



# THE PROTECTION GEOGRAPHICAL INDICATIONS IN THAILAND

Recent Developments and  
Future Trends

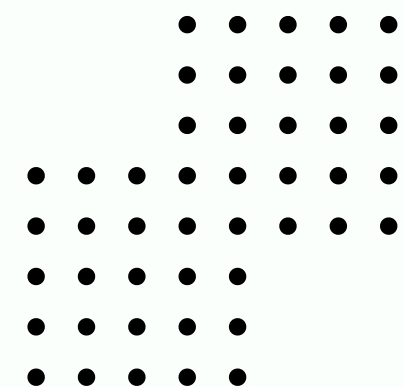




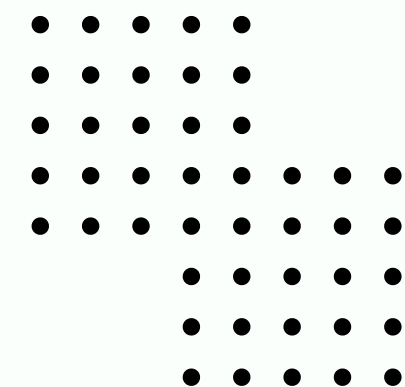
# **RATIONALE FOR THE AMENDMENT OF THE GEOGRAPHICAL INDICATIONS PROTECTION ACT, B.E. 2546 (2003)**

In order to improve the effectiveness of quality control, the registration procedures, and the protection of geographical indication logo.



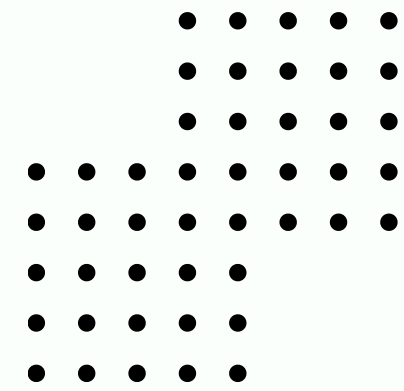


# PRINCIPLE OF THE AMENDMENT

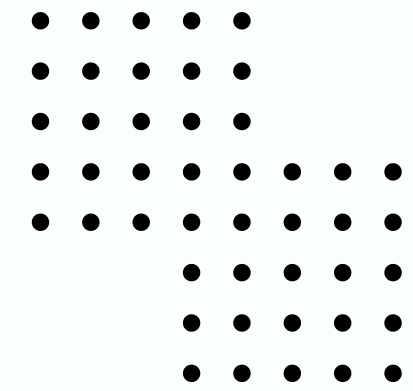


Amendment to the definition of the term "Geographical Indication".

- 1 Addition of definitions for the terms "Interested Party", "Producer" and "Trader".
- 2 Non-protection of plant and animal varieties.
- 3 Provision for the registration of geographical indications under international agreements.
- 4 Requiring that applications for the registration of geographical indications include a quality control and inspection system for geographical indications.
- 5 Authorizing the Registrar to order amendments to applications for the registration of geographical indications.
- 6 Specify the grounds for opposition and reduce the period for filing opposition and counter-statements.



# PRINCIPLE OF THE AMENDMENT



- 7 Strengthening the legal protection of geographical indication logo.
- 8 Categorizing the grounds for revocation of geographical indication registrations and broadening the scope of persons entitled to request such revocation.
- 9 Establishing a post-registration quality control and inspection system for geographical indications.
- 10 Providing the Registrar with the authority to supervise and inspect geographical indication products.
- 11 Extending the legal coverage of geographical indications.
- 12 Establishing pinai regulatory fines for the improper or unauthorized use of geographical indication logo.

# ADDITION OF DEFINITIONS FOR THE TERMS “INTERESTED PARTY”, “PRODUCER” AND “TRADER”



## Principle

**“Interested Party”** means a person who is entitled to apply for the registration of a geographical indication, a producer, a trader, or any person who can demonstrate that he or she has a legitimate interest in, or is affected by, such geographical indication.

**“Producer”** means a natural person, a group of persons, or a juristic person who produces goods bearing a geographical indication, whether through agriculture, handicraft, or industry, including the packaging, processing, or any other method of handling such goods.

**“Trader”** means a person who sells, imports, or exports goods bearing a geographical indication for commercial purposes, or any person who engages in other commercial activities in relation to such goods.



## Advantage

In order to ensure clarity and proper enforcement of this Act, the Geographical Indications Committee and the Registrar shall have the authority to determine:

1. Whether a person qualifies as an **“Interested Party”** who is entitled to:
  - (a) oppose the registration of a geographical indication; or
  - (b) request an amendment to, or cancellation of, a registered geographical indication; and
2. Whether a person shall be regarded as a **“Producer”** or a **“Trader”** who is subject to the requirements under this Act.





# **NON-PROTECTION OF PLANT AND ANIMAL VARIETIES**



## **Principle**

The names of plant and animal varieties **shall not be eligible** for registration as geographical indications.

## **Advantage**

**Plant and Animal varieties** shall not be eligible for protection as geographical indications. Consequently, cultivators and breeders may use the names of such varieties regardless of the place where cultivation or breeding takes place.

The Registrar shall have the authority to reject any application for geographical indication registration that uses the name of a plant or animal variety, based on grounds for refusal provided by law



# **PROVISION FOR THE REGISTRATION OF GEOGRAPHICAL INDICATIONS UNDER INTERNATIONAL AGREEMENTS**



## **Principle**

Provision shall be made for the registration of geographical indications pursuant to international agreements, in accordance with the rules and procedures specified in the Ministerial Regulation.

## **Advantage**

In the event that Thailand becomes a party to an international agreement concerning geographical indications or engages in negotiations for such an agreement, Thailand may provide a channel for the registration of geographical indications under the said agreement.



# REQUIRING THAT APPLICATIONS FOR THE REGISTRATION OF GEOGRAPHICAL INDICATIONS INCLUDE A QUALITY CONTROL AND INSPECTION SYSTEM FOR GEOGRAPHICAL INDICATIONS

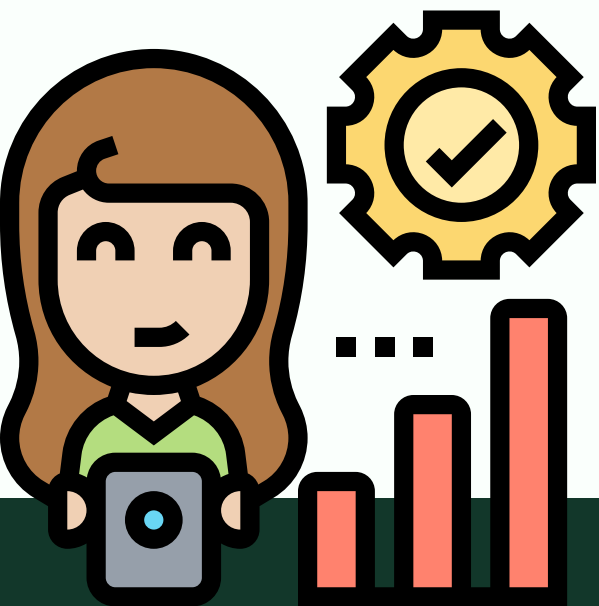


## Principle

The establishment of a quality control and inspection system for geographical indications **shall be required prior to the submission** of an application for registration.

## Advantage

1. Geographical indications are becoming more reliable as pre-production control and inspection system are implemented and traceability is possible.
2. Consumers have access to product traceability.





# **AUTHORIZING THE REGISTRAR TO ORDER AMENDMENTS TO APPLICATIONS FOR THE REGISTRATION OF GEOGRAPHICAL INDICATIONS.**



## **Principle**

The registrar shall have the authority to order the applicant for registration of a geographical indication to amend the registration application and waiver may be granted. Failure to comply with such order will be deemed that the application is cancelled.

## **Advantage**

This helps reduce the number of registration for registration that are not ready for submission by applicants. The abandonment of an application shall not prejudice the applicant's right to re-submit a new application for the same geographic indication





# **SPECIFY THE GROUNDS FOR OPPOSITION AND REDUCE THE PERIOD FOR FILING OPPOSITION AND COUNTER-STATEMENTS**

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## **Principle**

**Specify the grounds for opposition** in the law and reduce the period for filing opposition and counter-statements to 60 days.

## **Advantage**

Interested Party are aware of the grounds for opposition; however, are not limited to those specified, and opposer may invoke additional reasons. The registration process is thereby expedited.





# STRENGTHENING THE LEGAL PROTECTION OF GEOGRAPHICAL INDICATION LOGO



## Principle

The Director-General shall issue a notification prescribing two types of geographical indication (GI) logos as follows:

1. A Thai Geographical Indication Logo, **to be used with products** that have been registered as geographical indications;
2. A Promotional Geographical Indication Logo, **to be used with products that contain GI-registered products as components**.

Establishing **pinai regulatory fines** for the improper or unauthorized use of geographical indication logo.

## Advantage

The use of Thai Geographical Indication Logo and Promotional Geographical Indication Logo helps to increase the value and credibility of such products. In addition, imposing fines for unauthorized use of the GI logo constitutes an appropriate measure to deter infringement.



# CATEGORIZING THE GROUNDS FOR REVOCATION OF GEOGRAPHICAL INDICATION REGISTRATIONS AND BROADENING THE SCOPE OF PERSONS ENTITLED TO REQUEST SUCH REVOCATION



## Principle

Grounds for the revocation of Geographical Indication Registration shall be divided into two paragraphs as follows:

(1) In cases where the circumstances have changed to the extent that the geographical indication has **become a generic name**; or **it is contrary to public order, good morals, or national policy**; or **it refers to a plant variety or animal breed that is a common name without any geographical reference** — any person or the competent official may request the revocation of the registration.

(2) In cases where the circumstances have **changed in such a way that the information regarding the geographical origin or other particulars differs from what is recorded in the register** — an interested party or the competent official may request the revocation of the registration.

## Advantage

To ensure that the grounds for revocation are consistent, the grounds for revocation must include cases where the geographical indication has become a generic name, or is contrary to public order, good morals or national policy, or refers to a plant or animal variety that is a generic name. Such provisions will allow any person to apply for the revocation of the registration of a geographical indication when the situation changes. This measure enhances the scrutiny of geographical indications and promotes greater public participation.



# ESTABLISHING A POST-REGISTRATION QUALITY CONTROL AND INSPECTION SYSTEM FOR GEOGRAPHICAL INDICATIONS



## Principle

Addition of a New Chapter: Quality Control and Inspection for Geographical Indications

Key Provisions:

(1) A well-defined system for quality control and inspection for geographical indications has been established. The system shall be categorized into three types:

- **Self-Control**, which is mandatory;
- **Internal Control** or **External Control**, one of which must be adopted if the use of the geographical indication logo is desired.

(2) Producers and traders shall be required to report the results of quality inspections or quality certification to the Department of Intellectual Property.

(3) Competent officials and registrars shall have the authority to examine product quality and characteristics, quality control systems, and other relevant details. They shall also be empowered to take necessary actions to ensure effective quality control and compliance in relation to geographical indications.

## Advantage

Registered geographical indication (GI) products will be subject to a well-defined system for quality control and inspection. This will help maintain the quality and standards of the products, build consumer confidence, and elevate the quality control and inspection of GI products to international standards





# PROVIDING THE REGISTRAR WITH THE AUTHORITY TO SUPERVISE AND INSPECT GEOGRAPHICAL INDICATION PRODUCTS

## Principle

The Registrar shall have the authority to inspect geographical indication (GI) products and order the producer or trader to rectify any defects. If the order is not complied with, the Registrar may issue an order to suspend the use of the geographical indication by that person.

## Advantage

Enhancing control and inspection measures will increase the credibility of geographical indication (GI) products.







# EXTENDING THE LEGAL COVERAGE OF GEOGRAPHICAL INDICATIONS



## Principle

The scope of protection for geographical indications shall be expanded to include the prohibition of any actions that may cause confusion or mislead the public, as well as the prohibition of actions contrary to fair practices.

## Advantage

Producers and traders of geographical indication products gain benefits from the broader scope of protection.

# ESTABLISHING PINAI REGULATORY FINES FOR THE IMPROPER OR UNAUTHORIZED USE OF GEOGRAPHICAL INDICATION LOGO



## Principle

Establishing **pinai regulatory fines** for the improper or unauthorized use of geographical indication logo.

## Advantage

It is a deterrent measure to prevent the infringement of the geographical indication logo, which could undermine the credibility of geographical indication products.





**THANK YOU**