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A WTO RECORDED TRAINING AND RESEARCH ORGANIZATION

PATENT COPYRIGHT TRADE MARK DESIGN GEOGRAPHICAL INDICATION WTO

Ref.: GMGC/
Date: December 2, 2013

To,
Mr. Roberto Azevedo
The Director General, WTO
Geneva, Switzerland

Dear Sir,

**Sub: The need of an Hour! Agrarian products need same level of protection.
(Additional protection of Geographical Indication to be extended to agricultural
products other than wine and spirit.)**

We are, Great Mission Group Consultancy (GMGC), a constituent of Great Mission Group Society, based in Pune, India. We work in the field of research, education and consultation in the area of Intellectual Property (IP) rights and World Trade Organisation (WTO).

We conducted detailed research for successful registration of Geographical Indication (GI) rights for 'Puneri Pagadi', 'Mahabaleshwar Strawberry', 'Nasik Grapes', 'Paithani Saree' and 'Kolhapur Jaggery', unique and distinctive products from the state of Maharashtra, India.

GI registration offers many benefits to economy, especially to rural economy. A study in the cheese sector concluded that cheese with designated status could claim a 30 % price premium over competing products. *Parmigiano Reggiano* cheese and essential oils protected by GIs have also benefited from considerable price advantages. Studies also

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indicate that the added value is distributed along the food chain, allowing producers and local processors to gain as well as retailers and other downstream players. This enables farmers and producers to inform consumers about specific characteristics and origins of their products, irrespective of the number of intermediaries (distributors, wholesalers, retailers etc) in the supply chain. Information on the origin of the product and its characteristics (ingredients etc) and traditional production methods guarantees that products are the genuine article not copies or imitation products and gives confidence that the food has been produced in line with the detailed specification. These benefits are not only remained with farmer but consumers also can identify and buy products from their own or other specific regions if they choose to have high quality products for good value for money. It ensures that the food that consumers purchase is safe and of good quality.

For example, after the registration of Zhangqiu green Chinese onion as GI, the registrant, with the assistance of the local Government , actively inspire farmers to breed Zhangqiu green Chinese onion, increasing farmers' income a great deal. GI registration of agricultural products has enlarging the export and thus, the world trade. After the registration, Ku'erle Fragrant Pear has made a well basis for entering into the international market. At present, Ku'erle Fragrant Pear has been sold to such countries and regions as Hongkong, Singapore, Thailand, France and Canada, etc.

GI for all products is currently covered by Article 22 of the TRIPS Agreement. Article 23 of TRIPS Agreement States that legal means to prevent the use of a geographical indication identifying wines for wines not originating in the place indicated by the geographical indication must be provided. This applies even where the public is not being misled, there is no unfair competition and the true origin of the goods is indicated

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or the geographical indication is accompanied by expressions such as “kind”, “type”,
“style”, “imitation” or the like.

The Doha Declaration notes in its paragraph 18 that the TRIPS Council will handle work on extension under the declaration’s paragraph 12 (which deals with implementation issues). Paragraph 12 says “negotiations on outstanding implementation issues shall be an integral part” of the Doha work programme, and that implementation issues “shall be addressed as a matter of priority by the relevant WTO bodies, which shall report to the Trade Negotiations Committee [TNC] ... by the end of 2002 for appropriate action.” This calls for the TRIPS Agreement to be amended so that all products would be eligible for the higher level of protection in Article 23,

This concerns millions of agriculturalists across the globe regarding extension of additional protection of GI to agricultural products other than wine and spirit. Agrarian community, especially from developing and least developed countries are eagerly waiting for and are looking towards WTO to take this bold and major decision at this ministerial conference in Bali, Indonesia.

In the context of the WTO Doha Round, the EU has submitted a drastic proposal to amend the TRIPS Agreement in order to extend the same high level of protection to products other than wines and spirits. In addition, the EU is proposing to establish a multilateral register of GIs which would be legally binding for all WTO members. Two issues are debated in the TRIPS Council under the Doha mandate: the creation of a multilateral register for wines and spirits and extending the higher level of protection beyond wines and spirits. GIs may especially facilitate protection of the collective rights of the rural and indigenous communities in their indigenous knowledge,

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ensuring that the entire community which has preserved the knowledge and has passed it on with incremental refinement over generations, stand to benefit from the knowledge and that this is not limited to private property of one individual. The knowledge remains in the public domain, the scope of protection is limited to controlling the class and/ or location of people who may use the protected indication and the rights can potentially be held in perpetuity as long as the product-place link is maintained GI cannot be assigned, thus, preventing its transfer to non-locale producers.

In view of above, the issue of extension of protection to agricultural goods and products is looming over period of time. It is surprising and utterly dismaying to see such sensitive issue of millions of people around the world can not be resolved with grit and determination. The contention of opposing member countries is that the existing (Article 22) level of protection is adequate. They also caution that providing enhanced protection would be a burden and would disrupt existing legitimate marketing practices. However, these contentions have already been answered in WTO's own case study of "Darjeeling Tea". The Doha Ministerial Declaration under paragraphs 12 and 18 also provides a mandate for the issue of providing a higher level of protection to GIs to products other than 'wines and spirits' to be addressed by the TRIPS Council. The future possibilities of the GI are really what one makes of the opportunities provided by protection similar to wine and spirit. And these opportunities can only be built on the foundation of a additional protection like wine and spirit that will allow for a better economic world.

We look forward to receiving positive consideration from you. We thank you in advance.

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Thanking you,
For Great Mission Group Consultancy,

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