unconditionally or subject to any conditions or limitations, as he thinks fit.

AFFIDAVITS

93. Form, etc. of Affidavits.- (1) The Affidavits required by the Act and the rules to be filed at the Geographical Indications Registry or furnished to the Registrar, unless otherwise provided in the Second Schedule, shall be headed in the matter or matters to which they relate, shall be drawn up in the first person, and shall be divided into paragraphs consecutively numbered, and each paragraph shall, as far as practicable, be confined to one subject. Every affidavit shall state the description and the true place of abode of the person making the same, shall bear the name and address of the person filing it and shall state on whose behalf it is filed.

(2) Where two or more persons join in an affidavit, each of them shall depose separately to such facts which are within his personal knowledge and those facts shall be stated in separate paragraphs.

(3) Affidavits shall be taken -

(a) In India -before any court or person having by law authority to receive evidence, or before any officer empowered by such Court as aforesaid to administer oaths or to take affidavits,

(b) in any country or place outside India - before a diplomatic or consular officer, within the meaning of the Diplomatic and Consular Officers (Oaths and Fee) Act, 1948, of such country or place, or before a notary public, or before a judge or magistrate, of the country or place.

(4) The person before whom an affidavit is taken shall state the date on which and the place where the same is taken and shall affix his seal, if any, or the seal of the Court to which he is attached, thereto and sign his name and description at the end thereof.

(5) Any affidavit purporting to have affixed, impressed or subscribed thereto or therein the seal or signature of any person authorised by sub-rule (3) to take an affidavit, in testimony of the affidavit having been taken before him, may be admitted by the Registrar without proof of the genuineness of the seal or signature or of the official character of that person.

(6) Alterations and interlineations shall, before an affidavit is sworn or affirmed, be authenticated by the initials of the person before whom the affidavit is taken.

(7) Where the deponent is illiterate, blind or unacquainted with the language in which the affidavit is written, a certificate by the person taking the affidavit that the affidavit was read, translated or explained in his presence to the deponent, that the deponent seemed perfectly to understand it and that the deponent made his signature or mark in his presence, shall appear in the jurat.

(8) Every affidavit filed before the Registrar in connection with any of the proceedings under the Act or the rules shall be duly stamped under the law for the time being in force.

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INSPECTION OF DOCUMENTS BY THE PUBLIC

94. Inspection of documents.- The documents mentioned in sub-section (1) of section 7**8** shall be available for inspection at the Head office of the Geographical Indications Registry. A copy of the register and such of the other documents mentioned in section 78, as the Central Government may by notification in the Official Gazette direct, shall be available for inspection at each branch office of the Geographical Indications Registry as and when established. The inspection shall be on payment of the prescribed fee and at such times on all the days on which the offices of the Geographical Indications Registry are not closed to the public, as may be fixed by the Registrar.

95. Distribution of copies of Journal and other documents.-The Central Government may direct the Registrar to distribute the journal and any other document which it may consider necessary, to such places as may be fixed by the Central Government in consultation with the State Governments and notified from time to time in the Official Gazette.

CERTIFICATES

96. Certified copies of documents.- The Registrar may furnish certified copies of any entry in the register or certified copies of any documents referred to in sub-section (1) of section **78** or of any decision or order of the Registrar, or give a certificate other than a certificate under sub-section (2) of section 16 as to any entry, matter or thing which he is authorised or required by the Act or the rules to make or do, upon

receipt from any person of an application therefor on **Form GI-7** accompanied by the prescribed fee. The Registrar shall not be obliged to include in any certificate or certified copy a copy of any geographical indication unless he is furnished by the applicant with a copy thereof suitable for the purpose:

97. Certificate for use in obtaining registration abroad.- (1) Where a certificate relating to the registration of a geographical indication is desired for use in obtaining registration in any territory outside India, the Registrar shall include in the certificate a copy of the geographical indication and may require the applicant for the certificate to furnish him with a copy of the geographical indication suitable for that purpose, and if the applicant fails to do so, the Registrar may refuse to issue the certificate.

(2) Where a geographical indication is registered without limitation of colour, the copy of the geographical indication to be included in the certificate, may be either in the colour in which it appears upon the register or in any other colour or colours and it shall be stated in the certificate that the geographical indication is registered without limitation of colour.

(3) The Registrar may state in the certificate such particulars concerning the application for registration or the registration of the geographical indication as may deem fit to him, and may specify the terms and conditions and other limitation appearing on the Register.

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APPEALS TO THE INTELLECTUAL PROPERTY APPELLATE BOARD

98. Time for appeal.- (1)An appeal to the Intellectual Property Appellate Board from any decision of the Registrar under the Act or the rules shall be made within three months from the date of receipt of such decision or within such further time as the said Appellate Board may allow.

(2) A copy of every application to the said Intellectual Property Appellate Board under the Act or the rules shall be served on the Registrar.

CERTIFICATE OF VALIDITY

99. Certificate of validity to be noted.-Where the Intellectual Property Appellate Board has certified as provided in section 72 with regard to the validity of a registered geographical indication , the proprietor thereof may request the Registrar on **Form GI-7** to add to the entry in the register a note that the certificate of validity has been granted in the course of the proceedings, particulars of which shall be given in the request. An officially certified copy of the certificate shall be sent with the request, and the Registrar shall record a note to that effect in the register and publish the note in the Journal.

RETURN OF EXHIBITS AND DESTRUCTION OF RECORDS.

100. Return of exhibits .- (1) Where the exhibits produced in any matter or proceeding under the Act or the rules are no longer required in the Geographical Indications Registry, the Registrar may notify the party concerned to take back the exhibits within a time specified by him and if the party fails to do so, such exhibits shall be dealt with in the manner mentioned under sub-rule(2) below.

(**2**) Where any exhibits have been produced in any proceeding, the Registrar may, if satisfied that it is no longer necessary to retain them, cause them to be destroyed, after the expiration of six months from the notified date.

101. Destruction of records.- Where an application for the registration of a geographical indication or an authorised user has been withdrawn abandoned or refused or the geographical indication or the authorised user has been removed from the register, the Registrar may, at the expiration of three years after the

application is so withdrawn or is abandoned or is refused or after the geographical indication is removed from the register, as the case may be, destroy all or any of the records relating to the application for the geographical indication or the authorised user concerned.

PART II

REGISTRATION OF GEOGRAPHICAL INDICATIONS AGENT

102. Register of Geographical Indications Agent.- The Registrar of Geographical Indications shall maintain a Register of Geographical Indications Agents wherein shall be entered the name, address of the place of residence, address of the principal place of business, the nationality, qualifications and date of registration of every registered Geographical Indications Agent.

103. Registration of existing registered trade marks agent.-(1) Subject to rule 104 every person whose name is on the notified date on the Register of Trade Marks Agents maintained under the Trade Marks Rules, 2002 shall be deemed to be registered as a Geographical Indications Agent under the Act and the rules.

(2) The continuance fee of Geographical Indication s Agents deemed to be registered under sub rule(1) shall be payable as and from the notified date.

(3) The Registrar may publish the Dress Code for Registered geographical indications Agent in the Geographical Indications Journal.

(4) The Registrar may publish in the Journal a code of conduct for registered geographical indications agents.

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104. **Qualifications for registration.-** Subject to the provisions of rule 105, a person shall be qualified to be registered as a Geographical Indications Agent if he-

(i) is a citizen of India;
(ii) is not less than 21 years of age;
(iii) has passed the examination prescribed in **rule 108** or is an Advocate within the meaning of the Advocates Act,1961;
(iv) is a graduate of any university in India or possess an equivalent qualification; and
(v) is considered by the Registrar as a fit and proper person to be registered as a Geographical Indications Agent.

105. Persons debarred from registration.- A person shall not be eligible for registration as a Geographical Indication s Agent if he –

(i) has been adjudged by a competent Court to be of unsound mind;
(ii) is an undischarged insolvent;
(iii) being a discharged insolvent has not obtained from the Court a certificate to the effect that his insolvency was caused by misfortunate without any misconduct on his part;
(iv) has been convicted by a competent Court, whether within or without India of an offence punishable with transportation or imprisonment, unless the offence of which he has been convicted has been pardoned or unless on an application made by him, the Central Government by order in this behalf, has removed the disability;
(v) being a legal practitioner has been held guilty of professional misconduct by any High Court in India or by any Court beyond the limits of India;
(vi) being a chartered accountant, or a company secretary has been held guilty of negligence or misconduct by a High Court; or
(vii) being a registered geographical indication agent has been held guilty of professional misconduct by the Registrar.

106. Manner of making application.- Subject to sub-rule (2) of rule 4, all applications under the provisions of this Part shall be made in triplicate, and shall be sent to or left at that office of the Geographical Indications Registry within whose territorial limits the principal place of business of the applicant is situate.

107. Application for registration as a geographical indications agent.-(1) Every person desiring to be registered as a Geographical Indications Agent shall make an application on **Form GI-8.**

(**2**)The applicant shall furnish such further information bearing on his application as may be required of him at any time by the Registrar.

108. Procedure on application and qualifying requirements. -(1) On receipt of an application for the registration of a person as a geographical indications agent, the Registrar, if satisfied that the applicant fulfils the prescribed qualifications, shall appoint a date in the due course on which the candidate will appear before him for a written examination in Geographical Indications Law and the Practice and Procedure in relation thereto and followed by an interview. The candidate will be expected to possess a detailed knowledge of the provisions of the Act and the rules and a knowledge of the elements on law of geographical indication.

(**2**) The qualifying mark for the written examination and for interview shall be 40 percent and 50 percent respectively and a candidate shall be declared to have passed the examination only if he obtained an aggregate of 50 per cent of the total marks.

109. Certificate of registration.-After a candidate has been interviewed and any further information bearing on his application, which the Registrar may consider necessary has been obtained and if the Registrar considers the applicant eligible and qualified for registration as a geographical indications agent, he shall send an intimation to that effect to the applicant and any person so intimated may pay the prescribed fee in **Form GI-8** for his registration as a Geographical Indications Agent. Upon receipt of the same, fee the Registrar shall cause the applicant's name to be entered in the register of Geographical Indications Agents and shall issue to him a certificate on **Form** O-4 of his registration as a Geographical Indications Agents.

110. Continuance of a name in the Register of Geographical Indications Agents.-The continuance of a person's name in the Register of Geographical Indications Agents shall be subject to his payment of the fees prescribed in **Form GI-8.**

111. Removal of agent's name from the Register of Geographical Indications Agents.-

(1) The Registrar shall remove from the Register of Geographical Indications Agents the name of any registered Geographical Indications Agent-

(a)from whom a request has been received to that effect ; or

(b) from whom the annual fee has not been received on the expiry of three months from the date on which it became due.

(2) The Registrar shall remove from the Register of Geographical Indication s Agents the name of any registered Geographical Indications agent-

(a)who is found to have been subject at the time of his registration, or thereafter has become subject to any of the disabilities stated in clauses (i) to(vi) of rule 105; or

(b) whom the Registrar has declared not to be a fit and proper person to remain in the Register by reason of any act of negligence, misconduct or dishonesty committed in his professional capacity;

(c)whose name has been entered in the register by an error or on account of misrepresentation or suppression of material fact:

Provided that before making such declaration under clause (b) and (c) the Registrar shall call upon the person concerned to show cause why his registration should not be cancelled and shall make such further enquiry, if any, as it may consider necessary.

(3) The Registrar shall remove from the Register of Geographical Indications Agents the name of any registered geographical indications agent who is dead.

(4) The removal of the name of any person from the Register of Geographical Indications Agents shall be notified in the Official Gazette and in the Journal and shall, wherever possible , be communicated to the person concerned.

112. Power of Registrar to refuse to deal with certain agents. (1) The Registrar may refuse to recognise-

(a) any individual whose name has been removed from, and not restored to the Register;

(b) any person, not being registered as a Geographical Indications Agent, who in the opinion of the Registrar is engaged wholly or mainly in acting as agent in applying for geographical indications in India or elsewhere in the name or for the benefit of the person by whom he is employed;

(c) any company or firm, if any person whom the Registrar could refuse to recognise as agent in respect of any business under these rules, is acting as a director or manager of the company or is a partner in the firm.

(**2**) The Registrar shall also refuse to recognise as agent in respect of any business under this rule any person who neither resides nor has a place of business in India

113. **Restoration of removed names. -**The Registrar may , on an application made on **Form GI-8** within six months from the date of removal of his name from the Register of Geographical Indications Agent accompanied by the fee specified in the First Schedule from a person whose name has been removed under clause (b) of sub-rule(1) of rule 111, restore his name to the Register of Geographical Indications Agent and continue his name therein for a period of one year from the date on which his last annual fee became due.

114. Alteration in the Register of Geographical Indications Agents.- (1) A registered Geographical Indications Agent may apply for alteration of his name, address of the place of residence, address of the principal place of business or qualifications entered in the Register of Geographical Indications Agent. On receipt of such application the Registrar shall cause the necessary alteration to be made in the Register of Geographical Indications Agent.

(**2**)Every alteration made in the Register of Geographical Indications Agents shall be notified in the Journal.

115. Publication of the Register of Geographical Indications Agents.- The Register of Geographical Indications Agents shall be published from time to time and a complete list thereof at least once in two years in the Geographical Indications Journal as the Registrar may deem fit, the entries being arranged in the alphabetical order of the surnames of the registered Geographical Indications Agent and copies thereof shall be placed on sale.

116. Appeal.- An appeal shall lie to Intellectual Property Appellate Board from any order or decision of the Registrar in regard to the registration of Geographical Indications Agents under Part II of these rules, and the decision of the Appellate Board shall be final and binding.

THE FIRST SCHEDULE
[See rule 10(1)]

No. of Entry	On what payable	Amount in Rupees	Corresponding Form Numbers
(1)	(2)	(3)	(4)
1A	On application for the registration of a geographical indication for goods included in one class [Section 11(1), rule 23(2)].	5,000	GI-1
1B	On application for the registration of a geographical indication for goods included in one class from a convention country[Section 11(1), 84(1), rule 23(3) .	5,000	GI-1
1C	On a single application for the registration of a geographical indication for goods in different classes [Section 11(3) rule 23(5)].	5,000 for each class	GI-1
1D	On a single application for the registration of a geographical indication for goods in different classes from a convention country [Section 11(3), 84(1), rule 23(4)].	5,000 for each class	GI-1
2A	On a notice of opposition to the registration of a geographical indication under section 14(1) or an opposition to an authorised user Section 17(3)(e).	1,000 for each class	GI-2
2B	On a counter-statement in answer to a notice of opposition under section 14(2) or 17(3)(e) for each application opposed and in answer to an application under section 27 in respect of each geographical indication or in answer to a notice of opposition under section 29.	1,000	GI-2
2C	On application for extension of time for filing notice of opposition. [Section 14(1), 17(3)(e), 29(2), rule 41(5)]	300	GI-2
3A	On application for the registration of an authorised user of a registered geographical indication under section 17, Rule 56(1)	500	GI-3
3B	On request for issuance of a registration certificate as an authorised user, Rule 59(1)	100	GI-3
3C	For renewal of an authorised user 18(2), rule 60(1)	1,000	GI-3
4A	For renewal under section 18(1) of the registration of a geographical indication at the expiration of the last registration. Rule 60(1).	3,000	GI-4
4B	On application under section 18(5) for restoration of geographical indication or an authorised user removed from the Register. rule 63.	1000 plus applicable renewal fee	GI-4
4C	On application for renewal under proviso to section 18(4) Proviso to rule 62 within six months from the expiration of last	3,500	GI-4

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	registration of geographical indication.		
5A	On request for alteration of the address of the principal place of business or of residence in India or of the address in the home country abroad in the Register of Geographical Indications are authorised user, Section 28, rule 69.	300	GI-5
5B	On request to enter change in name or description of proprietor of geographical indication upon the Register.	300	GI-5
5C	On request for correction of any error in the name , address or description of the registered proprietor or the authorised user of a geographical indication. (Section 28(a)).	300	GI-5
5D	On application for the rectification of the register in Part B for the removal of an authorised user. Section 27, Rule 65.	1,000	GI-5
5E	On division of goods in a class or on division of an application made for registration of a geographical indication in different classes under proviso to Section 15, rule 23(7).	1,000	GI-5
5F	For a search under rule 22 in respect of one class.	500	GI-5
6A	On application under section 27 for rectification of the register or removal of a geographical indication or expunge or vary the Statement of the Case under rule 32(1) recorded in the Register or an authorised user from the register, Rule 65.	1,000	GI-6
6B	On application for leave to intervene in proceedings relating to the rectification of the Register or for the removal of a geographical indication or an authorised user from the Register. Rule 67 and 80(4).	500	GI-6
7A	On request for certificate of Registrar [other than a certificate under Section 69 or 78(1)]. Rule 96	300	GI-7
7B	Affidavit in support of statement of case or other documents required under the Act or rules.	Nil	GI-7
7C	On request for entry in the Register and advertisement of a note of certificate of validity of the Appellate Board. Rule 99.	200	GI-7
7D	On application for review of Registrar's decision.	500	GI-7
7E	On request to registrar for particulars of advertisement of a geographical indication	100	GI-7
7F	On request to Registrar for a duplicate or further copy of certificate.	200	GI-7
8A	Application for registration of a	1,000	GI-8

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	geographical indications agent. Rule 107.		
8B.	On request for issuance of certificate as geographical indications agent. Rule 109.	1,000	GI-8
8C	For continuance of the name of a person in the Register of Geographical Indication Agent under rule 110; - For every year (excluding the first year) to be paid on 1st April in each year. - For the first year to be paid along with the fee for registration, in the case of a person registered at any time between the 1st April, and 30th September. N.B: A year for this purpose will commence on the 1st day of April and end on the 31st day of March following.	1,000	GI-8
8D	On application for restoration of the name of a person to the Register of Geographical Indications under rule 113	1,000 plus continuance fee under entry No.8C	GI-8
9C.	On application for extension of time not being a time expressly provided in the Act or prescribed in the rules. Rule 83.	300	GI-9
9B.	On application for leave to add or alter a registered geographical indication [except where the application is made by an or of a public authority or in consequence of a statutory requirement. Section 29.	300	GI-9
9A.	On application to Registrar for additional protection to certain goods. Section 22(2), rule 77(1).	25,000	GI-9
10A	On application for cancellation of an entry in the Register or to strike out goods. (Section 28(c) or (d)).	300	GI-10
10B.	Form of authorisation of agent in a matter or proceedings under the Act. Section 76, Rule 20	Nil	GI-10
11	On petition (not otherwise charged) for obtaining the Registrar's order on any interlocutory matter in a contested proceeding.	500	
12.	For inspecting the document mentioned in Section 78(1)- a) relating to any particular geographical indication or authorised user thereof for every hour or part thereof; b) computer search (when made available) for every 15 minutes; c) Search of index mentioned in section 78 for every hour or part thereof.	 100 100 100	
13	For copying of documents (photocopy or typed) for every page or part thereof in excess of one page	10	

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THE SECOND SCHEDULE
FORMS
[List of forms]

Form No.	Section of the Act	Title	Entry Number
(1)	(2)	(3)	(4)
GI-1	Section 11(1), rule 23(2)	Application for the registration of a geographical indication for goods included in one class	1A
GI-1	Sections 11(1), 84(1), rule 23(3)	Application for the registration of a geographical indication for goods included in one class from a convention country	1B
GI-1	Sections 11(3), rule 23(5)	A single application for the registration of a geographical indication for goods in different classes.	1C
GI-1	Sections 11(3), 84(1), rule 23(4)	A single application for the registration of a geographical indication for goods in different classes from a convention country .	1D
GI-2	Sections 14(1), 17(3)(e) Rule 41	Notice of opposition to the registration of a geographical indication or an opposition or an authorised user.	2A
GI-2	Section 14(2), 17(3)(e),27 & 29, rule 43(1), 58, 72(2)	Form of counterstatement	2B
GI-2	Section 14(1), 17(3)(e), 29(2), rule 41(5), 72(2)	Application for extension of time for filing notice of opposition	2C
GI-3	Section 17(1), rule 56(1)	Application for the registration of an authorised user of a registered geographical indication.	3A
GI-3	Section 18(5), rule 59	Request for issuance of a registration certificate as an authorised user.	3B
GI-3	18(2), rule 60(1)	For renewal of an authorised user	3C
GI-4	Section 18(4), Rule 60	Renewal of the registration of a geographical indication at the expiration of the last registration.	4A
GI-4	Sections 18(5), rule 63	Application for restoration of geographical indication or an authorised user removed from the Register.	4B
GI-4	Proviso to section 18(4) Proviso to rule 62	Application for renewal within six months from the expiration of last registration of geographical indication.	4C
GI-5	Section 28, rule 69	On request for alteration of the address of the principal place of business or of residence in India or of the address in the home country abroad in the Register of Geographical Indications are authorised user.	5A
GI-5	28 (c)	Request to enter change in name or description of proprietor of geographical indication upon the Register.	5B
GI-5	28(a)	Request for correction of any error in the name , address or description of the registered proprietor or the authorised user	5C

		of a geographical indication.	
GI-5	Section 27, Rule 65	Application for the rectification of the register in Part B for the removal of an authorised user.	5D
GI-5	Rule 22	A request for search in respect of one class.	5E
GI-5	Proviso to Section 15, rule 23(7)	Division of an application made for registration of a geographical indication in different classes	5F
GI-6	Section 27	Application for rectification of the register or removal of a geographical indication or expunge or vary the Statement of the Case under rule 32(1) recorded in the Register from the register.	6A
GI-6	Rule 67 and 80(4)	Application for leave to intervene in proceedings relating to the rectification of the Register or for the removal of a geographical indication or an authorised user from the Register.	6B
GI-7	Section 69 or 78(1)]. Rule 96.	Request for certificate of Registrar [other than a certificate under Section 16(2)].	7A
GI-7	Rule 93	Affidavit in support of statement of case or other documents required under the Act or rules.	7B
GI-7	72, rule 99	Request for entry in the Register and advertisement of a note of certificate of validity of the Appellate Board.	7C
GI-7	63, rule 92	Application for review of Registrar's decision.	7D
GI-7	Rule 40	Request to registrar for particulars of advertisement of a geographical indication	7E
GI-7	Rule 55(2)	Request to Registrar for a duplicate or further copy of certificate.	7F
GI-8	Rule 107	Application for registration of a geographical indications agent	8A
GI-8	Rule 109.	On request for issuance of certificate as geographical indications agent	8B
GI-8	Rule 110.	For continuance of the name of a person in the Register of Geographical Indication Agent under rule 110; - For every year (excluding the first year) to be paid on 1st April in each year. - For the first year to be paid along with the fee for registration, in the case of a person registered at any time between the 1st April, and 30th September. N.B: A year for this purpose will commence on the 1st day of April and end on the 31st day of March following.	8C
GI-8	Rule 113	On application for restoration of the name of a person to the Register of Geographical	8D

		Indications under rule 113	
GI-9	22(2), rule 77	On application to Registrar for additional protection to certain goods.	9A
GI-9	29	Application for leave to add or alter a registered geographical indication [except where the application is made by an or of a public authority or in consequence of a statutory requirement]	9B
GI-9	64, rule 83	Application for extension of time not being a time expressly provided in the Act or prescribed in the rules.	9C
GI-10	28 (c) or (d)	Application for cancellation of an entry in the Register or to strike out goods.	10A
GI-10	76, Rule 20	Form of authorisation of agent in a matter or proceedings under the Act.	10B

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THE THIRD SCHEDULE
Forms to be used by the Registrar

LIST OF FORMS

Form No.			**Title**
0-1	Section16(3)	..	Notice of non-completion of registration
0-2	Rule 55(1)	..	Certificate of registration of geographical indication
0-3	Rule 61 ..	Notice of expiration of last registration.	
0-4	Rule 102	..	Certificate of registration of a person as a geographical indications agent.
O-5	Rule 55(1)		Notice of expiration of last registration of an authorised user.

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FORM 0-1

GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999

Notice of non-completion of registration..

No.....

ice is hereby given as required by section 16(3) that the registration of the geographical indication , in respect of which application numbered as above was made on the .....day of .....20...., has not been completed by reason of default on the part of the applicant. Unless registration is completed within twenty-one days from the date of this notice, the application will be treated as abandoned.

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....200....

Registrar of Geographical Indications

To,_____

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FORM 0-2

GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999
Certificate of registration of geographical indication under Section 16(1) or of unauthorised user under section 17(3)(e)

Geographical Indication No.....
Authorised user No ……
Date.....

Certified that the Geographical Indication (of which a representation is annexed hereto) /authorised user has been registered in the register in the name of .....in Class.....under NO.....as of the date .....in respect of .....

Sealed at my direction this:.....day of .....200.....

Registrar of Geographical Indications.

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Registration is for 10 years from the date first above-mentioned and may then be renewed for a period of 10 years, and also at the expiration of each period of 10 years thereafter. .

This certificate is not for use in legal proceedings or for obtaining registration abroad.

FORM 0-3
GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999

Notice of expiration of last registration under Section 18(4) of Geographical Indications Act 1999
Agent

Registered geographical indication No……

Class……..

Notice is hereby given as required in section 18(4) of the Geographical Indication Of Goods (Registration And Protection) Act,1999 that the registration of the aforesaid geographical indication will expire on…….. and that the registration can be renewed for a further period of ten years on receipt in the Geographical Indication Registry of an application in the enclosed Form GI 4 accompanied by prescribed fee of Rs. 3,000 on or before the said date.

Dated this……day of …….200_.

Registrar of Geographical Indications

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FORM 0-4
GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999

Certificate of registration as Geographical Indication Agent

Rule-109

No...
This is to certify that .....
.....
.....
of .....
was registered on this .....day of .....200.....in the Register of Geographical Indication Agent maintained under rule-102 Of Geographical Indication of Goods (Registration and Protection) Rules, 2002.

Registrar of Geographical Indications

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FORM 0-5
GOVERNMENT OF INDIA
GEOGRAPHICAL INDICATION REGISTRY
GEOGRAPHICAL INDICATION OF GOODS (REGISTRATION AND PROTECTION) ACT,1999

Notice of expiration of last registration under section 18(4)

Registered authorised user No…….

Notice is hereby given as required under section 18(4) of the Geographical Indication Of Goods (Registration And Protection) Act,1999 that the registration of the aforesaid authorised user will expire on…… and that the registration can be renewed for a further period of ten years on receipt in the Geographical Indication Registry of an application in the enclosed Form GI 3 accompanied by the prescribed fee of Rs. 1,000 on or before the said date.

Dated…….day……..200-

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Registrar of Geographical Indications

THE FOURTH SCHEDULE

Classification of goods– Name of the classes

(Parts of an article or apparatus are, in general, classified with the actual article or apparatus, except where such parts constitute articles included in other classes).

Class 1. Chemical used in industry, science, photography, agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesive used in industry

Class 2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordents; raw natural resins; metals in foil and powder form for painters; decorators; printers and artists

Class 3. Bleaching preparations and other substances for laundry use; cleaning; polishing; scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions, dentifrices

Class 4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels(including motor spirit) and illuminants; candles, wicks

Class 5. Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax; disinfectants; preparation for destroying vermin; fungicides, herbicides

Class 6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores

Class 7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs

Class 8. Hand tools and implements (hand-operated); cutlery; side arms; razors

Class 9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus

Class 10. Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopaedic articles; suture materials

Class 11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying ventilating, water supply and sanitary purposes

Class 12. Vehicles; apparatus for locomotion by land, air or water

Class 13. Firearms; ammunition and projectiles; explosives; fire works

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Class 14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and other chronometric instruments

Class 15. Musical instruments

Class 16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks

Class 17. Rubber, gutta percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal

Class 18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides, trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery

Class 19. Building materials, (non-metallic), non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

Class 20. Furniture, mirrors, picture frames; goods(not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother- of-pearl, meerschaum and substitutes for all these materials, or of plastics

Class 21. Household or kitchen utensils and containers(not of precious metal or coated therewith); combs and sponges; brushes(except paints brushes); brush making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes

Class 22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes) padding and stuffing materials(except of rubber or plastics); raw fibrous textile materials

Class 23. Yarns and threads, for textile use

Class 24. Textiles and textile goods, not included in other classes; bed and table covers.

Class 25. Clothing, footwear, headgear

Class 26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers

Class 27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings(non-textile)

Class 28. Games and playthings, gymnastic and sporting articles not included in other classes; decorations for Christmas trees

Class 29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats

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Class 30.	Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces, (condiments); spices; ice
Class 31.	Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals, malt
Class 32.	Beers, mineral and aerated waters, and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages
Class 33.	Alcoholic beverages(except beers)
Class 34.	Tobacco, smokers' articles, matches

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THE FIFTH SCHEDULE
Scale of costs allowable in Rule 91 proceedings before the Registrar

Entry No.	Matter in respect of which costs to be awarded	Amount
1.	For one day's hearing involving examination of witnesses	Rs.1000
2.	For one day's hearing when there is no examination of witnesses	Rs. 500
3.	For adjournment of hearing granted on the petition of any party.	Rs.500 plus cost of resummoning the other parties' witness who were due to be examined on the day
4.	For striking out scandalous matter from an affidavit	Rs.200
5.	For attendance of witnesses -	
	Subsistence allowance....	
	Travelling allowance...	Rs.500 (vide not below) fare by rail or steamer second class each way and if there is no rail or steamer communication Rs 5 or 2.50 per km. depending upon the rank and status of the witness.

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Note: the rates of subsistence allowance and travelling allowance for witness shall vary according to the status of the witness subject to the maximum prescribed above.

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

(To be filed in triplicate alongwith the Statement of Case accompanied by five additional representation of the geographical indication)

One representation to be fixed within the space and five others to be send separately

FORM GI-1

A	**Application for the registration of a geographical indication in Part A of the Register** Section 11(1), Rule 23(2) Fee: Rs. 5,000 (See entry No.1A of the First Schedule)	
B	**Application for the registration of a geographical indication in Part A of the Register from a convention country** Section 11(1), 84(1), rule 23(3) Fee: Rs. 5,000 (See entry No.1Bof the First Schedule)	

1. Application is hereby made by (a) _____ for the registration in Part A of the Register of the accompanying geographical indication furnishing the following particulars:
   - Name of the Applicant:
   - Address:
   - List of association of persons/producers/organisation/authority:
   - Type of goods:
   - Specification:
   - Name of the geographical indication[and particulars]:
   - Description of the goods:
   - Geographical area of production and map:
   - Proof of origin[Historical records]
   - Method of Production:
   - Uniqueness:
   - Inspection Body:
   - Other:

   Along with the Statement of Case in Class (b)_____ (b)_____in respect of (c)_____in the name(s) of (d)_____ whose address is (e)_____ who claims to represent the interest of the producers of the said goods to which the geographical indication relates and which is in continuous use since _____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 communications relating to this application may be sent to the following address in India:
4. In the case of an application from a convention country the following additional particulars shall also be furnished

a) Designation of the country of origin of the geographical indication
b) Evidence as to the existing protection of the geographical indication in its country of origin, such as the title and the date of the relevant legislative or administrative provisions, the judicial decisions or the date and number of the registration, and copies, of such documentation

(5)SIGNATURE

NAME OF THE SIGNATORY
(IN BLOCK LETTERS)

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C	**A single application for the registration of a geographical indication in Part A of the Register for goods falling in different classes** Section 11(3), rule 23(5) Fee: Rs. 5,000 for each class (See entry No.1C of the First Schedule)	
D	**A single application for the registration of a geographical indication in Part A of the Register for goods falling in different classes from a convention country** Section 11(3), rule 23(4) Fee: Rs. 5,000 for each class (See entry No.1D of the First Schedule)	

1. **1.** Application is hereby made by (a) _____ for the registration in Part A of the Register of the accompanying geographical indication furnishing the following particulars:
   - Name of the Applicant:
   - Address:
   - List of association of persons/producers/organisation/authority:
   - Type of goods:
   - Specification:
   - Name of the geographical indication[and particulars]:
   - Description of the goods:
   - Geographical area of production and map:
   - Proof of origin[historical records]
   - Method of Production:
   - Uniqueness:
   - Inspection Body:
   - Other:

along with the Statement of Case in Class

(i) class a ..... in respect of b .....
(ii) class a ..... in respect of b .....
(iii) class a ..... in respect of b .....

in the name(s) of c..... whose address is(d) ..... who claim (s) to represent the interest of the producers of the goods to which the geographical indication relates and which geographical indication is used continuously since ..... 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 communications relating to this application may be sent to the following address in India:
4. In the case of an application from a convention country the following additional particulars shall also be furnished

a) Designation of the country of origin of the geographical indication
b) Evidence as to the existing protection of the geographical indication in its country of origin, such as the title and the date of the relevant legislative or administrative provisions, the judicial decisions or the date and number of the registration, and copies, of such documentation

(5)SIGNATURE

NAME OF THE SIGNATORY
(IN BLOCK LETTERS)

For instruction please see overleaf

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GI-1A to 1D

The Registrar of Geographical Indications,
The office of Geographical Indications Registry.

a). Strike out whichever is not applicable.
b). The Registrars' direction may be obtained if the class of the goods is not known.
c). Here specify the goods. Only goods included in one and the same class to be specified.
d). Insert legibly the full name, description (occupation and calling and nationality of the applicant). In the case of a body corporate or firm the country of incorporation or the names and descriptions of the partners composing the firm and the nature of registration, if any, as the case may be, should be stated. See rule 15.
e) Signature of the applicant or his agent

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THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

(To be filed in triplicate)

FORM GI-2

A	**Notice of opposition to application for registration of a geographical indication or an authorized user [Section 14(1), 17(3) (3), rule 41(1)] Fee : Rs.1,000/- for each class (See entry No.2 (A) of the First Schedule**	

In the matter of Application No.....by .....I(or we)' ..... hereby give notice of my (or our) intention to oppose the registration of the geographical indication/authorised user advertised under the above number for class .....in the Geographical Indications Journal dated the .....day of.....20.....No.....page.....

The grounds of opposition are as follows:-

3..... '

All communications in relation to these proceedings may be sent to the following address in India

Dated this ..... day of ..... 20.....

4 SIGNATURE

B	**Form of Counterstatement** **Sections 2, 14, 17(3),27, Rules 43(1), 66** **(To be filed in triplicate)** **Fee: Rs. 1,000/-** **(See entry No.2 (B) of the First Schedule)**	

In the matter of an opposition No.....to application No.....in class _____for the registration of a geographical indication.

I (or we)' .....the applicant(s) for registration of the above geographical indication, hereby give notice that the following are the grounds on which I (or we) rely for my(or our) application:-

I (or we) admit the following allegations in the notice of opposition.....

2 All communications in relation to these proceedings may be sent to the following address in India:

..... **.....**

Dated this .....day of.....20.....

2.....

SIGNATURE

NAME OF SIGNATORY IN BLOCK LETTERS

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C	**Application for extension of time for giving notice of opposition** **Section 14(1), 17(3)(e) and 29(2)., Rule 41(5)** Fee: Rs.300.00 **(See entry No.2 (C) of the First Schedule)**	

In the matter of application No..... in class .....

I(or We) (1).....hereby apply for extension of time of (2)..... for giving notice of opposition to the registration of the geographical indication or authorised user under the above number in the Geographical Indications Journal dated the .....day of .....20..

The reasons for making this application are as follows:--

All communications relating to this application may be sent to the following address in India:-

Dated this ..... day of .....20..

Signature(3).....
NAME OF SIGNATORY IN
BLOCK LETTERS

For instruction please see overleaf

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GI-2A

To,

The Registrar of Geographical Indications,
The office of Geographical Indications Registry.

1. State full name and address. An address for service in India should be given if the opponent has no place of business or of residence in India.
2. If registration is opposed on the ground that the geographical indication resembles a trade mark or a geographical indication already on the register the numbers and the journals in which it has been advertised are to be set out.
3. Signature of the opponent or of his agent.

GI-2B

1. State the full name and address as stated in the application for registration

2. Signature of the applicant or of his agent.

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GI-2C

1. State full name & address.
2 Insert the period of execution required which shall not exceed one month beyond these months from the date of advertisement or re-advertisement, as the case may be, of the application in the Journal.
3. Signature of the applicant or of his agent

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-3

A	**Application for the registration of an authorised user** **Section 17(1), Rule 56(1)** Fee : Rs.500/- **(To be filed in triplicate accompanied by the agreement, if any, between the registered proprietor and the proposed authorised user or duly authenticated copy thereof, and other documents mentioned in rule 56 along with an affidavit setting forth particulars and statements required by rule 56 and with two copies of each of the aforesaid documents)** (See entry No.3 (A) of the First Schedule)	

Application is hereby made by 1_____who is (are) the registered proprietor(s) of the geographical indication2_____ registered in class_____ in respect of goods _____ and _____being the proposed authorised user in Part B of the Register of the above mentioned registered geographical indication . A statement of case of hose the applicant claims to be producer is enclosed herewith. A copy of consent letter from the Registered Proprietor is enclosed/not enclosed .

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

4 SIGNATURE

IndiaCode

B	**Request for issuance of Registration Certificate as an Authorised User** **Section 16(2)17(3)(g), Rule 59(1)** **Fee: Rs.100 (See entry No.3B of the First Schedule)**.	

The Registrar is hereby requested under Section 17(3)(g)) read with rule 59(1) to issue the Authorised User Certificate in respect of application No. _____for the registered geographical indication _____ _____under registered No ._____in Class _____in Part B of the Register.

Dated this .....day of.....20.....

2.....
SIGNATURE

For instruction please see overleaf

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-3

C	**Renewal of registration of authorized user** **Section 18(2), rule 60(1)** **[Fee: Rs.1000.00** (See entry No.3C of the First Schedule**)**	

I(or We) (1).....hereby leave the prescribed fee of Rs..... for renewal of registration of the authorized user No..... in class ..... The notice of renewal of registration may be sent to the following address in India:.

Dated this ..... day of .....20..

Signature(2).....
NAME OF SIGNATORY IN
BLOCK LETTERS

To
The Registrar of Geographical Indications,
The office of the Geographical Indications Registry.

1.Insert full name and address of the authorized user.
2.Signature of the authorized user or his agent.
3.State the name of the place of the appropriate office of the Geographical Indications Registry – See rule 4

Note – This form will be returned if it is filed more than six months before the expiration of the last registration.

IndiaCode

To
The Registrar of Geographical Indications,
The office of Geographical Indication Registry.

GI-31A

1. Insert particulars of the registered proprietor.

2. Insert name and address

3. Signature of the Registered Proprietor/Producer or his agent

GI-3B

1. Signature of the Producer

GI-3C

1. Insert particulars of the registered proprietor
2. Signature of the producer or his agent

..

IndiaCode

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-4

A	**Fee: Rs. 3,000 (See entry No.4A of the First Schedule)** **Renewal of registration of geographical indication** **Section 18(1), Rule 61**	

I (or we) 2 .....hereby leave the prescribed fee of Rs.....for renewal of registration of the geographical indication No.....in Class ..... All communication relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

4 SIGNATURE

B	**Restoration of geographical indication or an authorized user removed from the register for non-payment of renewal fee. Section 18(5) Rule 63.** Fee: Rs.1,000/- plus the applicable renewal fee prescribed in entry Nos. 4A or 3C of the First Schedule	

I (or we) ' .....hereby apply that the geographical indication numbered.....in class .....be restored to the register and the registration of the said geographical indication in the class aforesaid be renewed, and that the notice of restoration and renewal be sent to the following address in India**.**

Dated this .....day of.....20.....

2.....

SIGNATURE

C	**Fee: Rs.3500 (See entry No.4C of the First Schedule)** **Application for payment of surcharge towards renewal of a geographical indication under proviso to sub-section (4) of section 18.**	

I (or we) [1] …….. the registered proprietor/s hereby made by apply for the renewal of registration of registered geographical indications No…….in class …… which has expired on ……and tender the prescribed surcharge in respect thereof and the renewal certificate be sent to the following address in India:-

Dated this ……day ……of 20…

Signature

Name of signatory in Block Letters

For instructions please see overleaf

IndiaCode

To

The Registrar of Geographical Indications
The Office of the Geographical Indications Registry, Chennai

GI-4A

1. Strike out whichever is not applicable.
2. Insert here the name and address of the Registered Proprietor.
3. Signature of the registered proprietor or of his agent.

GI-4B

1.. Insert full name, address and nationality of the registered proprietor
2. Signature of the registered proprietor or of his agent

GI-4C

1.Insert here the full name and address of the Registered Proprietor.

2.Signature of the registered proprietor or of his agent.

IndiaCode

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

(To be filed in triplicate)

FORM GI-5

A	**Request for alteration of the address of the principal place of business or of residence in India or of the address in the home country abroad in the Register of Geographical Indications are authorised user, Section 28, rule 69.** Fee: Rs. 300/- (See entry No.5A of the First Schedule)	

In the matter of geographical indication No…….registered in Class……

I/We……..of ……..being the registered proprietor/ authorised user of the geographical indication numbered as above, request that the address of my(our) principal place of business (or residence) in India or address in my (our) home country abroad in the Register of Geographical Indications be altered to ……
The change of address was ordered by……..on the ……..day of ……20……. An officially certified copy of the order is enclosed herewith.

All communications on this request may be sent to the following address in India.

Dated this .....day of.....20.....

2.....
SIGNATURE

IndiaCode

B	**Request to enter change of name or description of association of person or producers or any organisation or authority in whose name a geographical indication is registered. Section 28(b).** **Fee: Rs. 300** (See entry No.5B of the First Schedule)	

I (or we) ' .....hereby request that my (or our) name (s) and description (s) may be entered in the Register of Geographical Indication as2 proprietor (s)/ authorised user (s) of the geographical indication No.3..... registered in class .....
I am (we are) entitled to 3 the said geographical indication.
.....use the said Geographical Indication as authorised user(s). There has been no change in the actual proprietorships 2/identity of authorised user(s) of the said geographical indication, but 4 .....
The entry at present standing in the register gives my (or our) name(s) and description (3) as follows:-
5 A copy of this request has been served upon the authorised user(s)/proprietor(s)

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

6.....
SIGNATURE

For instruction please see overleaf

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-5

C	**Request for correction of any error in the name, address or description of the registered proprietor or the authorised user of a geographical indication. Section 28(a)** **Fee: Rs.300** (See entry No. 5C of First Schedule)	

In the matter of geographical indication No.....registered in class .....

I (or we) .....of .....
being the registered proprietor 2 of the geographical indication numbered as above, authorised user
request that the 2address of my (our) principal place of business 2(or residence) in India or address in my(our) home country abroad in the Register of Geographical Indication be altered to .....
3The change of address was ordered by4 .....on the .....
day of .....20.....An officially certified copy of the order is enclosed herewith.

All communications relating to this application may be sent to the following address in India:-
All communications on this request may be sent to the following address in India.

Dated this .....day of.....20.....

2.....
SIGNATURE

D	**Application for the rectification of the register in Part B for the removal of an authorised user. Section 27, and Rule 65.** **Fee: 1,000 ((See entry No. 5D of First Schedule)**	

In the matter of Geographical Indication No.....
registered in the name of ..... in Class.....
I (or We) ' ..... hereby apply that the entry in the register in respect of the abovementioned authorised user of registered geographical indication No…… may be (removed)2 (rectified) in the following manner:-

The grounds of my (our) application are as follows:-

The 3.....Office of the Geographical Indications Registry has been entered in the register as the appropriate office in relation to this geographical indication.
No action concerning the geographical indication in question is pending in any Court

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....
SIGNATURE

4 SIGNATURE

For instruction please see overleaf

IndiaCode

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-5

E	**Application for the division of an application made for the registration of a geographical indication in different classes of goods.** **Proviso to Section 15 rule 23(7), 82(B)** **Fee: 1000 (See entry 5E of the First Schedule)**	

In the matter of Geographical Indication No……in Class…….. in the name of ……filed on ……..

I (or we)[1] ……hereby request the Registrar to divide the application No…….. or for the division of the registered geographical indication No. …… in class…….into ……..or for the division of a single application in……class/ classes into in the following class or classes[2] or to divide the specification of goods or services in Class ……... as indicated below:

…….

…….

A copy of the Registrar order on the request may be sent to the following address in India :-

Dated this .....day of.....20.....

2.....

SIGNATURE

IndiaCode

F	**Fee: Rs.500.00 (See entry No.5F of the First Schedule)** **Request for search under rule 22**	

The Registrar is hereby requested under rule 22 to search in class' .....in respect of2..... to ascertain whether any geographical indication are on record which resemble the trade mark sent or geographical indication herewith in triplicate. (each representation being mounted on a sheet of strong paper approximately 33 centimetres by 20 centimetres in size.)

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

SIGNATURE

4 SIGNATURE

For instruction please see overleaf

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry ,Chennai

GI-5A

1. Strike out word(s) not applicable.
2. Insert the name of the public authority ordering the change and the date thereof.
3. Signature of the registered proprietor/authorised user or of his agent.

GI-5B

1. Insert present name and address of registered proprietor or authorised user.
2. Strike out the words that are not applicable.
3. State the circumstances under which the change of name took place.
4. Strike out if not applicable.
5. Signature of applicant or of his agent.

Footnote: No fee, however, payable where the application for alteration or change of name is made as a result of an order of a public authority or in consequence of a statutory

GI-5C

1. Strike out word(s) not applicable.
2. Insert the name of the public authority ordering the change and the date thereof.
3. Signature of registered proprietor or of his agent.

Footnote: No fee is, however, payable in case the alteration is made as a result of an order of a public authority in India.

IndiaCode

GI-5D

1. State full name, address and nationality. An address for service in India should be stated if the applicant has no place of business or of residence in India.
2. Strike out the word that is not applicable
3 Signature of the applicant or his agent

GI-5E

1. Insert the full name, address and nationality of the applicant.
2. Mention the goods or services and the class or classes in which it is to be registered in ascending numerical order.
3. Signature of the applicant or his agent

GI-5F

1. The Registrar's direction may be obtained if the class is not known.
2. Here specify the goods (in the class stated) in respect of which the search is to be made.
3. Signature of the applicant or his agent.

Footnote: No fee is payable in cases where the directions of the Central Government for exemption from payment of fee have been obtained.

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-6

A	**Application for the rectification of the register or the removal of a geographical indication from the register or to expunge or vary the Statement of Case under rule 32(1) recorded in the Register. section 27, and Rule 65.** **Fee: Rs.1,000** (See entry No. 6A in the First Schedule)	

In the matter of Geographical Indication No.....
registered in the name of ..... in Class.....
I (or We) ' ..... hereby apply that the entry in the register in respect of the abovementioned Geographical Indication may be (removed)2 (rectified) in the following manner:-

The grounds of my (our) application are as follows:-

The 3.....Office of the Geographical Indication Registry has been entered in the register as the appropriate office in relation to this geographical indication.
No action concerning the geographical indication in question is pending in any Court

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

SIGNATURE

4 SIGNATURE

IndiaCode

B	Application for leave to intervene in proceedings relating to the rectification of the register or the removal of a geographical indication from the register or the cancellation of an authorised user of a geographical indication from the register. Rule 67, 80(4). **Fee: Rs. 500** (See entries No.6B of the First Schedule)	

In the matter of the Geographical Indication No..... registered in the name of .....in class .....
I (we)'.....
hereby apply for leave to intervene in the proceedings relating to the rectification or removal of the entry in the register in respect of the above mentioned geographical indication/additional protection under section 22(2)or cancellation of an authorised user.
My (our) interest in the Geographical Indication.....

A copy of the Registrar order on the request may be sent to the following address in India :-

Dated this .....day of.....20.....

2.....
SIGNATURE

For instruction please see overleaf

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry,Chennai

GI-6A

1. State full name, address and nationality. An address for service in India should be stated if the applicant has no place of business or of residence in India.
2. Strike out the word that is not applicable
3. Signature

GI- 6B

1. State full name, address and nationality
2. Signature

IndiaCode

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-7

A	**Request for certificate of the Registrar [Section 78(2)].** **Fee: Rs. 300** (See entry No. 7A of the First Schedule)	

In the matter ' of **g**eographical indication No. ..... registered in Class ..... I (or we)2 .....hereby request the Registrar to furnish me (us) with his certificate to the effect that4 .....

a certified copy

....
..... 3a certificate of the registration of geographical indication for use in obtaining registration in5 .....

..... The certificate/certified copy be sent to the following address in India A copy of the Registrar order on the request may be sent to the following address in India :-

Dated this .....day of.....20.....

2.....
SIGNATURE

B	**Affidavit (only to be furnished where required by the Act or the rules)** (See entry No. 7B of the First Schedule)	

I,' .....of .....do hereby solemnly and sincerely declare that the particulars set out in the statement of case, exhibit marked .....and left by me in connection with [2]..... in respect of the geographical indication No.....in class .....are true and comprise every material fact and document affecting the present proprietorship of the geographical indication, to the best of my knowledge, information and belief.

Dated this .....day of .....20.....

4 .....
SIGNATURE

4 SIGNATURE

C	**Request for entry in the register and advertisement of a notice of certificate of validity by the Appellate Board Under rule 99** **Fee: 200/-(See entry No. 7C of the First Schedule)**	

In the matter of geographical indication No.....registered in class ..... in the name of .....
I or(we)' .... hereby request the Registrar to add to the entry relating to the above numbered geographical indication in the register, and to advertise in the Geographical Indication Journal, a note that in 2 .....

.....
the Appellate Board certified that the validity of the said registration came into question and was decided in favour of the proprietor of the geographical indication in the terms of accompanying officially certified copy of the certificate of validity.

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....
SIGNATURE

4 SIGNATURE

For instruction please see overleaf

IndiaCode

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-7

D	**Application for review of Registrar's decision** **Section 60(c) Rule 92** **Fee: 500** (See entry 7D of the First Schedule)	

In the matter of '.....
I (or we)2 ..... being the ..... in the above matter hereby apply to the Registrar for the review of this decision dated the ..... day of .....20....., in the above matter.

The grounds for making this application are set forth in the accompanying statement

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

4 SIGNATURE

E	**Request to Registrar for particulars of advertisement of a geographical indication, Rule 40** Fee: 100 (See entry 7E of the First Schedule	

I (or we)' ..... hereby request that I (or we) may be informed of the number, date and page of the Journal in which the geographical indication sought to be registered under Application No.....in the name of .....is advertised

The information may be sent to the following address in India 2-

Dated this .....day of .....20.....

3.....
SIGNATURE
NAME OF SIGNATORY
IN BLOCK LETTERS

F	**Fee: Rs. 200 (See entry No. 7F)** **Request for duplicate or further copy of the certificate of registration /authorised user rule 55(2)/59(3).**	

(If the applicant had furnished a label for advertisement, this Form must be accompanied by one unmounted representation of the geographical indication exactly as shown in the Form of application at the time of registration)

I (or we)'.....request the Registrar to furnish me (us) with 3 duplicate /further copy of the certificate of registration issued to me (us) under sub-section (2) of section 16 in respect of my (our) geographical indication NO. ..... registered in class .....in the Register.

Dated this .....day of .....20.....

4 .....

SIGNATURE

4 SIGNATURE

For instruction please see overleaf

IndiaCode

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry, Chennai

GI-7A

1. Insert name, address and nationality of the person making the request.
2. Set out the particulars which the Registrar is required to certify or state particulars of the document of which a certified copy is required.
3. Insert the name of country or state.
4. Signature

GI-7B

1. Insert full name, address and nationality of deponent.
2. Insert particulars of the proceedings concerned.
3. To be signed here by the person making the declaration.
4. Signature and title of authority before whom affidavit is taken. In India affidavit may be taken before any Court or person having by law authority to receive evidence or before an officer empowered by a Court to administer oath. Outside India affidavit may be taken before a Diplomatic or Consular Officer within the meaning of the Diplomatic and Consular officers (Oaths and Fees) Act, 1948, of such country or place or before a Notary of the place if the notarial acts done by notaries of the place have been recognised by the Central Government under Section 14 of the Notaries Act, 1952.
   To be stamped under the law for the time being in force.

GI-7C

1. State the name and address of the registered proprietor.
2. State the nature of the proceedings with the names of the parties to them, in which the certificate was given.
3. Signature.

GI-7D

1. Here Insert the words and reference number identifying the matter in respect of which the application is made.
2. State full name and address.
3. Signature.

GI-7E

1. State full name and address.
2. Signature.

GI-7F

1. Insert the name and address of the registered proprietor.
2. Strike out whichever is not applicable.
3. Signature of the registered proprietor or the authorised user of his agent.

IndiaCode

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-8

A	**Application for registration as a Geographical Indications Agent, Rule 107** To be filed in triplicate) **Fee:Rs. 1,000** (See entry No. 8A of the First Schedule)	

I beg to apply for registration as a trade marks agent under THE GEOGRAPHICAL INDICATIONS OF GOODS (REGISTRATION AND PROTECTION) RULES, 2000

.

1 A certificate of character from..... is enclosed herewith.

I, hereby declare that I am not subject to any of the disabilities stated in clauses (i), (ii),(iii),(iv),(v) and (vi) of rule 105 of the Geographical Indications of Goods (Registration and Protection) Rules, 2000 and that the information given below is true to the best of my knowledge and belief.

1. Name in full beginning with surname if any (in capital letters).....
2. Address of the place of residence.....
3. Principal place of business.....
4. Father's name.....
5. Nationality.....
6. Date and place of birth.....
7. Occupation in full.....
8. Particulars of qualifications for registration as a Geographical Indications Agent.....
9. Whether at any time removed from the Register of Geographical Indications Agent and if so the reason for such removal.

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

4 SIGNATURE

IndiaCode

B	**Request for issuance of Certificate as a Geographical Indications Agent** **Rule 109** **Fee: Rs.1,000 (See entry No.8B of the First Schedule)**	

The Registrar is hereby requested under rule 109 to issue the certificate as a Geographical Indication Agent as the applicant has become eligible and qualified to be a Geographical Indications Agent.

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

3.....
SIGNATURE
NAME OF SIGNATORY
IN BLOCK LETTERS

C	**Request for continuance of name in the Register of Geographical Indications Agent** **Rule 110** **Fee. 1,000** (See entry 8C of First Schedule)	

The Registrar is hereby requested under rule 110 to issue a continuance of the name in the Register of Geographical Indication Agent for the period from _____to_____

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

SIGNATURE

4 SIGNATURE

D	**Application for the restoration of the name of a person to the Register of Geographical Indications Agent (Rule 113)** (To be filed in triplicate) **Fee: Rs. 1,000 plus continuance fee** under (See entry No. 8D).	

1.....of.....
hereby apply for the restoration of my name to the Register of Geographical Indication Agents in which my name was entered under No..... My name was removed on..... under rule 113 of the Geographical Indication of Goods Rules,2002.

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

SIGNATURE

4 SIGNATURE

For instructions please see overleaf

indiaCode

To

The Registrar of Geographical Indications
The Office of Geographical Indications Registry, Chennai

GI-8A to GI-8D

1. The certificate testifying to the character of the candidate should be from a person not related to the candidate and being a District Magistrate, a Chief Presidency Magistrate or the Chief Administrative Officer of the District where the candidate usually resides, or from any other person whom the Registrar may consider fit.

2. Either original diplomas, certificates and other documents in support of qualifications claimed, or copies thereof duly attested by a magistrate, a notary public or a J.P. must be sent with the application.

   Particulars such as the amount of experience in the Geographical Indications Registry or with a commercial firm of repute, may be specified.

3. Signature

IndiaCode

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-9

A	**Application for additional protection for certain goods.** **Section 22(2), rule 77** **Fee: Rs.25,000.00** (See entry No. 9A of the First Schedule)	

I(or We) (1).....being the registered proprietor of the geographical indications ..... in class .....hereby apply for additional protection under Section 22(2) of the Act.

The statement of case required to be submitted under rule 77(1) is enclosed with.

All communications relating to this application may be sent to the following address in India:-

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

4 .....

4 SIGNATURE

B	**Application by registered proprietor under Section 29 for an addition or alteration of a registered geographical indication.** **Fee: Rs.300/-** See entry No.9B of the First Schedule and footnote below.	

In the matter of geographical indication No.....registered in class .....

Application is hereby made by (1)..... being the registered proprietor(s) of the registered Geographical Indication numbered as above for leave to add or alter the said geographical indication in the following particulars, that is to say (2).....

Five copies of the geographical indication as it will appear when altered are filed herewith.

(3) A copy of this application and a copy of the geographical indication as it will appear when so altered has been published in two leading newspapers circulated in the area (copy enclosed)

All communications relating to this application may be sent to the following address in India:-

Dated this ..... day of .....20..

Signature(4).....
NAME OF SIGNATORY IN
BLOCK LETTERS

IndiaCode

C	**Fee: 300 (See entry 9C of the First Schedule)** **Application for extension of time [not being a time expressly provided in the Act or prescribed by rule)** Section 64 rule 83(1).	

In the matter of '.....

I (or we)2.....being the '..... in the above matter hereby apply for an extension of time of 3.....for4.....on the following grounds:-

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....19.....

5.....
SIGNATURE
NAME OF SIGNATORY

For instruction please see overleaf

IndiaCode

GI-9C
1.Identify the subject matter
2.State full name and address
3.Insert the period of extension required which shall not ……..
4. State the purpose for which extension of time is required

THE GEOGRAPHICAL INDICATIONS OF GOODS
(REGISTRATION & PROTECTION) ACT, 1999

FORM GI-10

A	**Application by registered proprietor of a geographical indication for the cancellation of entry thereof in the register or to strike out any goods or classes of goods from those in respect of which the geographical indication is registered. Section 28 (c) or (d).** **Fee: Rs. 300** (See entries No.10A of the First Schedule)	

In the matter of geographical indication No.....Class.....
Name of registered proprietor .....
Address as entered in the register.....
Application is hereby made by the aforesaid registered proprietor that the entry in the Register of geographical indication No.....in class .....may be cancelled.

2A copy of the application has been served on the Authorised User(s)

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....

3.....
SIGNATURE
NAME OF SIGNATORY IN BLOCK LETTERS

IndiaCode

B	**Form of Authorisation of Agent in a matter or proceeding under the Act (Section 76 and rule 20)**	

I(or we)' .... hereby authorise 2 .....
.... of ....
..... to act as my (or our) agent for 3 .....and request that all notices, requisitions and communications relating thereto may be sent to such agent at the above address,.

I (or we) hereby revoke all previous authorisations, if any, in respect of the proceeding.

All communications relating to this application may be sent to the following address in India:-

Dated this .....day of .....20.....
4 .....

SIGNATURE
NAME OF SIGNATORY
IN BLOCK LETTERS

For instruction please see overleaf

To

The Registrar of Geographical Indication
The Office of the Geographical Indications Registry, Chennai

GI-10A

1. Strike out whichever is not necessary.
2. Strike out if not applicable.
3. Signature of the registered proprietor or of his agent.
4. Signature

..

IndiaCode