

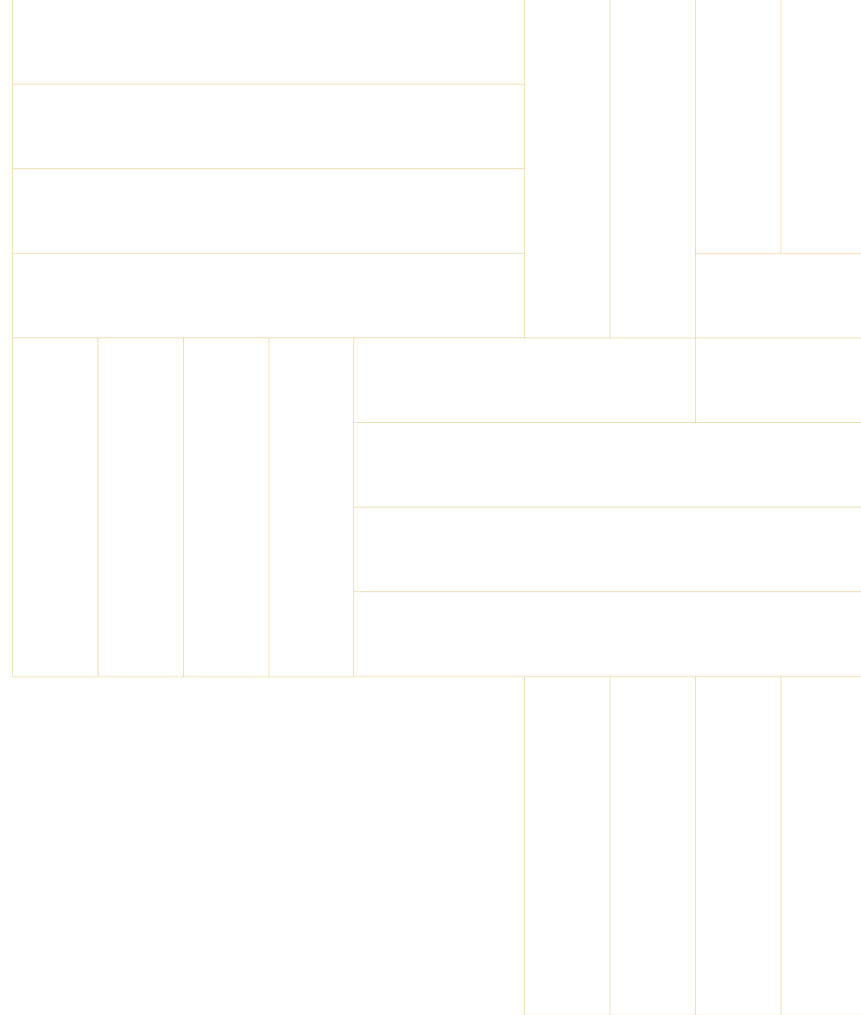
# The Geographical Indications System in Singapore

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# Outline

1. Legislation for GIs
2. Registration process
3. Homonymous GIs
4. Qualification of rights
5. Limitation of scope





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# Legislation for Geographical Indications

# Legislation for GIs

## Geographical Indications Act 2014

GI Rules 2019

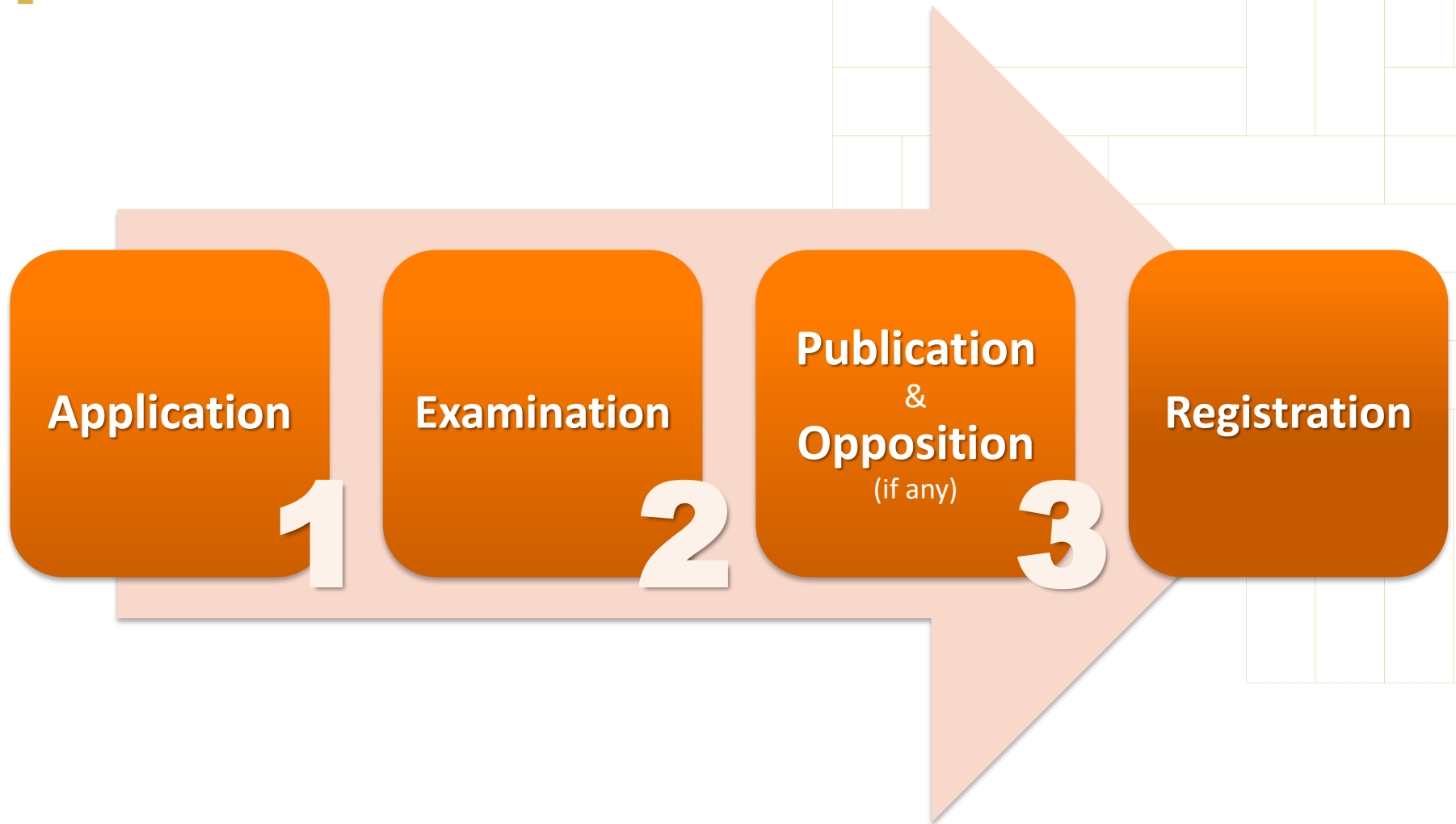
- In force since 1 April 2019
- Establishment of a Registry of Geographical Indications
- Reside within the Intellectual Property Office of Singapore
- System of registration for geographical indications
- Enhanced protection for registered GIs



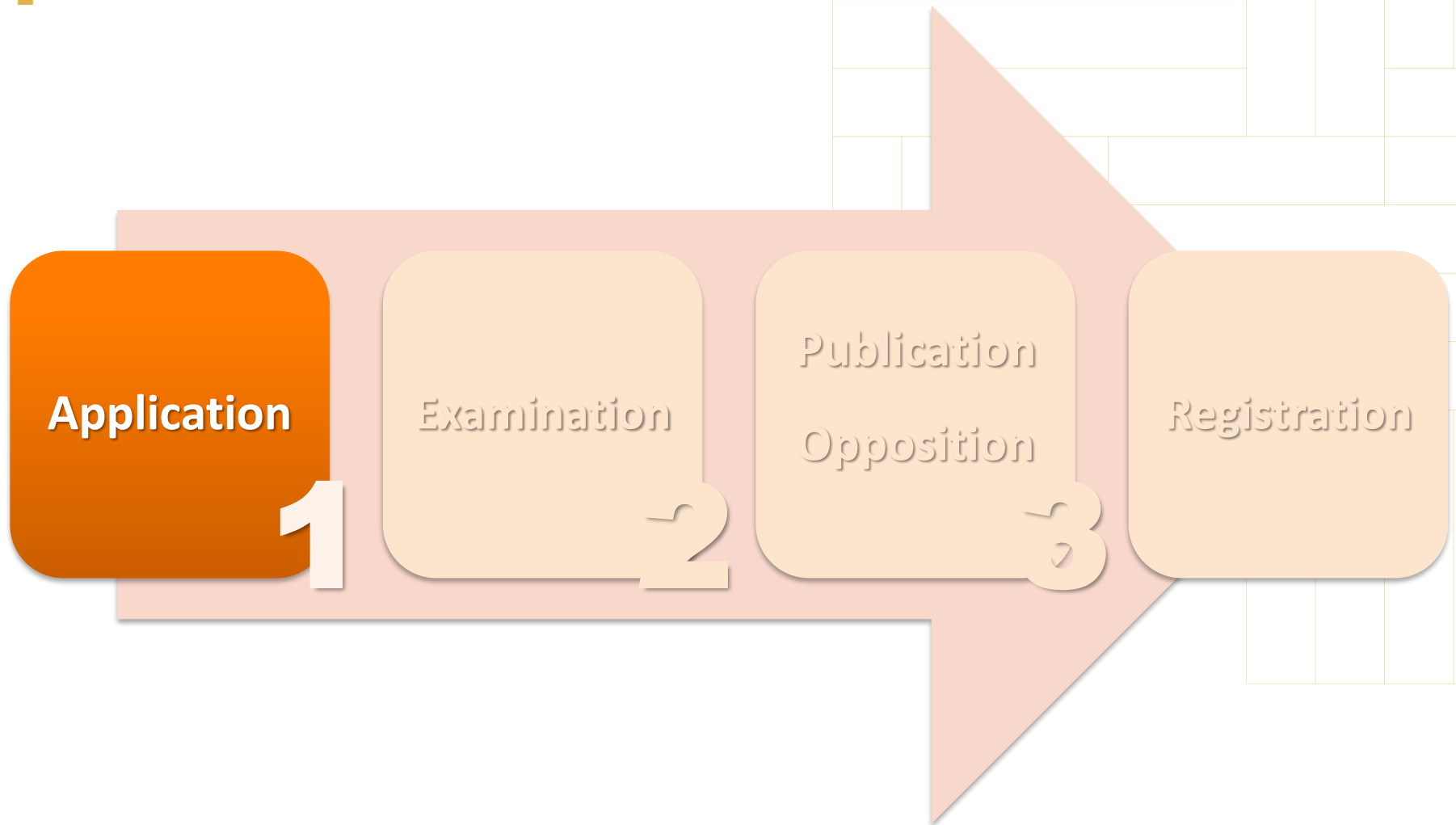
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# Registration Process

# Overview of Registration Process



# Stage 1: Application



# Filing Requirements – Who can File

**1**

**Producers**

**2**

**Associations of such  
producers**

**3**

**Relevant competent  
authorities**



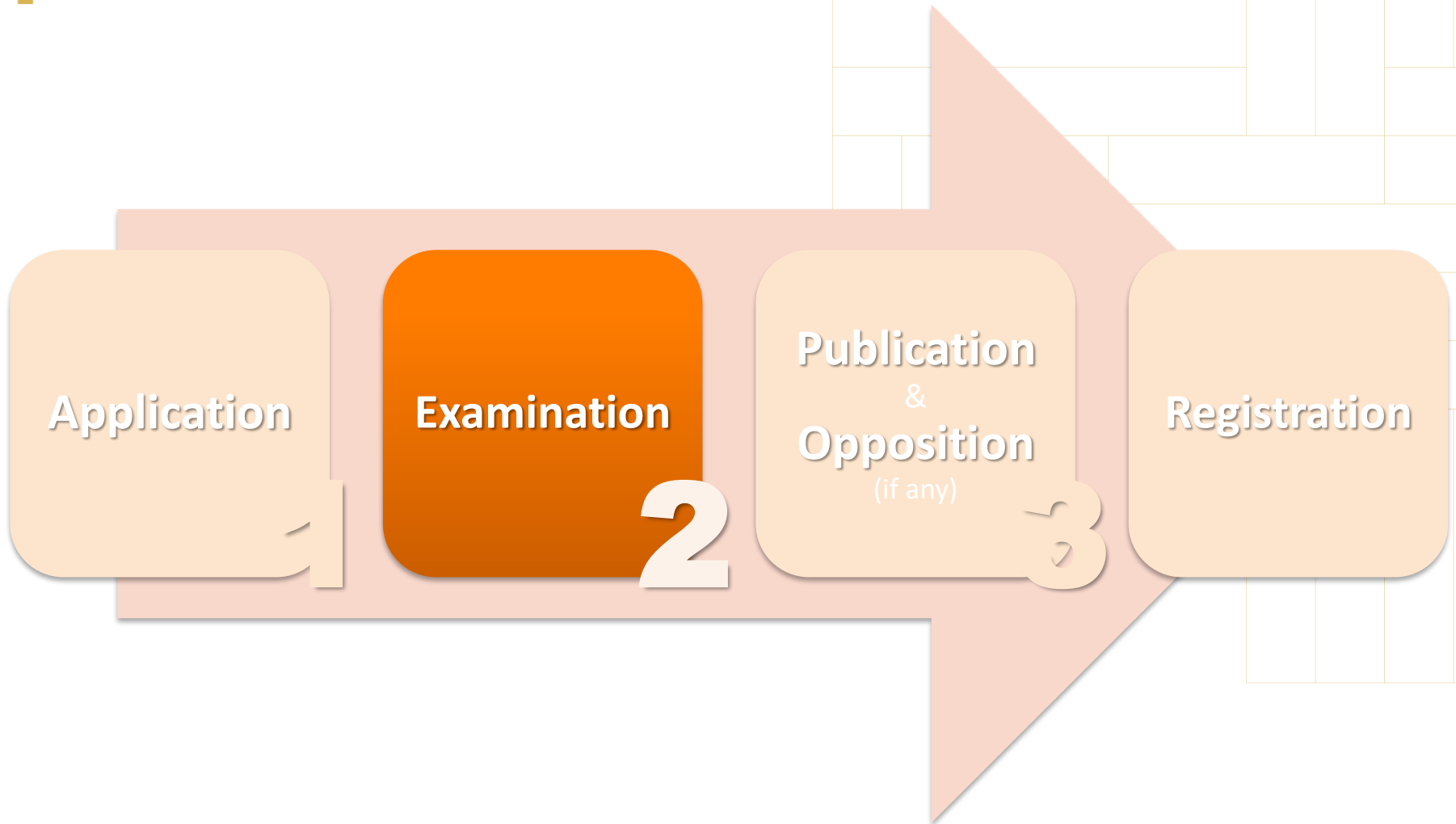
# Filing Requirements

- Specify name, address and nationality of the applicant
- Indicate the capacity in which the applicant is applying for registration
- Specify the GI for which registration is sought
- Specify the geographical area to which the GI applies
- The quality, reputation, or characteristics of the goods in question and how that is attributable to the geographical origin
- Provide evidence that the GI has obtained recognition or registration as a GI in the qualifying country of origin
- Payment of the application fee (SGD 1,000)

# Application – Prescribed category of goods

1. Wines
2. Spirits
3. Beers
4. Cheese
5. Meat and meat products
6. Seafood
7. Edible oils
8. Non-edible oils
9. Fruits
10. Vegetables
11. Spices and condiments
12. Confectionery and baked goods
13. Flowers and parts of flowers
14. Natural gum

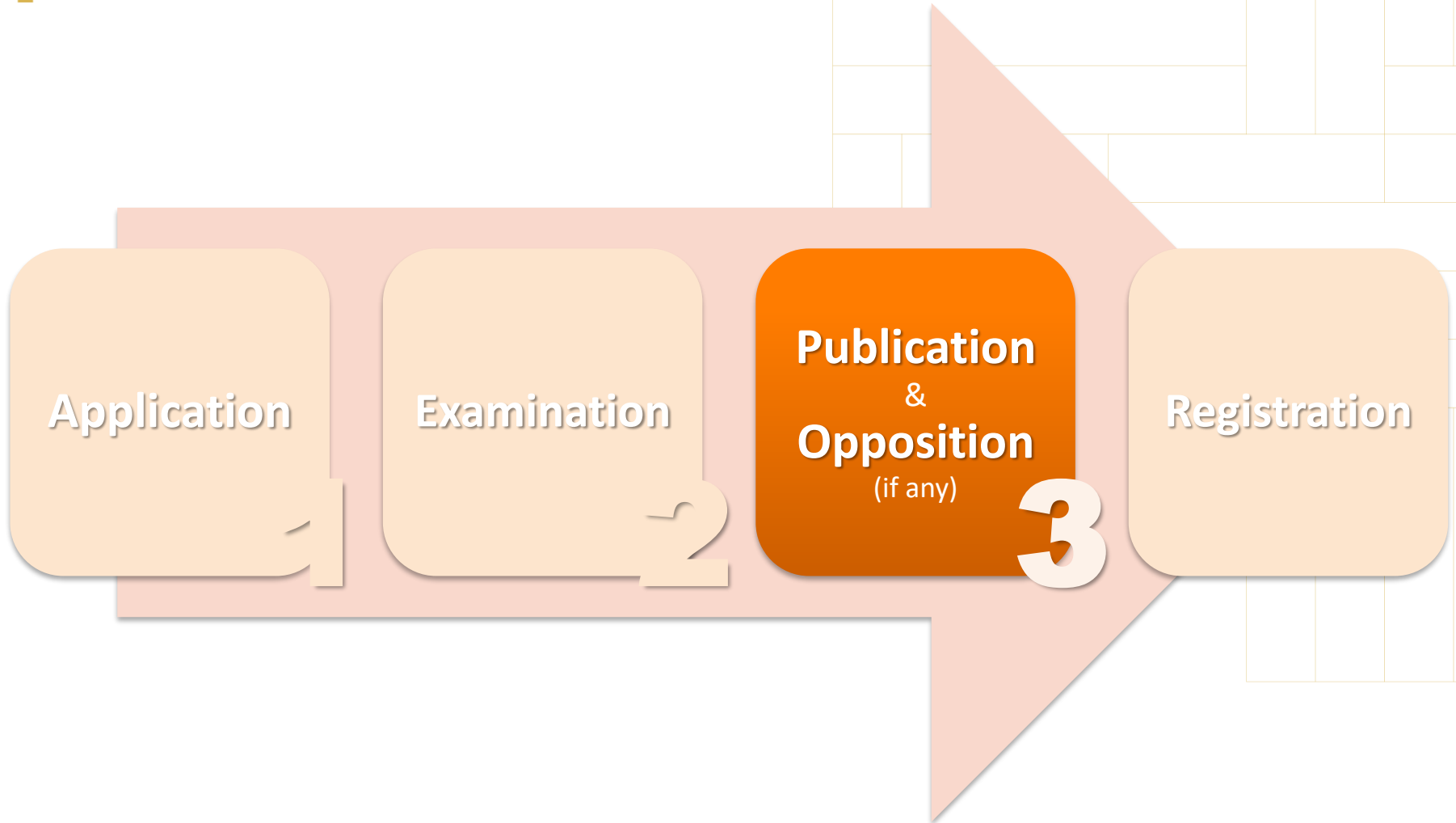
# Stage 2: Examination



# Examination

- Whether the proposed GI is contrary to **public policy** or **morality**
- Whether the proposed GI is **protected in its country or territory of origin**
- Whether the proposed GI contains the **name of a plant variety** or an **animal breed** and is likely to **mislead the consumer as to the true origin** of the product
- Whether the proposed GI is **identical with or similar to a trade mark**

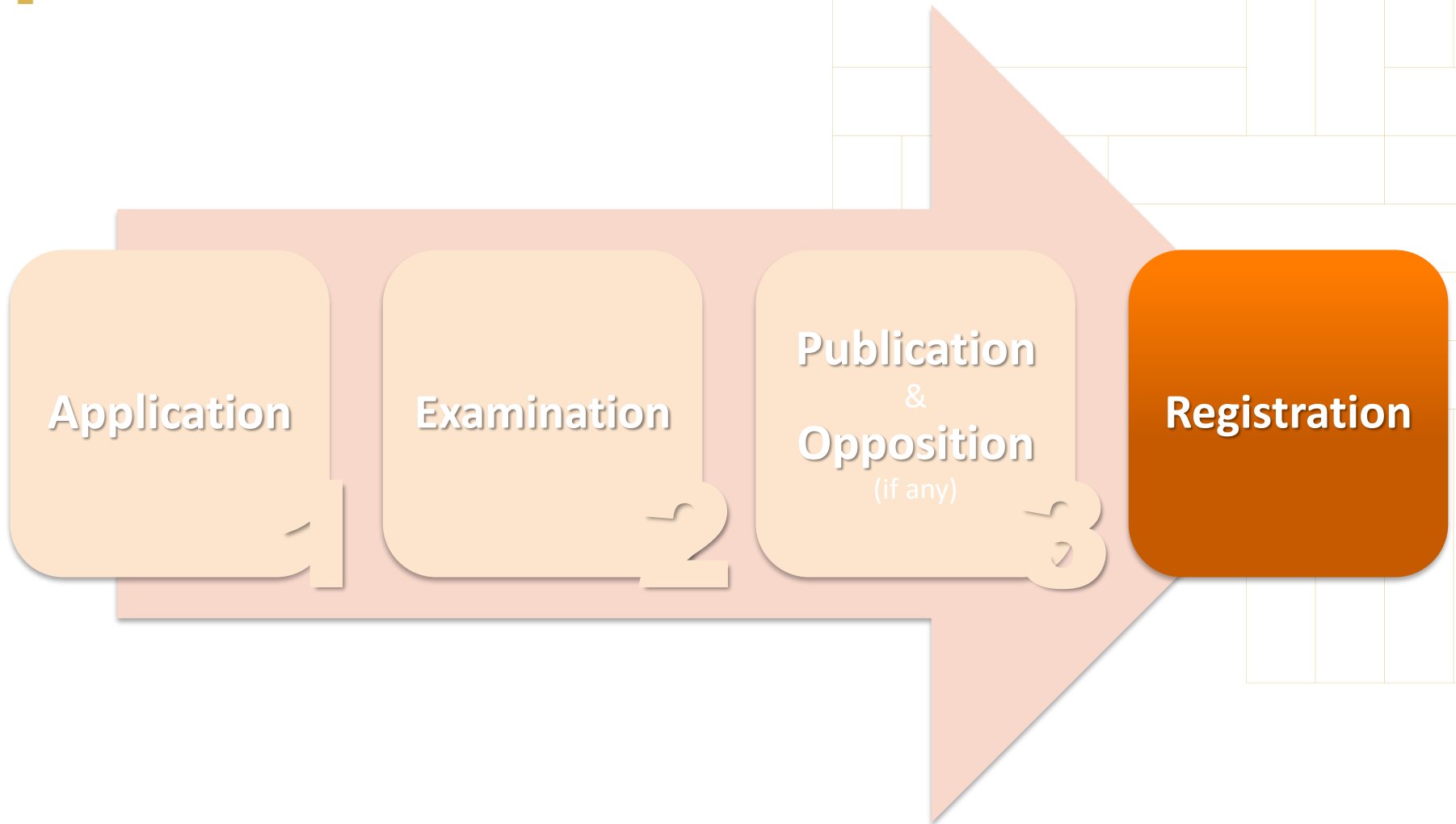
# Stage 3: Publication & Opposition



# Publication & Opposition

- If the requirements for registration are met, the GI application will be published in the Geographical Indications Journal
- The journal may be downloaded at <https://www.ip2.sg>
- The timeline for opposition is 6 weeks after the date of the publication of an application for registration of a GI

# Registration



# Registration

- 10 years of protection once registered
- May be renewed for further periods of 10 years





# Category of Goods of GIs Registered in Singapore

70

Wines

20

Cheese

12

Meat and meat products

5

Fruits

3

Beers

19

Spirits

3

Edible oils

3

Confectionery and baked goods

3

Spices and condiments

1

Sea...

1

Non-edi... oils

1

Nat... gum

as at 1 November 2020



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# Homonymous Geographical Indications

# Homonymous Geographical Indications

- Same spelling or sounds the same
- For any goods having a different geographical origin

# Homonymous Geographical Indications

- Homonymous GIs can be registered in Singapore even if the similarly spelt or similarly sounding GI has already been registered
- Practical conditions may be imposed to avoid consumer confusion as to the true origin of the goods
  - E.g. ensuring that food labels, packaging or marketing collateral clearly indicate the country of origin
- The applicant/registrant for the homonymous GIs will have to communicate with each other and try to reach an agreement on the practical conditions



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# Qualification of Rights

# Qualification of Rights

- Qualification of the rights conferred to a registered GI in relation to
  - any name contained in the GI, or
  - any term which may be a possible translation of the GI
- Useful to clarify the boundary between what is protected by the GI registration and what is available for use by third parties in relation to the GI

# Qualification of Rights

- Any time after the date of publication of an application for registration but before the registration of the geographical indication
- Can be filed by anyone (applicant or any third party)
- Requests for qualification of rights may not be filed if they seek to qualify all the rights conferred on the GI
- The request will be published for possible opposition
- Where a registered GI is subject to a qualification, the rights of the interested parties to that GI will be restricted accordingly



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# Limitation of Scope



# Limitation of Scope

- Allows parties to apply to court for a limitation of the scope of rights conferred on a registered GI
- Must be filed in the High Court and can only be filed after the GI has been registered
- Limitation on the rights conferred in relation to
  - any name contained in the GI, or
  - any term which may be a possible translation of the GI

# Recap

- Fair and transparent 3-stage process:
  1. Application
  2. Examination
  3. Publication & Opposition
- Homonymous GIs may be registered with practical conditions
- Anyone can file a request for the qualification of rights to clarify what is protected or not protected by the registered GI
- An application to the Court may be made for an order that a limitation of the scope of any of the rights conferred in respect of a registered GI be entered in the register

**Thank You**