

BID TO PRESERVE CENTERPIECE OF INDIA'S FREEDOM STRUGGLE

Govt Locks Horns with German Co Over Khadi Trademark

Has objected to Germany's Khadi Naturprodukte's attempt to use the trademark for selling Indian-origin products, including shampoos, soaps and oils in European markets

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New Delhi: After turmeric and neem, it's the turn of khadi. The government is preparing for a trademark battle over the hand-spun fabric that was made a centerpiece of India's freedom struggle by Mahatma Gandhi against Germany's Khadi Naturprodukte.

The government has objected to the German company's attempt to use the khadi trademark for selling a range of Indian-origin products, including shampoos, soaps and oils in European markets.

The Khadi & Village Industries Commission (KVIC), an arm of the ministry of micro, small & medium enterprises, has sought cancellation of the trademark given to the company by Belgium-headquartered Office for Harmonization in Internal Markets, an organisation responsible for trademark and design registration

in EU.

The Department of Industrial Policy and Promotion has urged KVIC to register the khadi brand for its range of products in the US and the EU, government officials told ET.

"We will put all our force and strength to try and ensure that this trademark is cancelled," a DIP official said.

The German firm hadn't responded to ET queries on the matter as of press time but says on its website that "Khadi is a unique brand for the European market and only exclusively available with us."

Products listed on its website include shampoos, soaps and oils which overlap with what KVIC sells under a similar brand, but the current list doesn't include fabric. "Our online shop is constantly evolving and we are adding new products as we continue to develop them following strict guidelines," according to the German company.

Patent expert Shamnad Basheer said, "If KVIC or the government can prove conclusively in EU that its range of products have been selling in that market under the 'khadi' trademark for significantly more number

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of years and consumers there clearly associate those products with its brand, it can make a case against a later entrant, the German company in this case."

For the last few years, KVIC has been trying to establish its footprint overseas and was granted the status of an export promotion council last year. While the Indian government has been successful in warding off bio-piracy threats by nixing attempts by

turmeric and neem among many others, experts believe this time the task is more challenging as it involves a trademark, is more complex and may prove more difficult to defend.

"The other criteria we need to see is the class of products for which the trademark has been granted to the German company. If it includes textiles, then India's case becomes stronger but if it applies only to a range of non-textile products, then the fight may be tougher," Basheer said.

What complicates the case further is even within India over 80-odd trademarks have been granted by India's trademark office to different products and not necessarily to the same organisations, a person familiar with the matter told ET. Also pending is an application for granting status of 'geographical indication' or GI on khadi to India. This refers to products that are specific to a particular place, such

as Scotch whiskey. A few months ago, the Intellectual Property Rights (IPR) Attorneys Association sought a GI tag for khadi products on behalf of all Indian producers, its president Sanjai Gandhi told ET. He added that the application is still pending and if the attempt succeeds, all trademarks granted to khadi for the fabric would get cancelled.

After facing attempts by foreigners to patent uses of neem and turmeric, India started maintaining a database in the form of a Traditional Knowledge Digital Library.

This has allowed it to preempt over 200 bio-piracy attempts globally, a government official told ET. "Till date the database is restricted to Indian systems of medicines and work is underway to include postures and knowledge around yoga in the library and discussions are on to add traditional handicrafts in the library," the official added.

