

## INTRODUCTION TO THE CERTIFICATION MARK LICENSE PROGRAM

### A. The Tea Board of India

All teas produced in the tea growing areas of India are administered by the Tea Board, India ("the Board") under the Tea Act, 1953 (hereinafter, the Tea Act).

The Board was established by the Indian Government in 1953 for the purposes of controlling the Indian tea industry. The constitution of the Board is diverse and its members represent the Indian Parliament, owners of tea estates, growers of tea, the Governments of the principal tea growing states of India, employees of tea estates and gardens, exporters of tea, internal traders of tea, tea manufacturers and tea consumers.

The objects of the Board are, inter alia, to regulate the production and cultivation of tea in India, to encourage research, to regulate the sale and export of tea, to provide training in tea testing and fixing grade standards of tea, and improving the marketing of tea in India and elsewhere. The Board has numerous statutory duties and functions under the Tea Act and its various enabling Orders which govern production, marketing and export of teas.

The Board is not involved in the manufacture or trade of tea and is run on a non-profit making basis.

### B. Tea From the District of Darjeeling, India

The District of Darjeeling is situated in the state of West Bengal, India. Since about 1835, tea has been cultivated, grown and produced in certain tea gardens geographically located in the areas within the State. Due to the unique and complex combination of agro-climatic conditions prevailing in the region and the production regulations imposed by the Board, such tea has a distinctive and naturally occurring quality and flavour which has won the patronage and recognition of discerning consumers all over the world. Consequently, such tea, known worldwide as DARJEELING tea, has acquired both domestic and international reputation. Any member of the trade or public in India or abroad ordering or purchasing DARJEELING tea will expect the tea to be the tea cultivated, grown and produced in the defined region of the District of Darjeeling and to have the special characteristics associated with such tea.

Since its establishment, the Board has had sole control over the growing and exporting of Darjeeling tea. It is that control which has given rise to the reputation enjoyed by Darjeeling tea.

### **C. Regulations and the Licensing Program**

In order to ensure that the reputation of DARJEELING tea is maintained, the Board has registered the "DARJEELING Logo" and "DARJEELING" (the word mark) as certification marks and geographical Indications in India. The Regulations governing use of the DARJEELING certification marks guarantee that tea sold under the marks is produced in the defined regions of the District of Darjeeling and meets the criteria laid down by the Board. This is in the interest of both the tea trade and the tea consumer. In addition, infringement or falsification of the aforesaid registrations and violation of the said regulations entail civil liability under the Trade Marks Act, 1999, civil and criminal liability under the Geographical Indications of Goods Act, 1999 and Copyright Act, 1957 and criminal liability under the Indian Penal Code 1860.

Further, the Board has put in place a licensing program to ensure the supply chain integrity for DARJEELING tea so that the tea leaving the shores of India and claimed as Darjeeling tea the world over is genuine DARJEELING tea. A license to use the certification marks will be granted without discrimination to anyone who applies, provided the tea meets the required criteria.

All licenses to use the Certification Marks incorporate the Regulations by reference in order to put in place a system that meets the dual objective of ensuring that (a) tea sold as DARJEELING tea is genuine DARJEELING tea and (b) all sellers of genuine DARJEELING tea are duly licensed. This license program affords the Board the necessary information and control over the Darjeeling tea industry to ensure that tea sold in worldwide under the Certification Marks adheres to the standards for DARJEELING tea as set forth in these Regulations.