

# Procedure for Filing G.I Application

## I. Form and signing of application

1. Every application for the registration of a geographical indication shall be made in the prescribed form ([GI-1A to ID](#)) accompanied by the prescribed fee ( Rs.5,000).
2. It shall be signed by the applicant or his agent.
3. It must be made in triplicate along with three copies of a Statement of Case accompanied by five additional representations.

## II. Fees

1. Fees may be paid in cash or sent by money order or by a bank draft or by a cheque.
2. Bank Drafts or cheques shall be crossed and be made payable to the Registrar at the appropriate office of the Geographical Indication Registry.
3. It should be drawn by a scheduled bank at the place where the appropriate office of the Geographical Indications Registry is situated.
4. Where a document is filed without fee or with insufficient fee such document shall be deemed to have not been filed.

## III. Sizes

1. All applications, shall be typewritten, lithographed or printed in Hindi or in English.
2. It should be in large and legible characters with deep permanent ink upon strong paper, on one side only.
3. The size should be approximately 33 cms by 20 cms and shall have on the left and part thereof a margin of not less than 4 centimeters.

## IV. Signing of documents

1. In case of
  - i. An association of persons or producers shall be signed by the authorized signatory.
  - ii. A body corporate or any organization 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.

iii. In case of partnership it shall be signed by at least one of the partners.

2. The capacity in which an individual signs a document shall be stated below his signature.
3. Signatures shall be accompanied by the name of the signatory in English or in Hindi and in capital letters.

#### **V. Principal place of business in India**

1. Every application for registration of a G.I shall state the principal place of business in India.
2. A body corporate should state the full name and nationality of the Board of Directors.
3. Foreign applicants and persons having principal place of business, in their home country should furnish an address for service in India.
4. In the case of a body corporate or any organization 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.

#### **VI. Convention Application should contain the following**

1. A certificate by the Registry or competent authority of the Geographical Indications Office of the convention country.
2. The particulars of the geographical indication, the country and the date or dates of filing of the first application.
3. The application must be the applicants' first application in a convention country for the same geographical indications and for all or some of the goods.
4. The application must include a statement indicating the filing date of the foreign application, the convention country where it was filed, the serial number, if available.

#### **VII. Statement of user in applications**

An application to register a geographical indication shall contain a statement of user alongwith an affidavit.

### **VIII. Content of Application**

Every application 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 form the concerned territory in respect of specific quality, reputation or other characteristics.
2. The three certified copies of class of goods to which the geographical indication relates
3. The geographical map of the territory.
4. The particulars of the appearance of the geographical indication words or figurative elements or both;
5. A statement containing such particulars of the producers of the concerned goods proposed to be initially resisted. 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:

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 under any law.

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;

The particulars of the mechanism to ensure that the standards, quality, integrity and consistency or other special characteristic are maintained by the producers, or manufacturers of the goods.

Three certified copies of the map of the territory, region or locality;

The particulars of special human skill involved or the uniqueness of the geographical environment or other inherent characteristics associated

with the geographical indication.

The full name and address of the association of persons or organization or authority representing the interest of the producers of the concerned goods;

Particulars of the inspection structure ;

In case of a homonymous indication, the material factors differentiating the application from the registered geographical indications and particulars of protective measures adopted.

**IX. Acknowledgement of receipt of applications:**

1. Every application of the registration of a geographical indication in respect of any goods shall, on receipt be acknowledged by the Registrar.
2. The acknowledgement shall be by way of return of one of the additional representations with the official number of the application duly entered thereon.