

SCHEDULE I

DARJEELING

(Collective Trade Mark Application No. 2004-32171 in class 30)

And



DARJEELING LOGO

(Proprietary trademark registration no. 2153713)

SCHEDULE II

The use of the Marks is restricted to tea which strictly meets the following Qualitative Requirements to the extent that the tea:

- (a) is cultivated, grown or produced in the tea gardens in the geographic areas listed in the attached Schedule III and which have been registered with the Proprietor in accordance with the provisions of the (Indian) Tea Act, 1953 or any relevant law which may replace this Act;
- (b) has been cultivated, grown or produced in one of the tea gardens listed in Schedule IV (which may be amended from time to time by the Proprietor);
- (c) has been processed and manufactured in a factory located in the geographic areas listed in the attached Schedule III; and
- (d) when tested by expert tea tasters on behalf of the Proprietor, is determined to have the distinctive and naturally occurring organoleptic characteristics of taste, aroma and mouth feel typical of tea cultivated, grown and produced in the region of Darjeeling, India.

Explanation

Specifically, except as set forth below, the Marks shall always be used to indicate that 100% of the tea derives from a single tea garden in Darjeeling, India, as such gardens are listed in Schedule IV.

The Marks may be used in relation to a blend of DARJEELING tea drawn from more than one tea garden in Darjeeling, India, as listed in Schedule IV, only if each tea constituting the blend derives from a single tea garden in Darjeeling, India, as such gardens are listed in Schedule IV. In such case, the packaging for the tea must clearly indicate that the tea is a blend of DARJEELING tea with prominent use of the term “blend” or the term “blended.”

The Marks may not be used in relation to a mixture of DARJEELING tea with teas of origin other than Darjeeling, India, even if the terms ‘blend’ or “blended” are used. If DARJEELING tea is one of the components of a tea mixture that includes some portion of tea that does not conform to the characteristics defined above, the tea mixture must not be named or referred to as “DARJEELING Tea” and the word “Darjeeling” may only be used and must be used on the packaging to accurately set forth the proportion of DARJEELING tea in the tea mixture (e.g., in a list of ingredients). In such cases, the term “Darjeeling” must appear in a font, design and size that does not misrepresent to the consumer the content and origin of the mixture.