



IMPLEMENTING THE MALAYSIA'S GEOGRAPHICAL INDICATIONS ACT OF 2022: ISSUES AND CHALLENGES

Virtual Workshop on Geographical Indications

22 June 2023

Intellectual Property Corporation of Malaysia (MyIPO)

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- Background of GIA 2022

- Features of GIA 2022

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GEOGRAPHICAL INDICATIONS

GEOGRAPHICAL INDICATIONS

“Geographical indication” means an indication which may contain one or more words which identifies any goods as originating in a country or territory, or a region or locality in that country or territory, where a given quality, reputation or other characteristic of the goods is essentially attributable to its geographical origin (Ref: Section 2)

Based on Art. 22.1 of Trade-Related Aspects of Intellectual Property Rights (TRIPs)

“... indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”

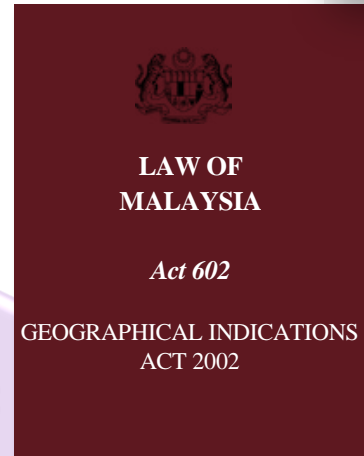
GEOGRAPHICAL INDICATIONS

PROTECTION FOR GI

- Protection is given upon fulfilling three components:
 - AN INDICATION
 - GEOGRAPHICAL LOCATION
 - GOODS - the quality / reputation / character of the goods is attributable to its geographical origin

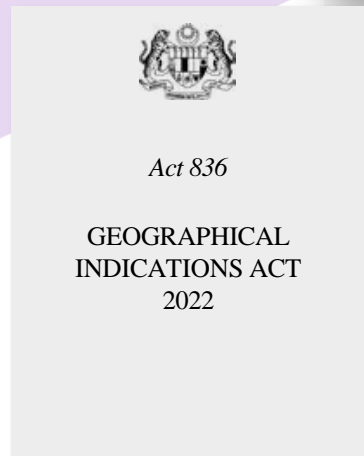
BACKGROUND OF GEOGRAPHICAL INDICATIONS ACT 2022

HISTORICAL BACKGROUND OF GEOGRAPHICAL INDICATIONS LAW IN MALAYSIA



GEOGRAPHICAL INDICATIONS ACT 2000

- Passed by the Parliament in 2000
- Contained 7 Parts, 32 sections and 1 Schedule
- Authoritative Text was in Bahasa Malaysia
- Came into force on 15 August 2000



GEOGRAPHICAL INDICATIONS ACT 2022

- Act 602 was repealed and replaced by Act 836
- Contains 15 Parts, 101 Sections and 1 Schedule
- Tabled and passed by the Parliament in December 2021
- Came into force on 18 March 2022
- Subsidiary legislations: Geographical Indications Regulations 2022, Guidelines of Geographical Indications 2022
- Authoritative Text is in Bahasa Malaysia

RATIONAL AND MAIN OBJECTIVES OF THE REPEAL OF GIA 2000

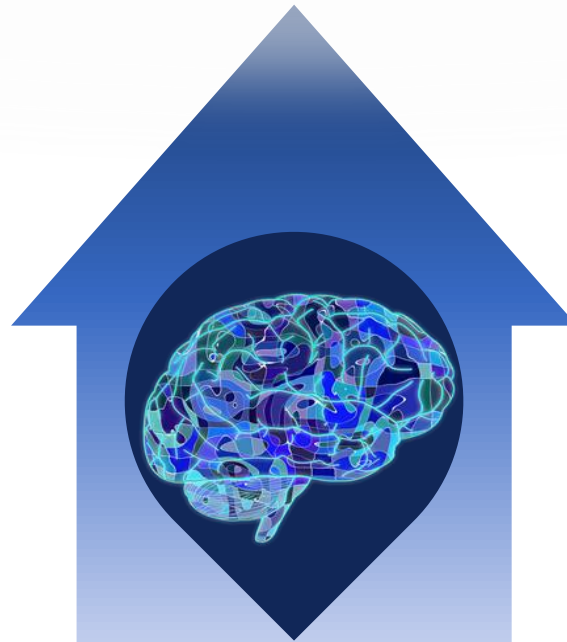
1. Strengthen the geographical indications protection system according to international and local development and needs
2. Expand the scope of protection of GI in Malaysia
3. Introduce new and comprehensive internal procedures in the Geographical Indications Office
4. Introduce provisions of offences and criminal jurisdiction to enforce the rights obtained under the act and expand the scope of civil action
5. Expand the level of protection given to registered geographical indications in Malaysia
6. Refine the procedures of filing application for registration of geographical indications including examination, opposition proceeding, registration and cancellation procedures

NEW FEATURES OF GI ACT 2022

THE GEOGRAPHICAL INDICATIONS ACT 2022



• NEW



• COMPREHENSIVE



• EASY

THE GEOGRAPHICAL INDICATIONS ACT 2022

DATE OF COMING INTO
FORCE OF GIA 2022:

18 MARCH 2022

□ **Related subsidiary legislations:**

- The Geographical Indications Regulations 2022
- The Guidelines of Geographical Indications 2022

CATEGORIES OF GOODS LISTED UNDER THE FIRST SCHEDULE OF THE GGI 2022

Class 1:

Wine and Spirit:

Wine

Spirit

Class 2:

Prepared foodstuff and beverages:

Coffee

Tea

Cocoa

Beer

Rice

Bread

Pastries

Class 2:

Confectionery

Chocolate

Salt

Spices and condiments

Preserved herbs

Edible oils

Sugar

Sweetener

CATEGORIES OF GOODS LISTED UNDER THE FIRST SCHEDULE OF THE GGI 2022

Class 3:

Agricultural, aquacultural, horticultural products:

Vegetable

Vegetable product

Fruit

Fruit product

Meat

Meat product

Horticultural comestible product which is prepared for consumption

Raw and unprocessed grains

Raw and unprocessed seeds

Flowers and part of flowers

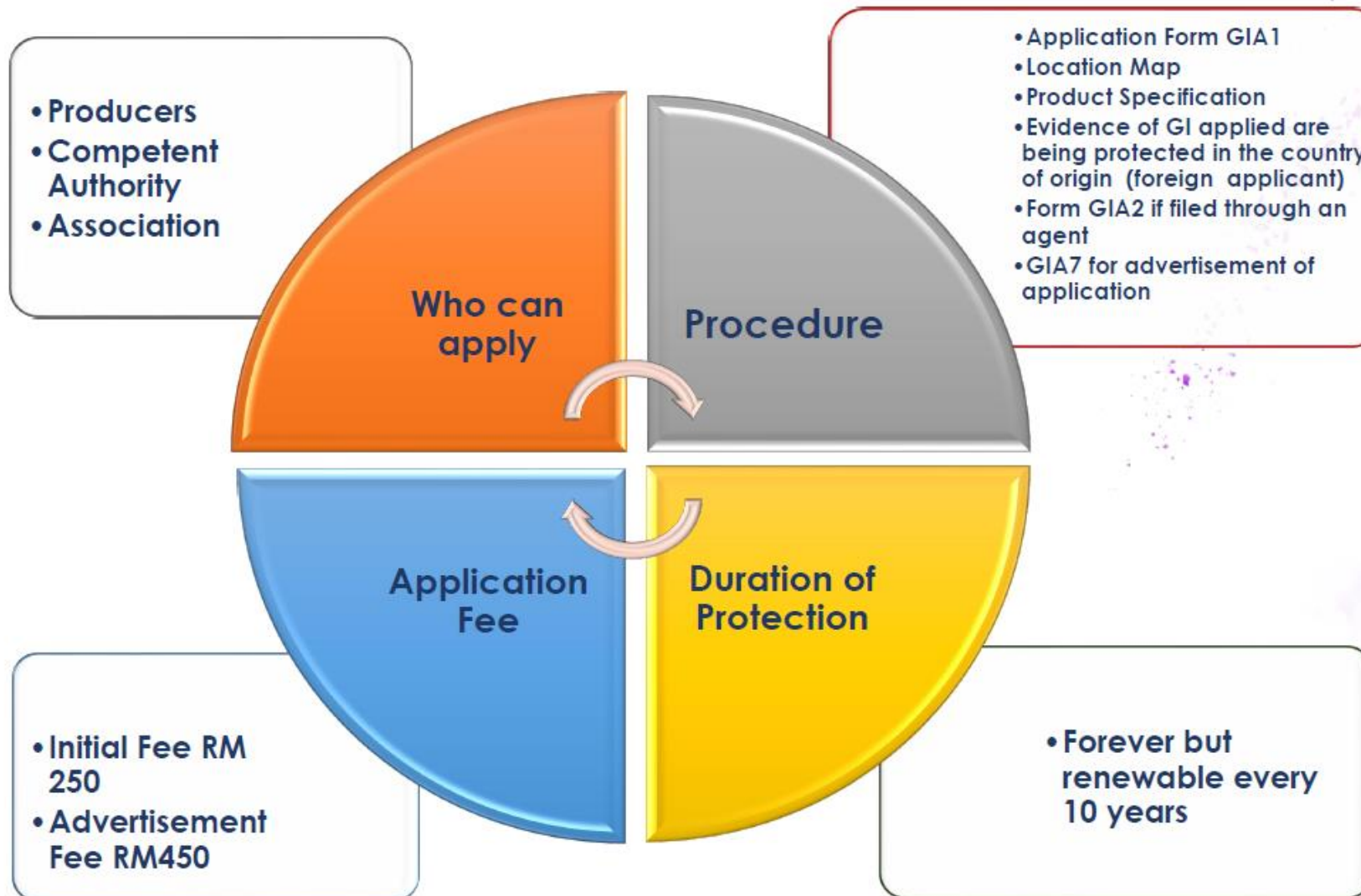
Class 4:

Handicraft

Class 5:

Textiles (other than handicraft)

APPLICATION SYSTEM



NEW FEATURES

VARIANT OF GI

- ✓ Introduced registration of variant of Geographical Indication
- ✓ Translation, transliteration or other variant of the indication are accepted as GI
- ✓ Application of variant requires different application form

HOMONYMOUS GI

- ✓ Accept registration of homonymous GI for goods other than wine
- ✓ Registration is allowed provided there are practical conditions differentiating the homonymous GI from the earlier registered GI

NEW SUBJECT MATTERS

1

▪ Variant of GI may be registered

- ✓ The introduction will enable more GIs to be registered
- ✓ Refer: Section 2

2

▪ Voluntary cancellation of geographical indication

- ✓ The introduction will allow the registered proprietor of GI to file an application to cancel his application with the Registrar
- ✓ Refer: Section 22

NEW SUBJECT MATTERS

3

- Introduction of grounds of cancellation of GI by Court (Test and requirements provided)

- ✓ The grounds of invalidation of GIs registration are specified under section 23.
- ✓ Refer: Section 23

4

- Transfer of registration of GI

- ✓ This provision will enable a registered proprietor to transfer this rights to another person.
- ✓ Refer: Section 26

NEW SUBJECT MATTERS

5

- Introduction of grounds to institute proceedings against certain uses of geographical indication

- ✓ The grounds to institute proceedings against certain uses of GI are specified under section 77.
- ✓ Refer: Section 77

6

- Introduction of provisions on “Offences”

- ✓ There is no provision on offences or criminal jurisdiction under GIA 2000.
- ✓ This introduction will empower the Assistant Controllers to enforce the rights of registered proprietor under the GIA 2022.
- ✓ Refer: Sections 34 and 35 and Part X

NEW SUBJECT MATTERS


7

■ Introduction of registration system of GI Agents

- ✓ A new registration system for geographical indications agents is introduced to ensure high level of quality service is rendered to their clients
- ✓ Refer: Part VIII

PROGRESS, ISSUES AND CHALLENGES

PROGRESS..

- 
- A solid purple horizontal bar with rounded ends, positioned above the list of progress items.
1. The office is also trying to increase GI awareness , by promoting GIs through mass media, on the internet, social media, and in the print press, and by promoting GI locations as travel places.
 2. There currently 7 GI's application after the introduction of the new act.
 3. Improve and updating of the framework book of specification to all applicants and owners.
 4. Talk session and discussion with owners, applicants and also the law enforcement department regarding the new geographical indication act.

ISSUE

1. The lack of awareness about the quality and specificity of GI products is the main challenge for producers. Lack of Awareness The survey shows that over half of the small and medium-sized enterprises (SMEs) have never heard about GI.
2. One of the challenges met by GI producers is to keep constant compliance with the GI specifications. Another is the lack of competence and capacity for associations and producers to develop packaging and labeling.
3. Another challenge is the enforcement of GI products to avoid copycats seeking to piggyback on the GI products' reputation, leading to unfair competition.
4. One of the challenges met by GI producers is the creation of an association, which is monitored by the government, and the marketing of the products.
5. Lack of experts in writing for Gi Book of Specification
6. Among the detail involved in applying for a GI , the most important is probably the writing of the application and GI specification itself correctly.

SOLUTION



1. The office is also aggressively trying to raise GI awareness by introducing the GI tour program. Which has traveled all over the country to identify potential GI and then tried to register it in MyIPO.
2. In addition, internal and external training is intensified so that more MyIPO officers are involved in GI registration management.
3. External training for GI holders or representative are involved in GI registration management.
4. To work with trade organizations to promote the GI product and make it as a national project.
5. Providing IP Funds (some allocations to help GI owners to register their GI applications)

ACTIVITIES

A Session to complete the 2022 Geographical Indications Regulations & Geographical Indications Guideline. In collaboration with Legal Division of MyIPO, Legal and Enforcement Division of the Ministry and the Attorney General's Office, the Geographical Indications Regulations 2022 & the Geographical Indications Guide successfully finalized on March 2023.



Photo Source: Ryzul Osman



Photo Source: Ryzul Osman

 PULSE GRANDE HOTEL
PRECINCT 1, PUTRAJAYA, MALAYSIA

**MESYUARAT MEMUKTAMADKAN MENDERAF
GARIS PANDUAN PETUNJUK GEOGRAFI 2022
(PARKVIEW BALLROOM, LEVEL 2)**

**LEVEL 2
9th - 11th MARCH 2022**

This interview session was held by MyIPO Headquarters in collaboration with the East Coast Branch and durian orchard owner Mr. Lim. This session took place at a durian farm located in Raub Pahang - Durian Musang King Malaysia



Photo Source: Ryzul Osman



Photo Source: Ryzul Osman

In an effort to empower Terengganu's heritage craft art, especially copper craft art and towards the internationalization of the Terengganu copper industry, Royal Foundation Sultan Mizan (YDSM) has taken the initiative to register the protection of "Geographical Indication" under the name "Tembaga Terengganu". The purpose of this registration is to increase the value of copper products so that they can be sold in the international market. Tembaga Terengganu



Photo Source: Ryzul Osman

Tembaga (cooper) Terengganu Geographical Indication Certificate submission ceremony - Terengganu Palace Kuala Lumpur



Photo Source: Ryzul Osman

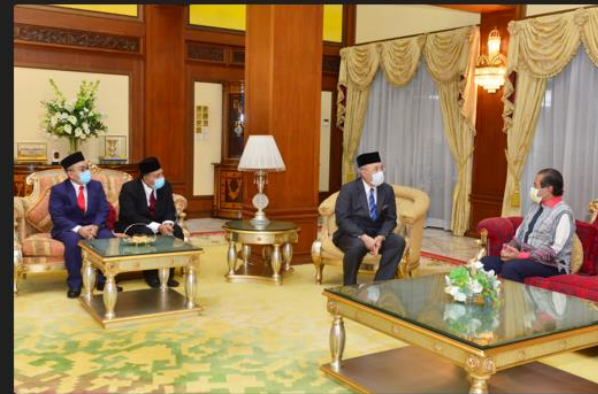
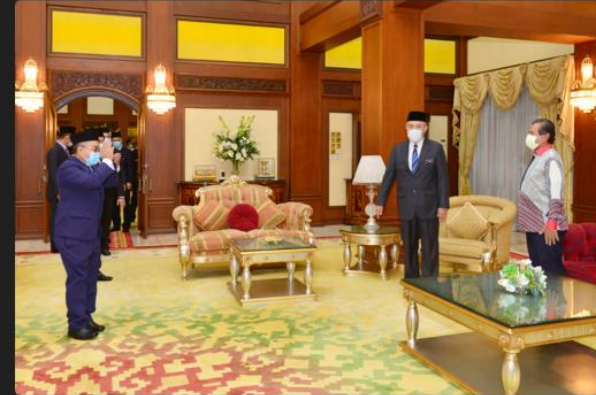


Photo Source: Yayasan Diraja Sultan Mizan

On August 30, 2022, in conjunction with the Perak State Craft Festival 2022, a ceremony to hand over three Geographical Indication registration certificates, Labu (Pumpkins) Sayong, Pulau Tiga Pottery and Perak Gold Thread Ties was held.



TEMBIKAR PULAU TIGA

Negeri Perak sangat terkenal dengan seni tembikar di daerah Sayong. Tahukah anda, pasu Pulau Tiga juga adalah tembikar tradisional negeri Perak. Tembikar ini terdapat di Kg. Pulau Tiga, di dalam daerah Kampung Gajah.

Pembuatan tembikar di mukim Pulau Tiga telah dicatatkan dalam *Royal Journal Anthropological of Great Britain and Ireland* tulisan Leonard Wray pada tahun 1903, sebagai salah satu daripada empat kawasan yang terkenal dengan perusahaan labu di Perak.

Tembikar Pulau Tiga pada asalnya hanya mengekalkan warna tanah, tidak dihitamkan dan menggunakan bunga timbul dan bunga tampal. Motif dibentuk dengan tangan atau ditekan pada acuan plaster untuk mendapatkan tekstur dan kuntuman bunga.

Bunga tanah liat ini akan ditampal pada permukaan labu atau pasu yang dibentuk terlebih dahulu dan pelbagai hiasan kayu terap bermotif bunga paai, cakar ayam, siku keluang dan susur kelapa di tambah sebagai hiasan pada permukaan badan labu. Ia menjadi identiti utama tembikar Pulau Tiga.



Geluk bunga tampal Pulau Tiga, Perak 1990-an
Krafangan Malaysia



PROGRAM PENGEMBANGAN ILMU
WACANA KRAF 2022
LIVE
DARUL HAJAT TV
KRAF TV

PERLINDUNGAN HARTA INTELLEK
DALAM KONTEKS SENI DAN BUDAYA
1 SEPTEMBER 2022
11.00 PAGI - 1.00 TENGAH HARI | KHAMIS
DATARAN MENARA CONDONG TELUK INTAN

PANEL JEMPITAN
ENCIK AZIL BIN OSMAN BASAN
PENYAIR, PENYUSUN, PENYERAJA
PERUM HARTA INTELLEK MALAYSIA (MHPIT)

MODERATOR
ENCIK MOHAMAD AZID BIN MOHAMAD HANEF
TUMBUH BANGSA, BERUSAHA SAMA
KRAFANGAN MALAYSIA DAN KRAFANGAN PERAK

FESTIVAL KRAF 2022
Perak

Product Management and Commercialization Seminar Program for Geographical Indications is held to guide local entrepreneurs in the state of Sarawak, especially owners of products that are protected by Geographical Indications.



Photo Source: MyIPO

This interview session was held by MyIPO Headquarters in collaboration with the East Coast Branch and the Temerloh District Fisheries Office on July 13, 2022. In addition, MyIPO had the opportunity to interview the entrepreneur of the LAZIZ Patin brand who is a young entrepreneur who works on caged patins and catfish-based products in Temerloh . Ikan Patin Temerloh Pahang



Photo Source: Ryzul Osman

The MyIPO delegation was taken to the where the gula apong traditionally made and had the opportunity to interview Mr. Mahli from the workshop located in Kampung Pingan Jaya Kuching Sarawak and representative from SPL Fods Industries in Samariang where the manufacturing and production of apong sugar syrup is done. Here MyIPO officers and researchers from UiTM were briefed by the factory manager on how gulang apong-based syrup is produced, marketing and branding. Gula Apong Sarawak



Photo Source: Ryzul Osman



10 -11 March 2023- Ba' Kelalan Sarawak Adan Rice Festival



10 -11 March 2023- Ba' Kelalan Sarawak Adan Rice Festival



Photo Source: Ryzul Osman

MAY 11 2023- Visit to Selangor State Cultural Customs Corporation. Wau (Kite) Kapal



Photo Source: Ryzul Osman

May 30 2023- Visit to Visit to the Perak State Forestry Department and Matang Mangrove Eco Centre. Mangrove charcoal Kuala Sepetang.



May 30 2023- Visit to the Perak State Forestry Department and Matang Mangrove Eco Centre. Mangrove charcoal Kuala Sepetang.



Photo Source: Ryzul Osman

*Thank
you*

