

FAO – EC – DIP

Regional Seminar on Rural Development & Agricultural
& Food Quality linked to Geographical Origin in Asia:
Lessons & Perspectives




Geographical Indications in India:
Case Study on Darjeeling Tea

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What is Darjeeling Tea?



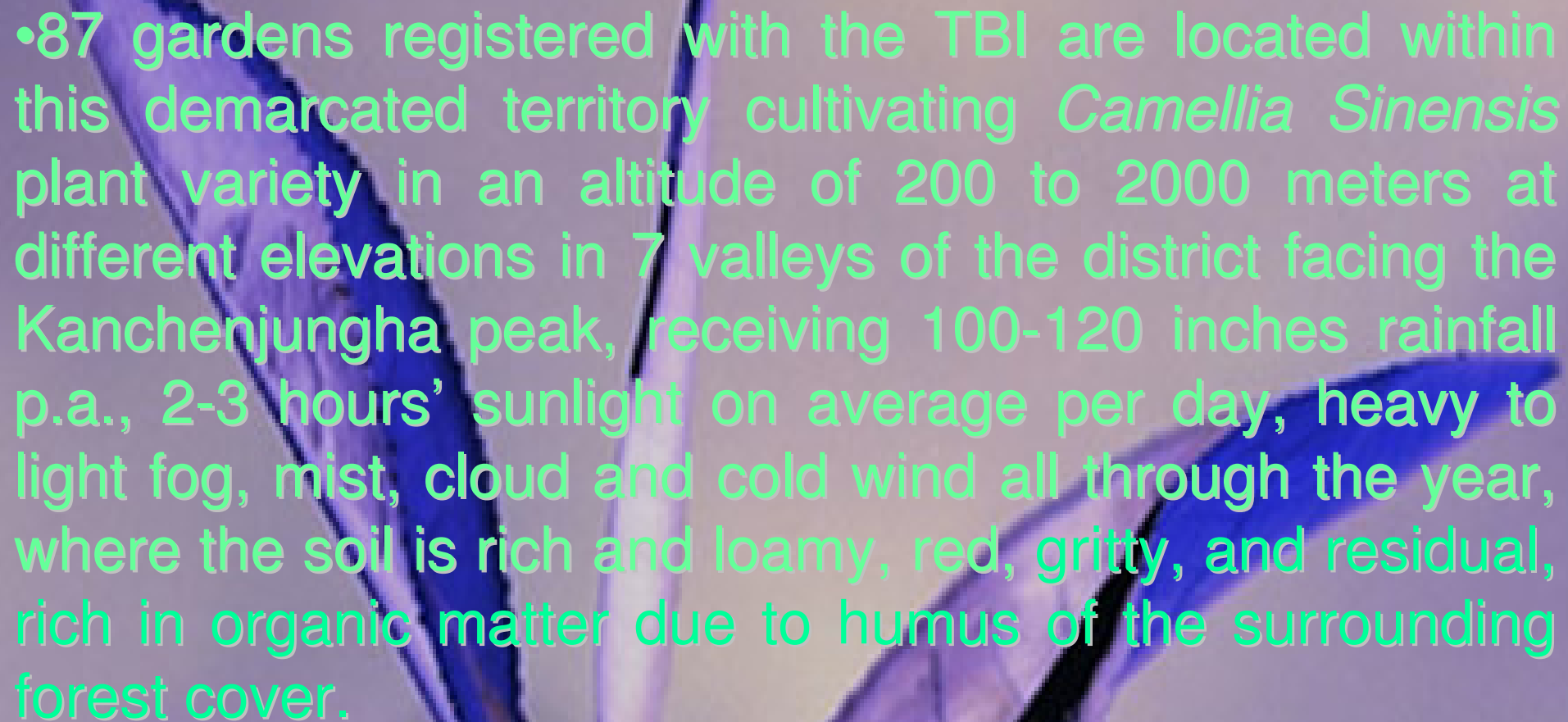
Darjeeling Tea is unique and unparalleled in the world that can not be replicated any way, any where any time.

A close-up photograph of a tea plant stem with several green leaves. The leaves are elongated and pointed, with visible veins. The background is dark and out of focus.

- It is cultivated, grown, processed and manufactured following the CoP/SOP of various international agencies in each stage from cultivation to sorting of made tea within the defined territory of hilly areas of Darjeeling district in the state of West Bengal in India.

- The quality and reputation of Darjeeling Tea- seductive aroma, exotic flavor, golden liquor, brightness and the long-lasting mellow taste are essentially attributable to its geographical origin.

- Darjeeling Tea-territory consists of the hilly areas of (a) Sadar sub-division; (b) Kalimpong sub-division and (c) Kurseong sub-division.

A close-up photograph of several tea leaves, showing their characteristic shape and vein structure. The leaves are a vibrant green color and are set against a blurred background of more foliage. The lighting is soft, highlighting the texture of the leaves.

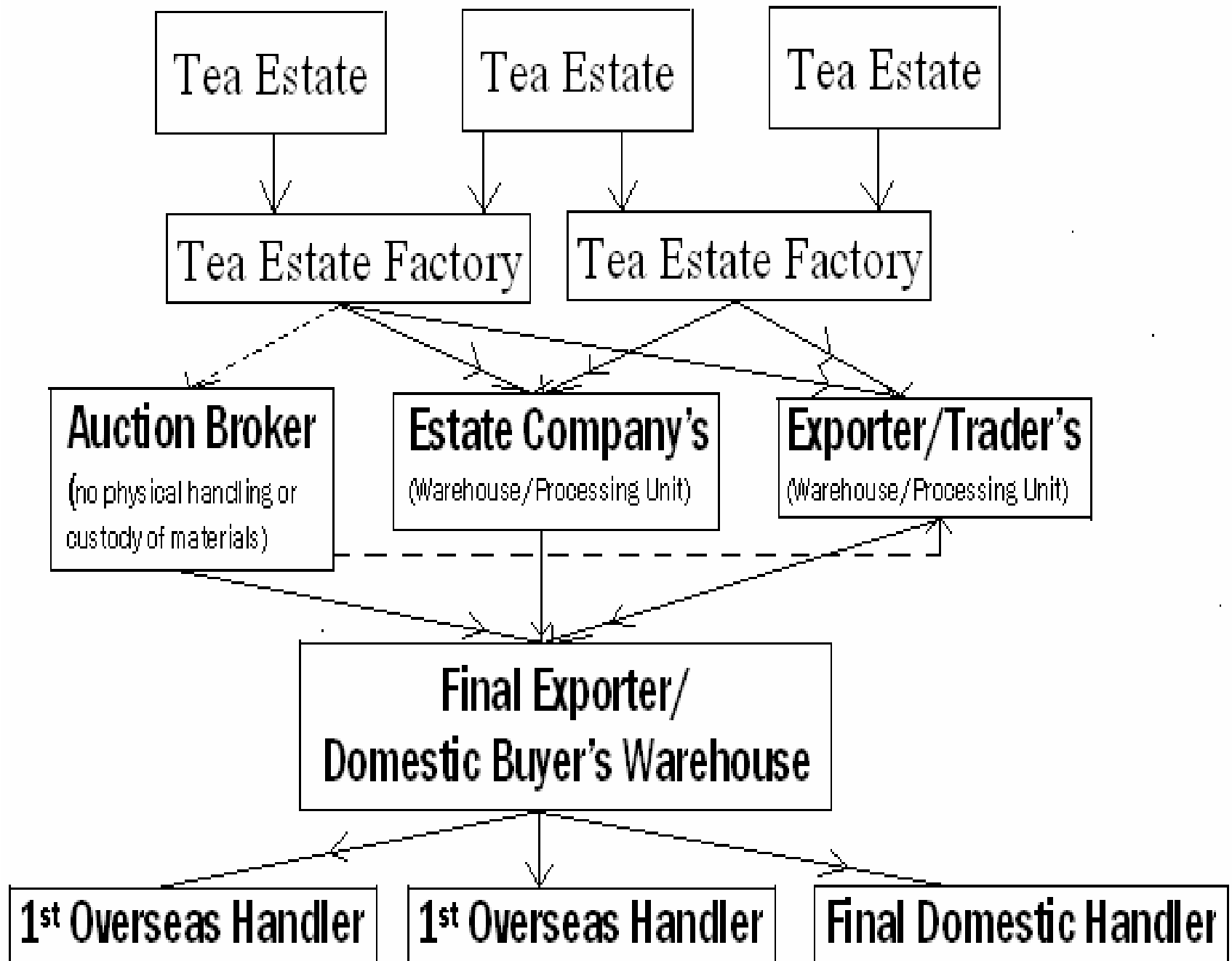
•87 gardens registered with the TBI are located within this demarcated territory cultivating *Camellia Sinensis* plant variety in an altitude of 200 to 2000 meters at different elevations in 7 valleys of the district facing the Kanchenjunga peak, receiving 100-120 inches rainfall p.a., 2-3 hours' sunlight on average per day, heavy to light fog, mist, cloud and cold wind all through the year, where the soil is rich and loamy, red, gritty, and residual, rich in organic matter due to humus of the surrounding forest cover.

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- A close-up photograph of tea leaves on a branch, showing the intricate vein structure and the pointed shape of the leaves. The leaves are a vibrant green color, and the background is a soft, out-of-focus light green.
- Other factors e.g. tradition, culture, heritage etc. of the local area have also contributed to develop such characteristics more in Darjeeling tea that have enhanced the loyalty of the discerning consumers to Darjeeling tea worldwide.
 - Plucked leaves of these gardens are processed and manufactured in the garden factories ;
 - Certified by the tea tasters to have the distinctive features of Darjeeling tea such as aroma, color, liquor, flavor and taste.

PRODUCTION AND CONSUMPTION

- Annual production of orthodox Darjeeling Tea varies from 9-10 million kgs. per year and its inherent subtle qualities including the taste also vary in the 4 flushes- 1st or Spring Flush, (late February – mid. April), 2nd or Summer Flush (May- June), Monsoon or Rain Flush (July – September), and Autumn Flush (October – November).
- Almost 65-70% of Darjeeling tea is exported to the European, and Asian countries, the USA, Australia .The major quantity is exported to Germany, Japan, the U.K., etc. either directly or through the Supply Chain.
- The rest quantity is sold and consumed within the country either directly or through Supply Chain.

Supply Chain



LEGAL PROTECTION

- Low quantity with very high quality pushes up the demand to cause price escalation. As a result, spurious teas of non-Darjeeling origins were supplied in the name of Darjeeling to the consumer through misuse of the word “Darjeeling”.
- Contaminated tea i.e. non-Darjeeling origin blended with Darjeeling origin and sold in the name of Darjeeling.
- Darjeeling Tea possesses certain rare qualities as well as reputation, that distinguish it from other Teas in the world and since these specific characteristics are attributable only to geographical origin that cannot be replicated elsewhere, Darjeeling Tea deserves legal protection.

The background of the slide features a close-up photograph of several vibrant green tea leaves. The leaves are elongated and pointed, with visible veins. They are set against a dark, blurred background, which makes the bright green color of the leaves stand out. The lighting is soft, highlighting the texture of the leaves.

(a) In home market in terms of Article 24(9) of the TRIPS Agreement and under Sections 11-17 of the G.I. (Registration & Protection) Act-1999.

(b) as well as in other member countries (of WTO) in terms of Article 22(1), (2) & (3) of the TRIPS Agreement;

- The core objectives of protection under GI are:
 1. To prevent misuse of the word “Darjeeling” for tea sold world-wide;
 2. To protect the consumer by ensuring that the correct product reaches him;
 3. To enable the commercial benefit of the equity of the brand to reach the concerned industry including the plantation worker;
 4. To prevent the use of word “Darjeeling” for Non-Tea Products.


- TBI is the administrative and controlling authority for all stages of tea cultivation, processing and sale of Darjeeling tea.
- TBI in co-operation with DTA, former DTPA endeavoured to get legal protection in India and in other countries.
- TBI had taken the 1st step to protect Darjeeling tea by developing a Darjeeling Logo as shown.





The Tea Board had obtained “home protection” by registering the logo and the word DARJEELING as a:

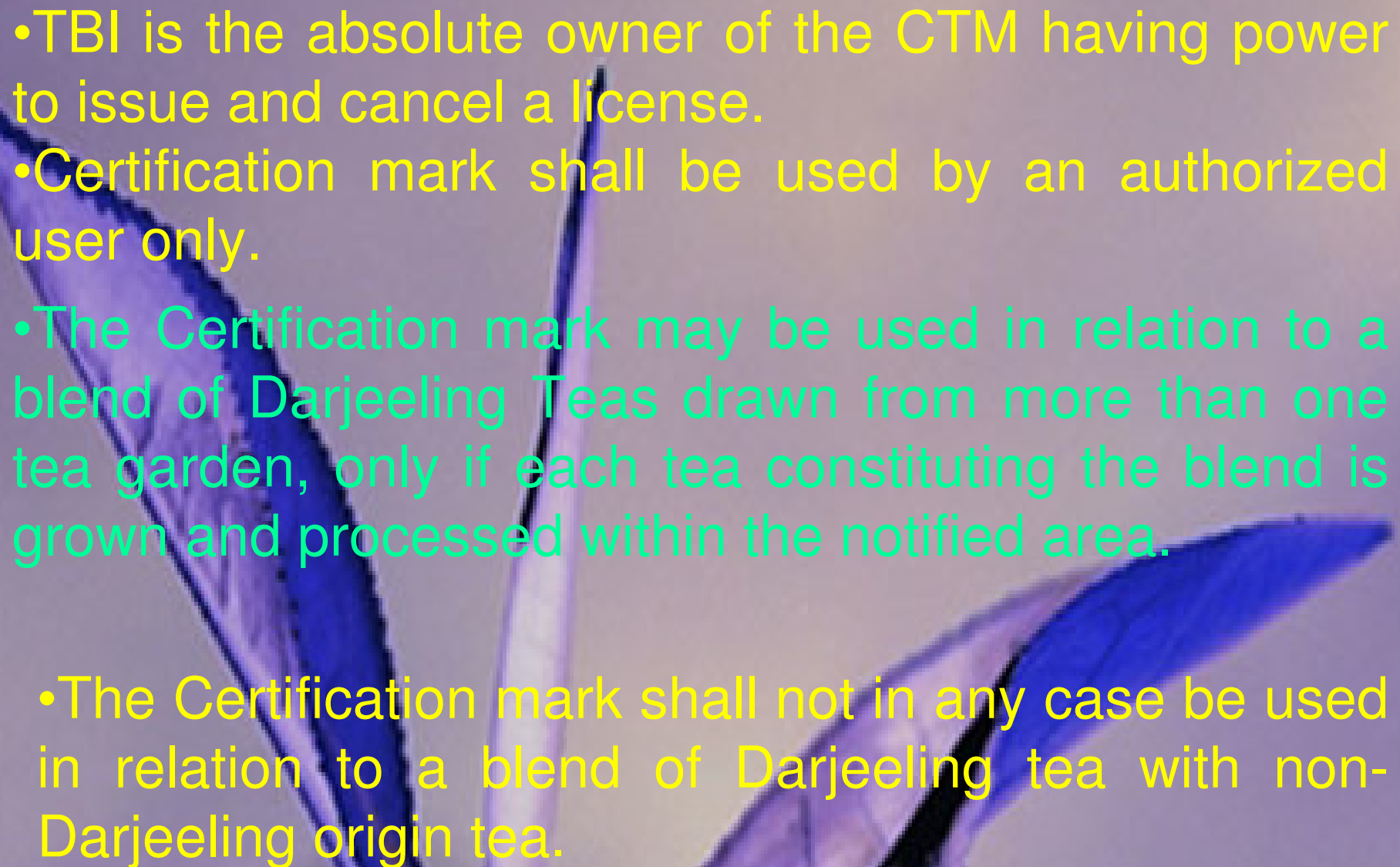
- ~Certification Trade Mark under the Trade Marks Act-1999;
- ~artistic work under the Copyright Act, 1957;
- ~geographic indication under the Geographic Indication (Registration & Protection) Act, 1999.
- ~Darjeeling Tea is the 1st product to be registered under the G.I. Act in India in 2004.
- ~The logo and “Darjeeling” word are registered as CTM in UK, USA, & Australia. Darjeeling word has been registered as a community collective mark in the EU.


The background of the slide features a close-up photograph of several tea leaves. The leaves are green and have a prominent vein structure. The lighting is soft, highlighting the texture of the leaves. The overall color palette is dominated by various shades of green, from light lime to dark forest green.

- The logo is registered in Belgium, Netherlands, Luxemburg, Germany, Austria, Spain, France, Portugal, Italy, Switzerland, former Yugoslavia, Egypt and Lebanon as a collective mark, in Canada as an official mark, in Japan and Russia as a trademark, the word Darjeeling is also registered as a trademark in Russia.

- Applications filed for registration of the word “Darjeeling” in Japan and Germany as a collective mark is still pending and the application filed under EC Regulation 510 for registering Darjeeling as a Geographical Indication in the European Union has also been kept pending till today.

- The certification mark certifies 100% tea originating in Darjeeling; the blend meets other specifications established by the certifier.

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- A close-up photograph of several tea leaves on a stem, showing their characteristic shape and vein structure. The leaves are a vibrant green color. The background is a soft, out-of-focus light green.
- TBI is the absolute owner of the CTM having power to issue and cancel a license.
 - Certification mark shall be used by an authorized user only.
 - The Certification mark may be used in relation to a blend of Darjeeling Teas drawn from more than one tea garden, only if each tea constituting the blend is grown and processed within the notified area.
 - The Certification mark shall not in any case be used in relation to a blend of Darjeeling tea with non-Darjeeling origin tea.

A close-up photograph of several tea leaves, showing their vibrant green color and serrated edges. The leaves are arranged vertically, with some in sharp focus and others slightly blurred in the background. The lighting is soft, highlighting the texture of the leaves.

- Trade Supply Chain Integrity System- Tea Board provides administrative protection to maintain the supply chain integrity of Darjeeling Tea through a trade chain management system for surveillance, monitoring the supply chain and address the traceability issue in the Darjeeling tea trade chain. Being addressed through the upgraded software tracking system, 2 computerized data collection centres have been set up at Darjeeling and at Kolkata.

- All plantation & processing related data are collected from the garden level.

- The daily sales & dispatch data collected at the Kolkata Centre.

- On the basis of above data, “Certificate of Origin” is issued by the TBI as a seal of authentication. It is mandatory for everyone dealing in Darjeeling tea, to be registered with TBI.

A close-up photograph of several tea leaves, showing their characteristic shape and vein structure. The leaves are a vibrant green color and are set against a dark, blurred background.

•Impact of G.I. on Darjeeling Tea – So far, any major impact has not been noticed by the Industry. It is yet to be observed. But some positive indications have developed :

- better domestic prices - use of brokens, fannings, blend corrections
- increased awareness of the protection process
- better economic health of the industry, no sick or closed garden
- more consolidation of garden ownership & garden management.

Current Problems:

Competition from unmonitored entry of Nepal Tea in domestic market

Price stagnancy in Intl. Market for 2 decades or more.

No scope for extension of garden area.



Changing environment due to global warming;
Deteriorating soil quality due to application of chemicals;
Old age of the bushes (Replanting & Rejuvenating necessary);
Long gestation period for 7-8 years;
Financial problems of the gardens to undertake promotional work.

Thank You