




Feni GI Protection: What next?

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Objectives of GI Protection

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- **Dual objectives**
 - Protect and preserve the collective rights and interests of the stake holders in the GI
 - Protect consumers from confusion and deception caused by fakes
- **All legal regimes take into account these dual objectives which are two sides of the same coin**



What amounts to comprehensive protection?

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- **Registration is only a first step**
 - Not to forget what steps resulted in registration
- **Real task of enforcement begins after registration and has two aspects to it:**
 - Legal
 - Commercial



Feni – future steps



- What would be the direction of the future steps for Feni protection?
- To be considered from the legal and commercial angle
- Legal angle
 - Once registered, the rights in the GI will have to be enforced domestically and internationally



Feni – future steps



- Appoint a watch agency to watch the registers in the jurisdictions of interest to ascertain unauthorised use, if any
- Keeping in existence a well-oiled inspection machinery which will inspect the compliance with specifications by producers
- Regular market checks by the inspection machinery to ensure quality compliance
- Initiating prompt legal action against infringers and pursuing such legal action to its logical end



Feni – future steps

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- **Commercial angle**
 - Create a fund wherein contribution from stake holders is collected for legal and commercial purposes
 - Promotional and marketing activities
 - Ensuring supply chain integrity at the post production stage
 - Creating awareness about the correct use of the GI
 - Exploring avenues of tourism in the region



Some concluding thoughts...



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- **Protection of Feni as a Certification Trade Mark (CTM) under the Trade Marks Act, 1999**
- **What is a CTM? Certifies goods to have certain qualities, characteristics, origin etc.**
- **Why CTM?**
 - There is no uniformity in the legal mechanisms that protect GIs worldwide
 - Hence while Feni can be registered as GI under the Indian GI law, a CTM registration is also required to be able to effectively enforce it, say, in the US!



Some concluding thoughts...

- Requirement to create a logo for CTM protection than the word GI for avoiding the fair use argument
- Make a representation to the Government to notify all kind of wines under Section 22(2) of the Geographical Indications of Goods (Registration & Protection) Act, 1999



THANK YOU FOR YOUR ATTENTION!

