

An Indian Success Story



**DARJEELING
TEA**



THE DARJEELING TEA STORY

- Darjeeling tea goes back to 1835
- 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 Darjeeling district



THE DARJEELING TEA STORY

- **The Darjeeling tea industry**
 - **Employs over 52000 people on permanent basis**
 - **Additional 15000 persons engaged during plucking season – March to November**
 - **60% of the work force is women employed on family basis**
 - **Income of a garden worker half in the form of cash and the other half by way of perquisites with access to free accommodation, subsidies cereal ration and free medical benefits**



THE DARJEELING TEA STORY

- **Protection of Darjeeling tea:**
 - **Beneficial for the plantation worker**
 - **Would ensure better prices**
 - **Better economic health of the industry**
 - **Sustainable educational and health systems**
 - **A better quality of life**



WELFARE ACTIVITIES BY TEA BOARD

- **Grant of educational stipend to wards of plantation workers**
- **Grant of financial assistance for construction / expansion of school and college buildings**
- **Capital grants for setting up sports facilities in tea plantation districts**



THE DARJEELING TEA STORY

LEGAL PROTECTION

- **1997 - Benelux Countries (Belgium, Netherlands, Luxembourg) – Collective mark protection for DARJEELING logo**
- **1998 – World Wide Watch agency CompuMark (now called Thompson) 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.**



THE DARJEELING TEA STORY

LEGAL PROTECTION

- **1998 – UK - Certification mark protection for DARJEELING word**
- **2002 - USA – Certification mark protection for DARJEELING word**
- **2003 – Russia – Trade mark registration for DARJEELING word**
- **2003 - India - GI application filed for DARJEELING word & logo marks, since registered in July 2004**



THE DARJEELING TEA STORY

LEGAL PROTECTION

- 2004 - India – Copyright registration obtained for DARJEELING logo
- 2004 - Japan – Collective mark application filed for DARJEELING word
- 2004 - Australia – Certification mark registrations for DARJEELING word and logo marks granted
- 2004 - Germany – Collective mark application filed for DARJEELING word



THE DARJEELING TEA STORY

LEGAL PROTECTION

- **2007 – On November 12, 2007, DARJEELING applied for under ECR 510/2006 as a PGI**



THE DARJEELING TEA STORY

LEGAL PROTECTION

- **The following are some decisions favoring Tea Board issued by some national courts:**
 - **France**
 - **Applicant Dusong adopted the following mark in respect of goods in classes 16, 35 & 41**



THE DARJEELING TEA STORY

LEGAL PROTECTION

- While the Tribunal de Grand Instance rejected Tea Board's claim, the Court of Appeal Paris upheld the same
- The court held that Darjeeling is a GI and the acts of Mr. Dusong were parasitic and amounted to unfair competition
- Further, the bad faith adoption was writ large from the fact that he used a tea pot device along with the mark
- The court also imposed heavy costs on Mr. Dusong



THE DARJEELING TEA STORY

LEGAL PROTECTION

- **USA**
 - **DARJEELING v. DARJEELING NOUVEAU**
 - **Opposition filed by Tea Board before the Trademark Trial and Appellate Board (TTAB) USA**
 - **Based on its US CTM registrations, Tea Board demanded that the mark 'Darjeeling Nouveau' by Republic of Tea (ROT) be refused**
 - **ROT filed a counterclaim that Tea Board's CTM registrations be cancelled on alleged grounds of genericness**



THE DARJEELING TEA STORY

LEGAL PROTECTION

- While granting Tea Board's claims, TTAB held that:
 - Darjeeling is an inherently distinctive certification trademark indicating geographic origin
 - ROT adduced no evidence to prove claims of genericness and Tea Board had adequate control over the use of the CTM
 - The test for determining genericness of a mark is its primary significance to the relevant public



THE DARJEELING TEA STORY

LEGAL PROTECTION

- **TAIWAN – November 18, 2009**
 - **Darjeeling registered in Taiwan by the French company, DELTA Lingerie in Class 25;**
- **The Tea Board objected to the registration based on its rights in the Darjeeling word and logo marks for tea;**
- **On November 18, 2009 the Taiwan Intellectual Property Office (TIPO) cancelled the registration, holding:**
 - **Darjeeling is a well known mark of origin represented by the geographical reach of registration, use, promotional and advertising activities world wide**
 - **DELTA Lingerie's mark was highly similar to the Darjeeling CTM owned by Tea Board**
 - **The use of DELTA Lingerie's mark in respect of the similar goods would be diluted of the Tea Board's strong Darjeeling Certification Mark.**



THE DARJEELING TEA STORY

COMMREERCIAL ANGLE

COMMERCIAL ANGLE

- Commercial angle is as important to GI protection as legal angle
- What constitutes commercial angle?
 - Projection and promotion of the GI through advertisements
 - Need for building brand equity through promotional campaigns in diverse markets



THE DARJEELING TEA STORY

COMMERCIAL ANGLE

- **Tea Board has been:**
 - **Conducting Tea Festivals in foreign jurisdictions**
 - **Organizing seminars on IPRS and in particular GIs**
 - **Issuing advertisements in the national and international media promoting Darjeeling**
 - **Creating awareness**



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-sweet-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 is it about Darjeeling that lends such unique aroma, flavour and colour to its teas.

What is it that makes Darjeeling Tea one of the most expensive, yet most coveted?



What is it that makes the world's tea aficionados flock to Darjeeling during springtime, to 'book' the First Flush teas?

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 levels – and how they have all come together uniquely to make Darjeeling Tea *Darjeeling Tea*.

To science, Darjeeling Tea is a strange phenomenon. To the faithful, it is 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 is 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 would not be considered the finest.

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

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Tea Board of India (Ministry of Commerce and Industry) Govt. of India





Cognac.



Champagne.



Darjeeling!

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 the esteemed company of a Cognac or a Champagne - other famous GIs.

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 originates in a country or region thereof and whose quality, reputation or other characteristic is attributable to its geographical origin is regarded as GI and is protected internationally.

- Article 22 of the World Trade Organisation (WTO)-TRIPS Agreement on 'Protection of Geographical Indications'

Tea Board of India
(Ministry of Commerce
and Industry)
Govt. of India

www.indiateaportal.com



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

- 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.

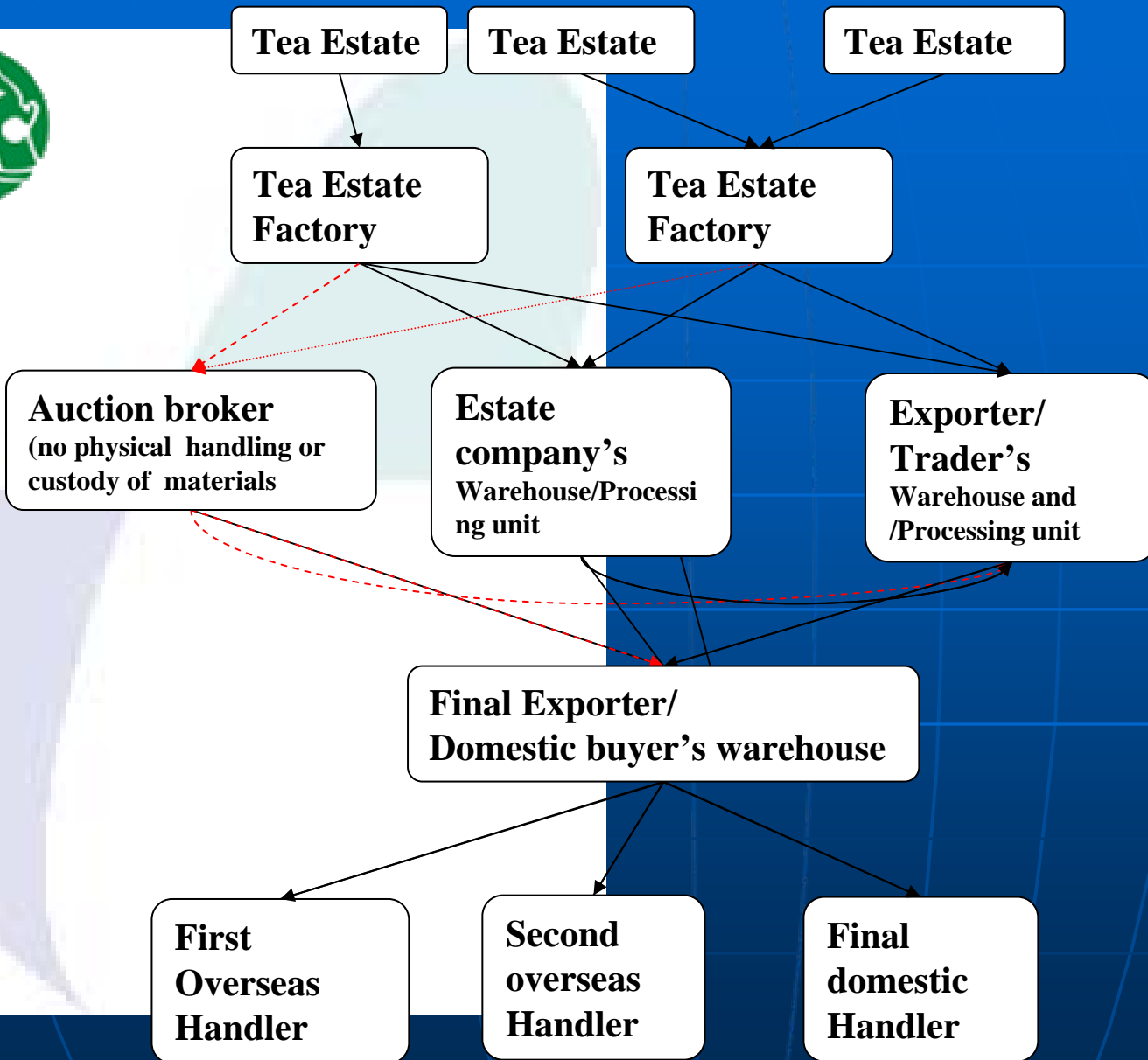
Trade Supply Chain Audit

- 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.



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**All
Darjeeling
Tea leaving
the shores of
India today
is
guaranteed
100%
Darjeeling
Tea**