



# BENEFITS OF EU-VIETNAM PROVISIONS ON GI

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## IP VIETNAM



# BASIC INFORMATION

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## EVFTA

- IP CHAPTER: 63 Articles
- GI (Sub-Section 3): 11 Articles
- Annex: 12-A (List of GI (EU – VN))  
12-B (Product classes)
- Signed: 30/06/2019 in HN
- Effective date to VN: 01/08/2020

## ANNEX

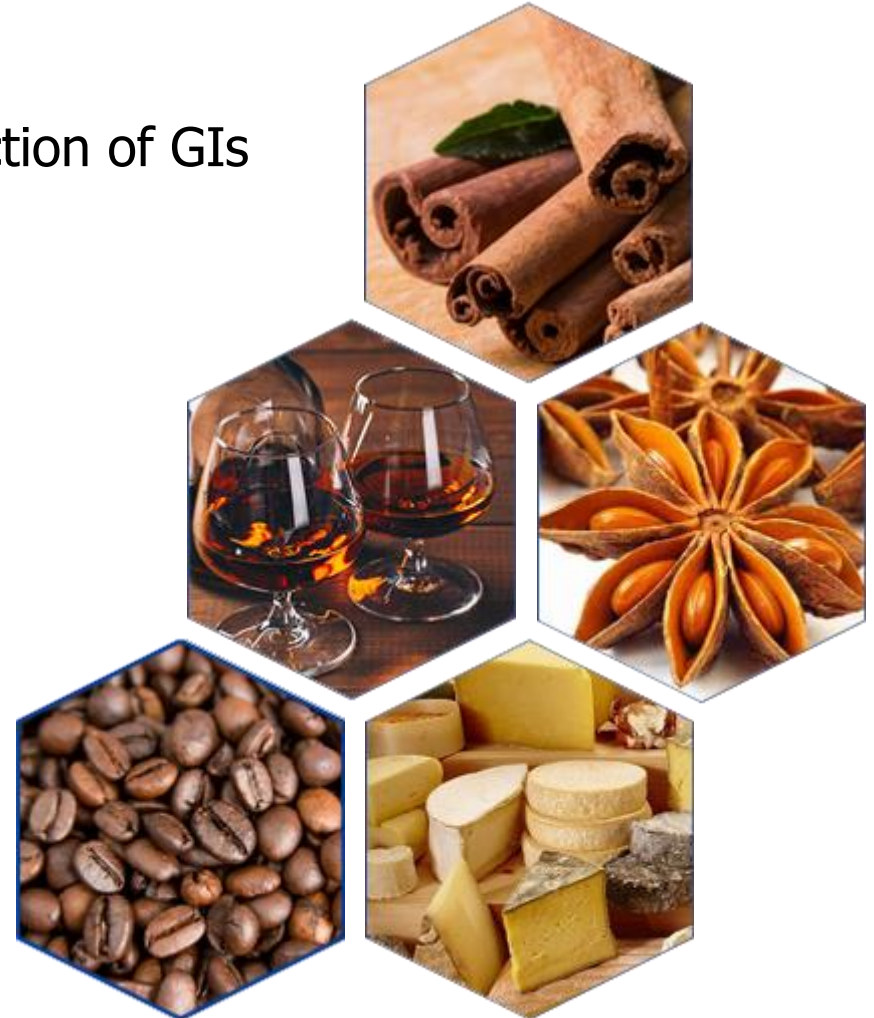
- Annex 12-A (Part A): 169 EU GIs
- (Part B): 39 VN GIs
- Annex 12-B: Product classes



# GI PROVISIONS

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- (12.23): Scope of Application
- (12.24): System of Registration and Protection of GIs
- (12.25): Established GIs
- (12.26): Amendment of the List of GIs
- (12.27): Protection of GIs
- (12.28): Exceptions
- (12.29): Right of Use of GIs
- (12.30): Relationship to Trademarks
- (12.31): Enforcement of Protection
- (12.32): General Rules
- (12.33): Cooperation and Transparency



# GI PROVISIONS

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- ❖ First time GIs protected through FTA
- ❖ Same high level for all GIs
  - TRIPS: 2 levels
    - Wine, spirit
    - Other GIs
  - VN: 2 levels



# GI PROVISIONS

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## EU GI

- Wine: ~50.8%
- Spirit: ~13.6%
- Cheese: ~11.8%
- Olive oil: ~5.3%
- Others: ~17.9%



## VN GI

- Fruits/nuts: ~51.2%
- Spices: ~17.9%
- Cereals: ~10%
- Fishsauces: ~5%
- Others: ~15.9%



# GI PROVISIONS

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## HOMONYMOUS GI

- ❖ Practical conditions of use to differentiate
- ❖ Misled homonymous name → not registered
- ❖ Inform and give opportunity before protect homonymous name from other Party



# GI PROVISIONS

## EXCEPTIONS

- ❖ ASIAGO, FONTINA, GORGONZOLA
- ❖ FETA
- ❖ CHAMPAGNE



# GI PROVISIONS

## EXCEPTIONS

### ASIAGO, FONTINA, GORGONZOLA

- Not prevent the use, IF:
  - Prior 01 Jan. 2017;
  - Actual commercial use in good faith in Vietnam;
  - For products of cheese.





# GI PROVISIONS

## EXCEPTIONS

### FETA

- Not prevent the use, IF:
  - Prior 01 Jan. 2017;
  - Actual commercial use in good faith in Vietnam;
  - For products of cheese from sheep's milk or sheep & goat's milk.



# GI PROVISIONS

## EXCEPTIONS

### CHAMPAGNE

- Not prevent the use:
  - Within 10 year from EVFTA effective date;
  - Including translation, transliteration or transcription;
  - Actual commercial use in good faith in Vietnam;
  - For products of wines.



# GI PROVISIONS

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## LIST AMENDMENT

- ❖ GI can be removed, if:
  - Ceased to be protected in COO.
- ❖ GI can be added, if:
  - Unregistered before EVFTA signing date;
  - Satisfied the EVFTA procedure.



Amendment prepared by WG and decided by Parties

# GI PROVISIONS

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## ENFORCEMENT

- ❖ Administrative action:
  - Manufacture, prepare, package, label, sell, import or advertise in a manner that false, misleading or deceptive.
- ❖ Border measures:
  - Including counterfeit GI goods;



# GI PROVISIONS

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## IP LAW REVISED ON GI

- ❖ Owner of GI;
- ❖ GI users registration;
- ❖ Homonymous GIs;
- ❖ Conflict between GI and Trademark.



# BENEFITS

## GI REGULATION SYSTEM

- ❖ Adequate and effective legal base;
- ❖ Meet EU level of standards;
- ❖ Support agricultural community;
- ❖ Attract business;
- ❖ Encourage FDIs.



# BENEFITS

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## GI PRODUCTS

- ❖ Reduce registration cost and time;
- ❖ Strong protection for agr. products;
- ❖ Most valued export-market;
- ❖ Potential higher price;
- ❖ Opportunity for other VN products.



# BENEFITS

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## EXPORT (August est.)

- ❖ Agr. product to EU: 711 mil. USD (Aug-Sep)
- ❖ Value:    ↑ 16.6% (Aug.)  
                  ↑ 20.3% (Sep.)
- ❖ Fruit/Veg. to EU:    14.7 mil. USD (↑ 25.2%)



*(Source: Ministry of Agriculture and Rural Development, VCCI)*



IP VIETNAM



# CHALLENGES

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- ❖ High safety standards and quality
- ❖ Organic production
- ❖ Plant health and phytosanitary regulations
- ❖ Marketing standards
- ❖ Etc.





# THANK YOU FOR YOUR ATTENTION

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