



# INTELLECTUAL PROPERTY AND TECHNOLOGY LAW UPDATES

S&A IP-Tech

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# PATENT PROSECUTION HIGHWAY (PPH): AN INITIATIVE FOR ACCELERATED PATENT PROSECUTION

*Shilpi Kumari*

## What is PPH?

PPH stands for Patent Prosecution Highway. The Patent Prosecution Highway (PPH) is an initiative for providing accelerated patent prosecution procedures by sharing information between some of the patent offices. The Patent Prosecution Highway (PPH) speeds up the examination process for corresponding applications filed in participating intellectual property offices. It permits each participating patent office to benefit from the work previously done by the other patent office, with the goal of reducing examination workload and improving patent quality.

Under PPH, participating patent offices have agreed that when an applicant receives a final ruling from any of one of the first patent office and in that, at least one claim is allowed, the applicant may request fast track examination of corresponding claim(s) in a corresponding patent application that is pending in a second patent office. PPH leverages fast-track examination procedures already in place among the participating patent offices to allow applicants to reach final disposition of a patent application quickly and efficiently as compared to standard examination processing.

## Why Japan?

Among the Asian countries, Japan has consistently filed the most number of India bound patent applications between 2016-2018 (8762 applications). The filings of patent applications by Japanese corporations in India has increased over the past few years, as suggested by the Annual Reports published by the office of Controller General of Patents,

Designs & Trade Marks (CGPDTM) of India. Therefore, Japan has been the inevitable choice for first alliance of the pilot patent prosecution highway program with Japanese Patent Office (JPO). As a direct consequence of this pilot program and the recent amendment in Patent (Amendment) Rules 2019, Japanese companies will now be able to request for expedited examinations in India for applications already filed at the Indian patent office and where such claims have been determined to be patentable in Japan. However, the decision whether to grant a patent or not will remain under the control of the regional offices of India and Japan. But the plus point is that the applicants can acquire patents through a quicker and much simplified procedure.

A Bilateral Patent Prosecution Highway (PPH) pilot program has commenced between the Indian Patent Office (IPO) and the Japan Patent Office (JPO). The guidelines in this regard have been published on the website of Controller General of Patents, Designs & Trade Marks.

## Conclusion

The proponents of PPH armed with statistics favour more such PPH alliances (whether bilateral, multilateral, global) with other patent offices as it would boost innovation in India. Further, a speedier disposal of the cases through more such PPH programs in their view would further incentivize the “deep-tech” companies to invest more in AI, ML, big data, IOT etc. for setting up R&D and manufacturing facilities. On the other hand, the local pharmaceutical lobbies and those working in farm

and agritech areas feel PPH will not just result in expedited examination but may also result in examiners simply relying on the examination report of the JPO and grant patents ignoring the strict patentability norms laid out under the Indian law, thus, diluting India's stand against "evergreening" of patents. If we look at recent trends highlighted in the Patent office Annual Report, it shows an increase of 32.5% in the grant of patents and 108.2% in the examination of patent application over the previous year. The figures reflect appreciable effort made by the Patent office in clearing backlog. With such diverse views, the need for India to take PPH route is not clear when India has stood against WIPO's earlier attempts to harmonise patent laws.

In essence, it would be interesting to see how PPH program will turn out for advancing trade interest of India as well as maintaining access to medicines and agri-technologies.

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# PATENTABILITY OF COMPUTER RELATED INVENTIONS IN INDIA

*Geeta*

## INTRODUCTION

Information Technology includes the whole scope of inputting, storing, retrieving, transmitting and managing data through the use of computers and various other networks, hardware, software, electronics and telecommunication equipment. It has gained special significance in the past two decades and emerged as a vital tool for scientific development. Computer Related Inventions (CRIs) are those that involve the use of computers, computer networks or other programmable apparatus and include such inventions having one or more features of which are realized wholly or partially by means of a computer programme or programmes.

Creators of knowledge in the domain of Computer Related Inventions (CRIs) have consistently endeavored for appropriate protection of their IPRs. The patent regimes have to cope with the challenges of processing of patent applications related to computer related inventions and other related technologies. Major patent offices across the world are confronted with the issue of patentability of CRIs. They have developed examination guidelines/manuals for examination of patent applications from these areas of technology so as to achieve uniform examination practices.

## GUIDELINES ON EXAMINATION OF COMPUTER-RELATED INVENTIONS IN INDIA.

For many years, the regime of Computer-Related Inventions in India has remained unclear, as Section

3(k) of the Patents Act 1970, excludes the patentability of computer programmes per se.

As per the Guidelines for Examination of Computer-Related Inventions by the office of the Controller General of Patents, Designs, and Trademarks, the computer related inventions are defined as those that involve:

- The use of computers
- Computer networks
- Other programmable apparatus.
- Inventions with one or more features that are realized wholly or partially by means of a computer programme.

## How to determine the excluded subject matters relating to CRIs

- **Claims directed as “Mathematical Method”**
  - Mathematical methods, like a method of calculation, formulation of equations, finding roots of numbers and all other similar acts of mental skill, are not patentable.
  - Mere manipulations of an abstract idea or solving purely mathematical problem/ equations without specifying a practical application also attract the exclusion under this category.
  - Below mentioned does not come under

exclusion:

- i. Encoding
- ii. Reducing noise in communications/ electrical/electronic systems
- iii. Encrypting/ Decrypting electronic

- **Claims directed as “Business Method”**

- The claims drafted not directly as “business methods” but apparently with some unspecified means are held non-patentable.
- If the claimed subject matter specifies an apparatus and/or a technical process for carrying out the invention (even partly), the claims shall be examined as a whole.
- When a claim is “business methods” in substance, it is not to be considered a patentable subject matter.
- Mere presence of words like, “enterprise”, “business”, “business rules”, “supply chain”, “order”, “sales”, “transactions”, “commerce”, “payment”, etc. in the claims may not lead to conclusion of an invention being just a “Business Method”.
- If the subject matter is essentially about carrying out business/ trade/ financial activity/ transaction and/or a method of buying/selling goods through the web (e.g. providing web service functionality), the same should be treated as a business method and shall not be patentable.

- **Claims directed as “Algorithm”**

- A set of rules or procedures or any sequence of steps
- Any method expressed by way of a finite list of defined instructions, whether for solving a problem, and
- Whether employing a logical, arithmetical or computational method, recursive or otherwise, are excluded from patentability.

- **Claims directed as “Computer Programme per se”**

- Computer programmes
- Set of instructions
- Routines and subroutines.
- Computer programme products
- Storage Medium having instructions
- Database
- Computer Memory with the instruction stored in a computer-readable medium.

### **Granted and Rejected cases of CRIs in India:**

#### **Granted cases:**

**5992/DELNP/2005** has been granted as Indian patent number 247539 on April 18, 2011 by the Indian patent office.

**1398/DELNP/2003** is now a granted patent as patent number 256171. This patent application was

initially refused for patent registration by patent office under the provisions of Section 3(k) of the Indian Patents Act.

**830/CHENP/2009** application number was granted to Facebook in February 2017 on a method “for generating dynamic relationship-based content, personalized for members of the web-based social network”.

### **Rejected cases:**

The patent application number **3624/DELNP/2005** for the invention titled “A Chaos Theoretical Exponent Value Calculation System” was denied patent by the Indian patent office on the grounds that said invention falls under the category of mathematical formulae even if it produces a technical effect. The invention in this case claimed a mathematical method for evaluating time series signals.

### **Conclusion**

While drafting a software patent application one should keep in mind the patentability criteria under section 3 (k) of Indian Patent Act which bars a mathematical or business method or a computer programme *per se* or algorithms.

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# TYPES OF PATENTS GRANTED AND BASIS FOR REJECTION

*Tushar Kohli*

## Types of patent applications granted in India

1. Ordinary or Non-Provisional Application
2. Convention Application
3. PCT International Application
4. PCT National Phase Application
5. Patent of Addition
6. Divisional Application

### 1. Ordinary or Non-Provisional Application

Ordinary or Non-Provisional application is filed if the applicant doesn't have any priority to claim or in a case where the application is not filed in pursuance of any preceding convention application. Non-provisional application, when filed, must be supported by a complete specification depicting the invention in detail.

### 2. Convention Application

A convention application is filed for claiming a priority date based on the same or substantially similar application filed in any of the convention countries. The applicant is required to file an application in the Indian Patent Office within a year from the date of the initial filing of a similar application in the convention country.

### 3. PCT International Application

A PCT Application is an international application to streamline patent application process in many

countries at one go. It is governed by the Patent Corporation Treaty and can be validated in up to 142 countries.

### 4. PCT National Phase Application

A national phase application is filed in each of the country wherein the protection is sought. The national phase application must be filed within 30 or 31 months from the priority date or the international filing date, whichever is earlier.

### 5. Patent of Addition

The applicant can file a patent of addition if there is a modification of the invention which has already been applied for or patented. A patent of addition can only be granted after the grant of the parent patent; hence, no separate renewal fee is to be remitted during the term of the main patent.

### 6. Divisional Application

Divisional application is filed if the applicant wishes to divide an application to furnish two or more applications if a particular application claims for more than one invention. The priority date for divisional application is similar to that of the parent application.

### Criteria for a patent to be granted

- **Novelty:** According to Section 2(1)(j) of the Indian Patent Act, "invention" is a new product or process involving an inventive step and capable of industrial application. Further, Section 2(l) of the Act defines 'new invention' as any invention or technology which has not been anticipated by publica-

tion in any document or used in the country or elsewhere in the world before the date of filing of patent application with complete specification, i.e., the subject matter has not fallen in public domain or that it does not form part of the state of the art.

- **Inventive Step:** According to Section 2(1) (ja) “inventive step” means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to a person skilled in the art.
- **Industrial Application:** The third criterion of patentability is that the invention should be capable of industrial application. Section 2(1)(ac) of the Patents Act, 1970, defines “Capable of Industrial application” in relation to an invention as the invention is “capable of being made or used in an industry.” Therefore, to be patentable, an invention must be useful.

### Basis for rejection of patents in India<sup>1</sup>

The rejections by the IPO are raised mostly in section 15 proceedings, which accounts for 1637 rejections. Section 15 is not quoted in isolation and is often used in conjunction with other sections, at times, the IPO calls for a hearing (under section 14), requesting the applicant for clarifications. In cases where the applicant fails to clarify the objections raised under section 14, the Controller rejects the application under section 15. In 54 cases, the Controller rejected the application solely based on section 16, i.e. the application did not qualify as a

divisional application under the Act. Section 16 was otherwise quoted along with other sections in 117 cases.

Section(s)	GROUNDS OF REJECTION							
	2(1)(j)	2(1)(ja)	10	8	16	59	77	3
No. of Applications Rejected	945	466	386	186	118	75	4	1113

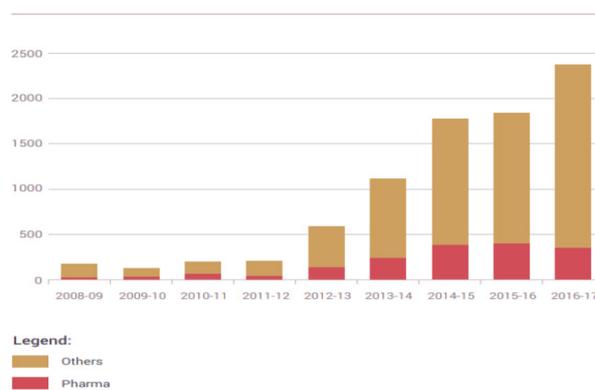
Further, as illustrated in the table above, section 3 was used in 65% of cases either singly or in combination with other sections to reject the patent applications. Out of the total number of 1723 applications, 1113 applications were rejected by citing section 3 as an objection.

Section 3 has many sub-sections out of which section 3(d) that deals with patentability of known

substances was used, either alone or in combination with other sections in 771 cases (69%). In combination with other subsections like section 3(e) and section 3(i), section 3(d) was used in 36% of cases where an objection of section 3 was raised.

### REJECTION OVERVIEW: PHARMA VS OTHERS<sup>2</sup>

It is evident from the graph below that rejection of



<sup>1</sup> <http://accessibsa.org/media/2017/12/Rejected-in-India.pdf>

<sup>2</sup> <http://accessibsa.org/media/2017/12/Rejected-in-India.pdf>

pharma were reduced as compared to the non-pharma patents, wherein the rejections were increased.

As illustrated in the bar graph above, there was an increase in rejection of pharma patents from the year 2013-2014 to 2014-2015. However, the number of rejections of the same remained constant there through. On the contrary, there was an increase in the rejection of other patents as compared to the pharma patents.

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# DOCTRINE OF EQUIVALENTS: PATENT INFRINGEMENT

*Geeta*

A patent is a form of intellectual property that gives the right to an inventor who has created something new, useful and non-obvious. Patent rights give owners the privilege to prevent another from taking advantage of their invention and allows them a fair return on their work and investment. A patent work always requires to be defined in “full, clear, and, concise” terms.

Sometimes, copying of the patent might not be a literal imitation, but may provide the same effect. If such copying is allowed, the purpose of granting the patent rights to the inventor will be meaningless. It will become easy for any person to imitate the patent by making minor changes and enjoy returns larger than those accruing to the original inventor. To counter such behavior, Doctrine of Equivalents was introduced. It was decided by court that infringement may occur even though the literal language of the claims was avoided.

## **Doctrine of Equivalent in Patent Infringement**

The violation of the exclusive rights of the patent holder leads to patent infringement. Any person is liable to infringement if he exercises the exclusive rights of the patent holder without the patent owner’s authorization or license. Section 104 to 114 of the Indian Patent Act 1970 provide guidelines related to patent infringement. Two kinds of patent infringement are defined - Direct Patent Infringement and Indirect Patent Infringement (Doctrine of Equivalents).

Direct Infringement is the most common type which occurs when a product that is close to any patented product or invention is used commercially or marketed without permission from the owner of the patented product or invention. Patent infringement generally falls into two categories - literal infringement and infringement under the doctrine of equivalents. When each element claimed is identical to the allegedly infringing device or process, it is literal infringement.

A claim may be infringed under the doctrine of equivalents if it falls under the “triple test”, i.e. equivalence holds when the substituted elements perform substantially the same function in substantially the same way to obtain the same result.<sup>1</sup>

## **What is an “All Elements” test?**

The “All Elements”, test says that the doctrine of equivalents must be applied to all the individual elements of the claims and not the claimed invention as a whole. It is necessary to prove that every element of the patented invention, or its substantial equivalent, is present in the accused product or process.

The elements of the patented invention must have substantial equivalents in the new invention. This means that they must meet the rules of the triple identity test. Equivalency should only be considered after a claim has been filed. It should not occur when an invention is patented.<sup>2</sup>

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<sup>1</sup> <http://www.legalservicesindia.com/article/2532/Infringement-of-Patents.html>

<sup>2</sup> <https://www.legaladvantage.net/blog/doctrine-of-equivalents/>

The theory related to Doctrine of Equivalents is based on the triple identity test, i.e. if two devices do the same work in substantially the same manner, and attain substantially the same output, they are considered to be same, even though they vary in the name, form, or shape.

Few factors related to substantiality are:

- Whether persons skilled in the art actually know of the equivalence of the claimed and accused inventions.
- Whether persons skilled in the art could have known of the equivalence.
- Whether he had intended to copy, or, rather intended to design around, unintentionally arrived at the same result.

Under the doctrine of equivalents, a patent claim may be found to infringe if there is “equivalence” between the elements of the accused product or process and the claimed elements of the patented invention, even if that does not literally infringe upon the express terms of patent claims.<sup>3</sup>

### **Position in India: Doctrine of Equivalents**

A case of **Ravi Kamal Bali vs Kala Tech and Ors** brought forward the doctrine in India. The suer, instituted an infringement suit seeking an interim injunction preventing Kala Tech, the defendant, from making, selling or distributing tamper proof locks/seals as it would be the infringement of his

patent. He argued that Kala Tech’s perform the same work, in substantially the same manner and gives the same output thereby contributing to the infringement. He asked the court to apply Doctrine of Equivalents, while considering the question of infringement of patents. Although the interim injunction was not granted, the importance of the case lies in that, it was the first case where the doctrine of equivalents was discussed in India.

In other cases like, the case of **Bishwanath Prasad Radhey Shyam vs Hindustan Metal Industries**, it was observed by the Supreme Court that the proper way to interpret any specification is to first read the description of the invention and then see what is claimed in the invention, as the patentee cannot claim more than he desires to patent.

The application of the doctrine of equivalents in the matters of infringement is a big step for the Indian Judiciary, the judgment has also received severe criticism as the High court has several times failed to take into account the legal bars to the application of the doctrine as recognized by the US Judiciary in several matters.<sup>4</sup>

### **Conclusion**

Despite the doctrine having been around for almost 150 years, a sorted, linguistic framework is yet to evolve. It creates ambiguity and difficulty in application. If a member of public creates an invention, even after looking into the literal scope of the claims and falling outside of it, might later find to have infringed the same patent under the doctrine of equivalents. Finding of equivalence is a determination of fact, proof can be made in any form

<sup>3</sup> <http://docs.manupatra.in/newsline/articles/Upload/61DFD921-5C67-4C34-9C6F-FC946AB34821.pdf>

<sup>4</sup> <http://www.legalserviceindia.com/legal/article-4-doctrine-of-equivalents-and-prior-history-estoppel.html>

through testimony of experts skilled in the field or an authoritative document on the subject. With reference to India, it can be concluded that so far there have been very few cases dealing with patent claim infringement. In spite of that, the pace at which technological advancement is taking place, the Indian judiciary is likely to face similar cases in near future. India can formulate its own theory based on sound techno-legal reasoning in striking a balance between conflicting interests of protection and innovation.<sup>5</sup>

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<sup>5</sup> <http://docs.manupatra.in/newslines/articles/Upload/61DFD921-5C67-4C34-9C6F-FC946AB34821.pdf>

# FAST TRACK PROCESS FOR BACKLOGS IN IPO

*Tushar Kohli*

## INTRODUCTION

The grant of patents can be viewed as an achievement/reward for innovators and applicants as they enjoy monopoly and the privilege to keep others from attempting to infringe their patents. In a case where the grant procedure is postponed, which can be up to several years, the inventors fear that their technology may become outdated in the interim. With respect to the corporates, a deferred handling of the patent application is exceptionally disappointing as the patent working and licensing plans are disturbed.

Indian Patent Office, for many years has been criticized for delayed process of grant of patent. However, there's a positive approach to the IPO process, where the patents are being granted in 11-13 months from the date of First Examination Report (FER). However, recently there has been an instance where the patent was granted within four months and in another case in 8 to 9 months, wherein the objections were dealt with oral hearings, which further was followed by written submission of the aforesaid hearings. There have been many other instances where the respective cases were re-examined as soon as receiving the receipt of the communication response and of hearing notices, which helped in expediting the grant process even before the end of the deadline of the six months from the First Examination Report.

## STEPS FOR CLEARING BACKLOGS

For acceleration of the grant process, the Patent Rules were amended in 2016 introducing the provision of expedited examination for those who select India as a competent ISA or IPEA or the

applicant is a startup. In addition, the Indian Patent Office has also provided the provision for request of early publication under rule 24A.

In order to clear the backlogs, the Indian Patent office has appointed almost 450 new patent examiners to reduce the backlog in the patent examination. In addition, the Patent office has also reduced the time for placing the application for grant from twelve months to six months for filing the response to First Examination Report along with the extension up to three months. Further, automatic generation of the examination reports has been initiated, which are immediately sent to the applicants and the agents that saves a lot of delivery time.

## CONCLUSION

The steps taken by the IPO to clear backlogs is an encouraging step for inventors to get their invention patented expeditiously.

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# GEOGRAPHICAL INDICATION TAGGING OF AGRICULTURAL PRODUCTS AND FOODSTUFFS

*Aayush Sharma*

## Introduction

Geographical indications (GI) refer to a type of intellectual property (IP) protection which identifies goods with a geographical region. The GI tagging is attributed in such a manner that quality, reputation and other salient features of the commodity are linked to the location of origin. The GI tag for a product can be used only by legitimate users and the residents of the territory of origin. GI tags may be obtained for agricultural products, handicrafts, textiles, manufactured goods, foodstuffs etc. The given GI tag may be in the form of a geographical name or a figurative representation or a combination of these two. The tag assigned to a product should convey its geographical origin. GI plays an important role in promoting the conservation of biodiversity among the rural populations<sup>1</sup>.

## Geographical indications

GI is defined in Article 22.1 of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement as “indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”. In general, a GI is recognized in the “country of origin” in which the area referred by the GI tag is located. The registered proprietors or authorized users of GI might include associations of persons or statutory authorities. The authorized users can prevent anybody from using the GI tag on products, which are not originating from the

designated location. Thus GI helps to ensure comprehensive and effective protection to GI tagged goods<sup>1</sup>.

In India, the Geographical Indications (GI) of Goods (Regulation and Protection) Act was passed in the 1999 to facilitate registration and protection of intellectual property in relation to goods. The Act defined GI under Section 1(e) as, “Geographical Indication in relation to goods, means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating or manufactured in the territory of a country or a region or locality in that territory, where a given quality reputation or other characteristic of such good is essentially attributed to its geographical origin and in case where such goods are manufactured goods, one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region or locality as the case may be<sup>2</sup>.

## GI for agricultural products

Darjeeling tea was the first item to obtain a GI tag in the year 2004. As of now, more than three hundred items have been accorded with GI tags in India. Handicraft goods have received the highest number of GI among different categories of goods. This is followed by agricultural products especially fruit crops<sup>1</sup>. Mango, citrus and banana have bagged the highest number of GI tags. Elite clones of fruit crops such as grape, pineapple, litchi, strawberry, guava, kokum, fig and custard apple have also obtained GI

<sup>1</sup> <http://nopr.niscair.res.in/bitstream/123456789/45825/1/JIPR%2023%284-5%29%20159-166.pdf>

<sup>2</sup> [https://www.jbino.com/docs/Issue05\\_16\\_2017.pdf](https://www.jbino.com/docs/Issue05_16_2017.pdf)

tags. Chilli followed by brinjal and onion have got the maximum number of GI tags among the vegetable crops.

The list of GI recipients includes tree tomato of Nagaland and a unique type of bean from Maharashtra. Among the plantation crops tea, coffee, coconut and cashew have also found their place in the GI list. Cardamom and pepper top the list among spice crops. GI tags were also given to elite clones of ginger, turmeric and bay leaf<sup>1</sup>.

The ownership rights on natural resources and their by-products can be safeguarded by GI tags. The provision of GI tags can help to promote rural commercial ventures by means of wider access to markets. However, the GI tagged products should be promoted with the help of adequate marketing strategies in order to exploit the economic potential of GI. The GI tagging enables the product to acquire a niche market due to its linkage to a particular locality. Hence, the promotional efforts should be directed towards development and maintenance of favorable consumer perceptions about this niche acquired by the product<sup>1</sup>.

Unethical marketing practices may undermine the purpose of GI tagging in the absence of an effective post-GI mechanism. This is a major concern, which needs to be addressed to achieve the intended purpose of the GI Act. The GI tags need to be supported by a strong enforcement mechanism both in domestic and export markets. In most cases, the farmers or producers do not have sufficient resources or expertise to defend or promote the GI tagged goods. Hence, there is a need to protect the GI stakeholders from unfair competition. Also, the

farmers are dependent on intermediaries for access to markets. The actual benefits arising from increased brand visibility may be exploited by the intermediaries rather than the farmers<sup>1</sup>.

## **GI for foodstuffs**

Many foodstuffs have been granted GI tags in India. The list of GI tagged foodstuffs include Tirupathi Laddu, Bikaneri Bhujia, Hyderabad Haleem, Ratlami Sev, Bandar Laddu etc.<sup>3</sup> India's rich culinary diversity encompasses many unique foodstuffs across the country. There was a recent controversy regarding the origin of the famous sweet 'rasgulla'<sup>4</sup>. As of now, the states of Odisha and West Bengal have obtained GI tags for their own versions of the sweet.

However, GI tagging of foodstuffs raises certain issues, which need to be addressed. It is debatable whether a foodstuff becomes entitled for a GI tag by the mere addition of a geographic prefix. Conversely, the mere presence of a geographic prefix will not make a food stuff a GI. For example, the sweet 'Mysore pak', is not made exclusively in Mysore region but everywhere in southern India. The recipe of the sweet is the significant feature here and the addition of geographical prefix does not endorse any other qualities or characteristics associated with the concerned region<sup>4</sup>.

There is only a thin line which separates a recipe and a GI tag. A foodstuff can be made anywhere in the world if the recipe is known. On the other hand, a food stuff entitled for a GI tag must historically originate in a particular location alone. It should

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<sup>3</sup> [http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/GI\\_Application\\_Register\\_10-09-2019.pdf](http://www.ipindia.nic.in/writereaddata/Portal/Images/pdf/GI_Application_Register_10-09-2019.pdf)

<sup>4</sup> <https://spicyip.com/2018/04/gis-for-food-stuffs-ip-or-recipe.html>

also possess certain characteristics or a reputation attributable to the geographical region. Ideally the consumer of the GI tagged foodstuff should be able to associate it with the region of origin and should be able to clearly differentiate it from food stuffs of similar kind<sup>4</sup>.

## **Conclusions**

GI is an important tool for protecting the IP rights associated with agricultural products and foodstuffs originating in specific geographical regions. In recent times, there are considerable efforts made by various institutions and agencies in India for ensuring legal protection for Indian GI. Further, adequate promotional strategies are needed to popularise GI tagged products and to derive benefits from its commercial potential. The unique cultural aspects of rural communities associated with GI needs to be highlighted<sup>1</sup>. GI tagging of foodstuffs should be restricted to those foodstuffs which are historically produced only in a specific region and are not the same when produced outside the region. Also, generic recipes for food stuffs should not be granted GI tags as they can be replicated anywhere in the world<sup>4</sup>.

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