Darjeeling Tea -
A Geographical Indication (GI)
Darjeeling Tea Industry

- Spread over 17,800 hectares
- Produces approx. 8 to 9 million kg tea
- 87 tea estates
- More than 1 Lakh workers, predominantly women
- Main economic activity of the area
- Over 70% is Exported
Darjeeling Tea: GI Story
Darjeeling tea goes back to 1830’s

Statutorily controlled by the Government as part of the Tea industry from 1933 under various enactments culminating in the Tea Act, 1953

The Tea Board is vested with the authority to administer all stages of tea cultivation, processing & sale through various orders

Cultivated currently in 87 designated gardens in the hills of Darjeeling district
This is because it possesses a well-known flavour and quality which has won the patronage and recognition of discerning consumers all over the world for well over a century.

Due to the unique and complex combination of agro-climatic conditions Darjeeling tea has a distinctive and naturally-occurring quality and flavour which has won the patronage and recognition of discerning consumers all over the world for well over a century.

The quality, reputation and characteristics of the tea is essentially attributable to its geographical origin and cannot be replicated elsewhere.
Threats- Why was Protection necessary?

- Adulteration
- Poor Value Realization
- Consumer deception
- Damage of reputation
Role played by the Tea Board & Industry


- The initiative that was started in 2000 had very little precedent to follow.
Objectives of the exercise

• To prevent *misuse* of the word “Darjeeling” for tea sold world-wide

• To deliver the correct product to the *consumer*

• To enable the commercial benefit of the equity of the brand to reach the industry
Action undertaken by the Tea Board to meet these objectives

- **Legal** - establishment of *statutory backup* required to protect Darjeeling in case of misuse/ abuse/ infringements

- **Administrative** - Establishment of mechanism to protect *supply chain integrity* to determine the authenticity of teas sold as Darjeeling
Legal

- **Prior to 1997** - Tea Board had registered the specialty logos in various jurisdictions within the legal framework available - a step in the right direction.

- **Post 1997** - The legal protection and marketing effort required to make these entities relevant to consumers had to be *recast* under the *auspices of the Trips Agreement*.
1986 - The DARJEELING Logo created and registered in UK, USA, Canada, Japan, Egypt and under the Madrid Agreement covering Germany, Austria, Spain, France, Portugal, Italy, Switzerland and former Yugoslavia

1999 - Darjeeling Certified Trademark Protection Scheme

2004 - DARJEELING TEA registered as Geographical Indication as Sl. No. 1 & 2
Geographical Indication No.: 2

Certificate of Registration of Geographical Indication under section 16(1) of the Geographical Indications Act, 1999

Certified that the Geographical Indication (of which a representation is annexed hereto) has been registered in the register in the name of Tea Board, 14, B.T.M. Sarani (Babourme Road) P.O. Box No. 2172, Kolkata - 700 001, India,

in class 30 under no. 2 as of the date 27.10.2003

Sealed at my direction this 29th day of October 2004, at Chennai.

Registrar of Geographical Indication.
ENTRY MADE IN
PART-A OF THE REGISTER

DARJEELING
(Logo)

THAT THE TEA BOARD IS THE REGISTERED
PROPRIETOR OF THE G.I.
DARJEELING TEA

Date: 29.10.04

S. CHANDRASEKARAN
Registrar of Geographical Indications
The application for registration of DARJEELING as GI under ECR 510 in the European Union member countries was submitted to the European Commission on the 12th November 2007 at Brussels.
Enforcement

- World Wide Watch agency **CompuMark** appointed to monitor conflicting marks

- Pursuant to the watch agency being appointed:
  - Instances of attempted registrations found
  - Some challenged through oppositions & cancellations and sometimes negotiations
Tea Board has fought more than 15 cases against infringement and misuse of Darjeeling in the last four years including Sri Lanka where the Importer agreed to abide by the Regulations.

This is an effort that stems beyond areas where Darjeeling tea is exported.
Tea Board was successful in seeking rejection of trademark application for DARJEELING NOUVEAU in the name of Republic of Tea (“ROT”) on the basis of its geographical certification marks for DARJEELING word and logo.

The opposition had been filed by the Tea Board before the Trademark Trial and Appeal Board (TTAB) which has not only upheld Tea Board’s opposition but also denied ROT’s counterclaim for cancellation of the DARJEELING certification mark on grounds of genericness.
The TTAB held that ROT had not proved that consumers view DARJEELING tea as a generic type, as opposed to tea from the Darjeeling region of India.

It also recognized Tea Board’s continuing efforts to maintain control of the mark and protect its value as a geographic indication.

The TTAB held that Regulations and licensing program put in place by the Tea Board constitute “adequate provisions for control.”

It also placed great stock in the Tea Board’s ongoing efforts to educate the public (e.g., by attending trade shows and distributing literature in supermarkets) as further evidence of the Tea Board’s overall system of controlling consumer understanding.
The Court of Appeal of Paris on November 22, 2006 quashed the decision of the Court of First Instance rendered in August 2005 wherein the action filed by the Tea Board for dilution of Darjeeling against adoption of the mark “Darjeeling with a kettle device” in respect of classes 16, 35 and 41 by Mr. Dusong.

In its decision, the Court of Appeal, Paris held that Mr. Dusong’s mark impairs the geographical indication DARJEELING and is prejudicial to the Tea Board’s interests in the same. Accordingly the impugned mark was nullified. Mr. Dusong has been restrained from using the same in any connection whatsoever.
Further, the Court has imposed a fine of Euros 500 for every breach that would occur after one month of notification of the decision.

Mr. Dusong is to publish, at his expense, (but within a total of Euros 5000), the decision in three newspapers, either French or foreign, of Tea Board’s choice.

Mr. Dusong was also sentenced by the Court to pay an amount of Euros 2000 to the Tea Board.
Marks opposed: - include DIVINE DARJEELING, DARJEELING, DARJEELING NOVEAU, - relating to diverse goods and services such as clothing, lingerie, telecommunication and internet services, coffee, cocoa etc.

- Use by BVLGARI, Switzerland of the legend “Darjeeling Tea fragrance for men” agreed to be withdrawn pursuant to legal notice and negotiations
Trade Supply Chain Integrity System

• Introduced a trade chain management system for surveillance and monitoring of the supply chain and addressing traceability issues in the Darjeeling tea trade chain.

• Two computerized data collection centers have been setup in Darjeeling and Kolkata, connected through internet enabled services.
Trade Supply Chain Integrity System
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Trade Supply Chain Integrity System
The system entails computerized collection and validation of all plantation and processing related data, namely:

- Daily green leaf plucking records
- Daily area plucked records
- Daily Manpower used records
- Daily green leaf transfer/purchase records
- Daily processing records
- Daily invoice entry records
- Daily dispatch records

All 87 registered Gardens have been provided with customized software for the data entry and submission.
Trade Supply Chain Audit

• Appointed an independent certification agency to conduct trade chain audit to check and validate the authenticity of the data collected through the Trade Supply Chain Integrity System.

• The certification agency will conduct onsite checking and verification of all the data submitted by all entities in the trade chain.

• Approximately 33% of the all entities registered under each category will be audited each year, with every entity undergoing a complete verification once in 3 years.

• Annually 10% of all the registered entities will be subject to random and totally unannounced spot checks.

• Full verification/spot-check will be conducted each year on the basis of a risk analysis.

• All data/information/material obtained/generated during the audits will be kept strictly confidential.
All Darjeeling Tea leaving the shores of India today is guaranteed 100% Darjeeling Tea
Once legal and commercial interests in Darjeeling protected

Consumer perception of Darjeeling fostered as a luxury tea

Darjeeling tea would justifiably command a premium

Possible to compete on quality rather than quantity

Economic benefits for all stakeholders
Challenges- Commodity to Brand

- Adulteration
- Limited Quantity
- Vast Market
- Old Trade Practices
- Market Access
- Consumer Awareness
- Bulk Packaging
- High Cost of Promotion & Distribution
- Enforcement
- Lack of Vision
Initiatives by the Industry to overcome the challenges

- Creating Niche (Organic)
- Trade Association’s
- Co-Branding
- Retail Chains
- Single Estate Branding
- Generic Brand Promotion as GI
Promotion and protection go hand in hand, starting at the place of origin up to countries where protection is sought.

The reasons:

• In settling GI protection/ infringement cases, Enforcement Authorities in different countries base their judgment on consumer perception vis a vis that particular GI amongst consumers of that country.

• There is need to create awareness through consumer campaigns on what Darjeeling Tea is and the implications of GI protection. This awareness generation to build on brand equity and make audiences at large understand the consequences of violation of regulations. Without this awareness GIs cannot be protected.
Promotion of Darjeeling Tea in the domestic market:

- Build on brand equity
- Create awareness of IPR protection
- Teach consumers how to assess the quality
- Establish a Darjeeling Community on the web for personalized interaction between growers, traders and consumers.
Our very own Darjeeling tea joins the unique global elites.

The whole world now recognises the fact that this magical brew owes its unique eloquence to its place of origin, the misty hills of Darjeeling.

Darjeeling Tea* has now been registered as a GI (Geographical Indication) in India. Which officially places Darjeeling Tea in esteemed company of a Cognac or a Champagne - other famous GIas.

The unique geographical conditions of Darjeeling help make its teas such a rarity, just the way Cognac and Champagne are rare because they can only come from specific regions of France.

To celebrate this new rise in status for India, just raise your cup!

Any product that displays special qualities which are related to a certain geographic region is regarded as GI and is protected internationally.

- Article 22 of the World Trade Organization (WTO)-TRIPS Agreement on ‘Protection of Geographical Indications’

*Only tea that is cultivated, grown and produced in 87 designated tea gardens in the defined region of the district of Darjeeling can be called Darjeeling Tea. The DARJEELING marks are registered as certification marks under the Trade Marks Act, 1999, as Geographical Indications (GI) under the Geographical Indications of Goods (Registration and Protection) Act, 1999 and the DARJEELING logo is registered as an artistic work under the Copyright Act, 1957. Misuse of the marks or dealings in tea which is not drawn from any of the 87 gardens or which is a mixture of non-Darjeeling and Darjeeling teas and sold under and by reference to the name DARJEELING and its logo constitute cognisable offences under the aforementioned acts and can attract criminal liability under the Indian Penal Code.
Darjeeling Tea.
You either love it or you grow to love it.

If the fine flavour of Darjeeling tea passes you by at first go, don’t lose heart.

It took us over a century to perfect the delicate art of Darjeeling tea. You might have to allow it to grow on you.

To fully appreciate the heavenly aroma and taste, treat your cup of Darjeeling as the finest of wines. Take a whiff before you take a sip. Roll the mild liquor (sans milk and sugar, ideally) around your tongue. Wait for the faint hint of the celebrated bouquet, following the signature warm-tender-mellow taste.

Once your senses are fine-tuned enough to discern the distinctive Darjeeling flavour, it will be a lifetime obsession - as it has been with connoisseurs around the world.

To begin this journey of romance, just raise your cup… with finesse.

The story of the legendary Darjeeling tea.

Darjeeling is a sleepy little hill station in north-east India where no miracle happens. Except for tea.

Over the last 100 years, many learned men have taken great pains to unravel the mystery behind the miracle called Darjeeling tea.

To figure out what’s it about Darjeeling that lends such unique aroma, flavour and colour to its teas.

What’s that makes Darjeeling tea one of the most expensive, yet most coveted?

What it makes the world’s tea aficionados flock to Darjeeling during springtime, to book the First Flush tea?

After decades of research and analysis, the wise men’s verdict was telling.

That Darjeeling tea just happens.

The reports blame it on the mixed soil, the pristine air, the well orchestrated rainfall, the lofty altitude, the optimum humidity level and how they’ve all come together uniquely to make Darjeeling tea Darjeeling tea.

To science: Darjeeling tea is a strange phenomenon. To the faithful, it’s a rare blessing.

Thankfully, the Darjeeling tea estates have always lived by their faith - by humbly accepting this unique gift of nature and doing everything to retain its natural eloquence.

So, Darjeeling tea is hand-plucked by local women with magician’s fingers. Withered, rolled and fermented in orthodox fashion, with the sole intention of bringing out the best in them.

Then, the tea is manually sorted, packed and begins its world tour. The only problem with Darjeeling tea is that there’s never enough of it to satisfy connoisseurs around the world.

But then, the finest things on earth are like that - very very rare - or they wouldn’t be considered the finest.

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www.indiateaportal.com

Tea Board of India (Ministry of Commerce and Industry) Govt. of India
Darjeeling Tea. It's so rare that only 87 gardens grow it.

Check the Tea Board certification for Darjeeling Tea, visit www.mokateaportal.com

Check the Tea Board certification for Darjeeling Tea, visit www.indiateaportal.com
Objectives

There are over 38.5 million Indians online today, set to grow to over 100 million by 2008.

Over 85% of these Online Indians are between 20-30 years old, SEC A+, A and B.

This above group spends over 2-3 hours per day on the Internet, and has maximum buying potential.
Online Marketing objectives

- To push traffic to the India Tea website
- To arouse curiosity in Tea and Indian origin brands, promoting interaction with the online assets and the website
- To continually disseminate information about India Tea, and keep it top of mind for the domestic consumer
- Online registration and licensing of importers for the certification process
Welcome to Darjeeling TEA...

Darjeeling Tea is widely and universally acknowledged to be the finest tea because its flavour is unique that it cannot be replicated. Connoisseurs will assert that without Darjeeling, Tea would be like Wine without the prestige of Champagne.

What's New
Latest update on the launch of a new product. Click here for more.

Get more info on Darjeeling tea history and its origin. Click here.

Newsletter SIGN UP
Subscribe for daily alerts and updates.

Explore our TEA Gardens.......
Click here for a virtual walkthrough.

Darjeeling TEA a Geographic Indication
Browse through our range of exotic tea.

Tea Art...
Get interesting information about the art of plucking and processing Darjeeling Tea.

Share your thoughts with us. Click for more.

Tea Time Recipes. Click here for exciting recipes.
• Technical correction by packers
• Consolidation of Supply Chain
• Extension of Supply Chain to Market Place
• Co-Branding
• Single Estate Brands
• Home Protection
• Full Economic Impact
• Trade Chain Audit
• Darjeeling Tea survived during the low with a stable curve
• Consolidation of ownership and new investments
Thank you & We look forward to Welcome you in DARJEELING