



THE PROTECTION OF GEOGRAPHICAL INDICATIONS IN THE PHILIPPINES:

Legal Framework & Latest Developments





LEGAL BASIS

TRIPS Agreement





LEGAL BASIS

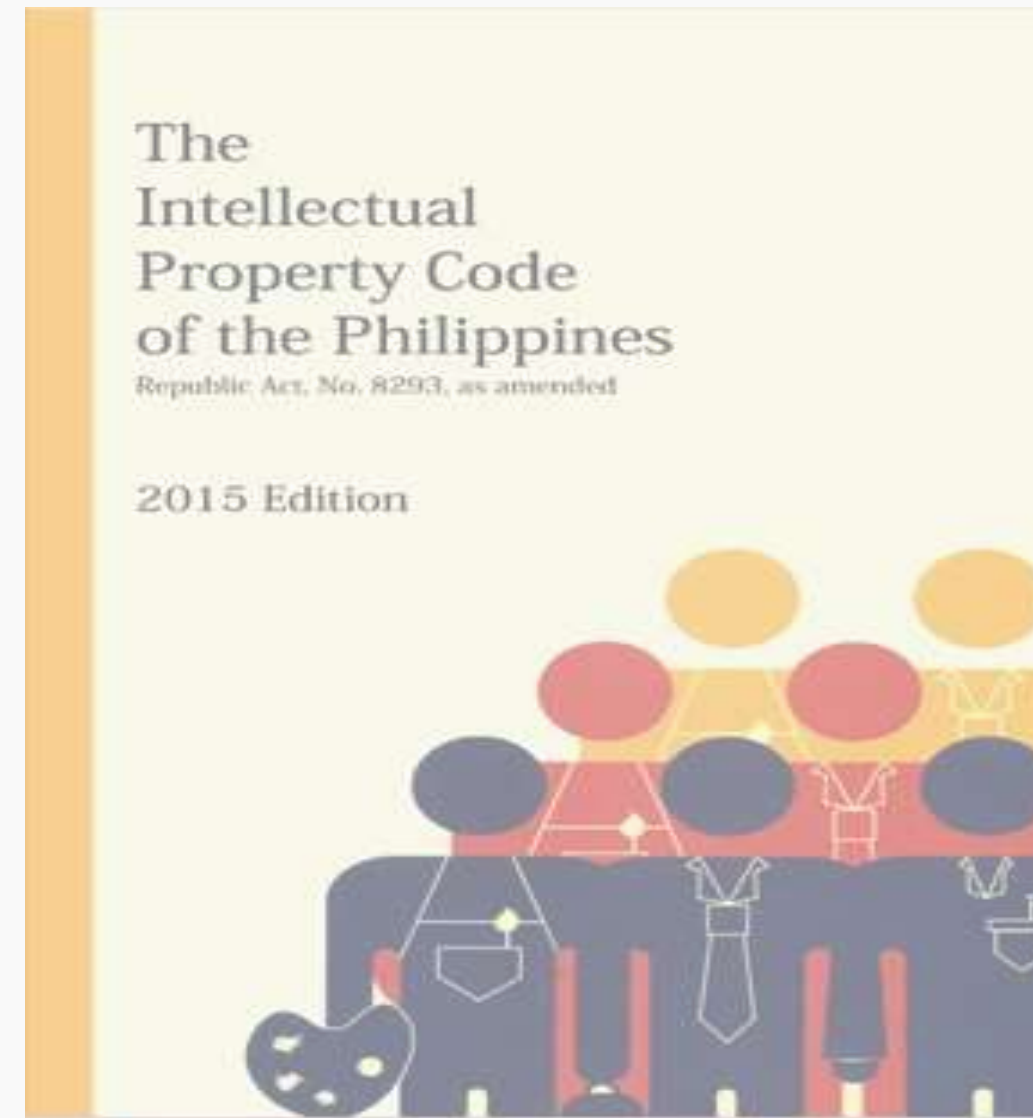
TRIPS Agreement

Intellectual Property Code of the Philippines (RA 8293)

SECTION 4. Definitions. –

4.1. The term "intellectual property rights" consists of:

- a. Copyright and Related Rights;
- b. Trademarks and Service Marks;
- c. **Geographic Indications;**
- d. Industrial Designs;
- e. Patents;
- f. Layout-Designs (Topographies) of Integrated Circuits; and
- g. Protection of Undisclosed Information (n, TRIPS).





LEGAL FRAMEWORK

TRIPS Agreement

Intellectual Property Code of the
Philippines (RA 8293)

Rules and Regulations
on Geographical Indications
(2022)



IPOPHL MEMORANDUM CIRCULAR NO. 2022-022

SUBJECT : RULES AND REGULATIONS ON
GEOGRAPHICAL INDICATIONS

Whereas, Section 4 of Republic Act No. 8293 or the Intellectual Property Code of the Philippines ("IP Code") recognizes geographical indication as an intellectual property right;

Whereas, Section 9.1 of the IP Code prescribes the functions of the Bureau of Trademarks which include the search and examination of the applications for the registration of geographic indications and the issuance of the certificates of registration;

Whereas, in order to enhance the protection to geographical indications, it is fundamental that a system of registration and framework of rules be established and implemented by the Intellectual Property Office;

Whereas, Section 7.1 (a) of the IP Code states that the Director General shall manage and direct all functions and activities of the Office, including the promulgation of rules and regulations to implement the objectives, policies, plans, programs, and projects of the Office;

Whereas, Section 7.1 (a) of the IP Code likewise conferred upon the Director General the power involving the "establishment of fees for the filing and processing of an application for a patent, utility model or industrial design or a mark or a collective mark, geographic indication and other marks of ownership, and for all other services performed and materials furnished by the Office";

Whereas, protection of geographical indication is vital in building the competitive advantage of our local and indigenous products;



RR-GI REGISTRATION PROCESS:



Filing of GI Application



RR-GI REGISTRATION PROCESS:



Filing of GI Application



Applicants:

- a) Producers or producers' organization or association representing stakeholders
- ❖ directly involved in the extraction, production or manufacture of goods

RR-GI REGISTRATION PROCESS:



Filing of GI Application



Applicants:

- b) Government agencies or Local Government Units
 - ❖ having area of responsibility covering the geographical origin of the goods

Representatives of foreign governments relative to the GI of its national

RR-GI REGISTRATION PROCESS:



Filing of GI Application



Applicants:

- c) Organizations or associations or Indigenous Cultural Communities/Indigenous Peoples
 - ❖ entrusted with the task of regulating and/or protecting GI by paragraphs (a) and (b)



RR-GI REGISTRATION PROCESS:



Filing of GI Application

Indigenous Cultural Communities/Indigenous Peoples



- Recognition and Protection of Rights
- IPOPHL Support in Filing GI Applications
- Waiver of Fees
- Non-Diminution of Rights



RR-GI REGISTRATION PROCESS:



Filing of GI Application



Formality Examination



Substantive Examination





Rule 10

MANUAL OF SPECIFICATIONS

CERTIFICATION

from concerned government agency or equivalent independent body

- validating the causal link between the quality, reputation or characteristics of the goods & the geographical area
- technical information pertaining to the product specifications in the Manual of Specifications

DISCLAIMER

Rule 14

**SCOTCH
WHISKY**

Generic or customary term or common name
component of a GI



If it is understood by the general public in the Philippines or the relevant consumers of the goods covered by the GI to be the product itself or the name and denomination used to refer to the goods themselves

REFUSAL

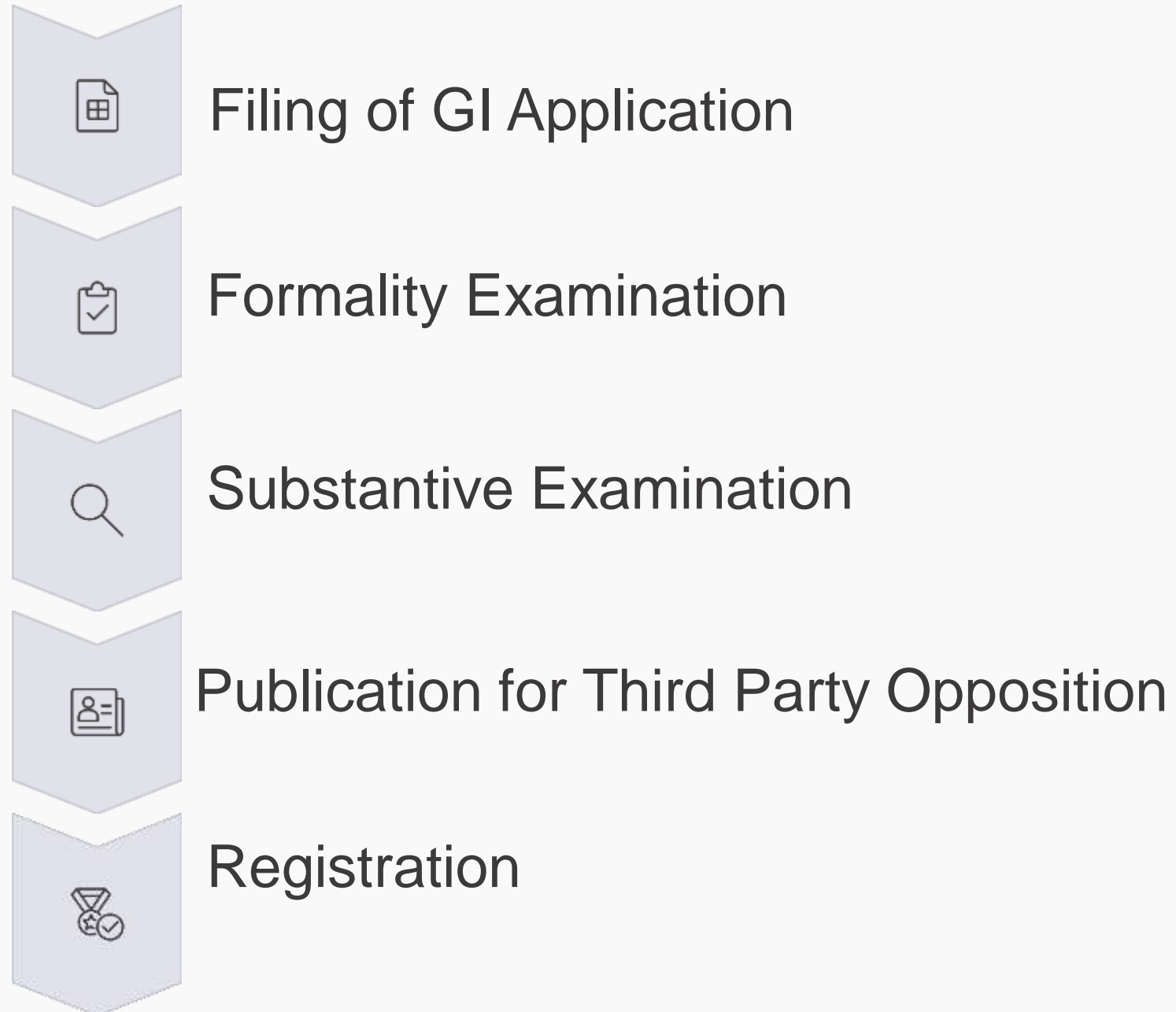
Rule 18

An application is also refused when a GI constitutes an “**EVOCAATION**” of a protected GI.

- term, sign, or other labelling or packaging device that presents a direct and clear link with the product covered by a protected GI in the mind of the reasonably intelligent consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered names



GI REGISTRATION PROCESS:



RIGHTS OF GI REGISTRANTS

Rule 4



MISLEADING, UNAUTHORIZED USE OF GIs
(style, kind, type etc.)

FALSE REPRESENTATION, UNFAIR COMPETITION,
Any other use similar to the above that misrepresents the GI.
(TRIPS provisions)

UNLIMITED TERM

Rule 22

A registered GI is protected for unlimited term until
or unless revoked with finality



OTHER FEATURES

- Rule 27 Respect for, and co-existence with earlier filed or registered TMs or those acquired through used in good faith:
- before the effectivity of the Rules & Regulations on GI, OR
 - before the GI became protected in its home country
- Rule 28 A separate chapter on Indigenous Cultural Communities/
Indigenous Peoples

REGISTERED GEOGRAPHICAL INDICATIONS



- GUIMARAS MANGOES
- COGNAC or EAU-DE-VIE DE COGNAC
or EAU-DE-VIE DES CHARENTES
- SCOTCH WHISKY
- PARMIGIANO REGGIANO
- PROSECCO
- CÔTES DE PROVENCE

REGISTERED GEOGRAPHICAL INDICATIONS



AKLAN PIÑA



REGISTERED GEOGRAPHICAL INDICATIONS



ALBURQUERQUE
ASIN TIBUOK



LATEST DEVELOPMENT

Legislative Agenda

S. No. 512, titled:

"AN ACT PROVIDING FOR THE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR AGRICULTURAL OR NATURAL (UNPROCESSED OR WILD) PRODUCTS, PROCESSED PRODUCTS, WINES AND SPIRITS, OR ANY PRODUCTS OF HANDICRAFT OR INDUSTRY"

Introduced by Senator Legarda

**REFERRED TO THE COMMITTEES ON TRADE, COMMERCE AND ENTREPRENEURSHIP;
AND FINANCE**



- provision on **GI infringement** is included which is tantamount to an offense against the economic interest of the State, and prescribes the corresponding penalty therefor

LATEST DEVELOPMENT



New P30.1 million AFD project to boost Philippine GI products and agriculture

Promoting Geographical Indications in the Philippines Project

LATEST DEVELOPMENT



Free Trade Agreement Negotiations

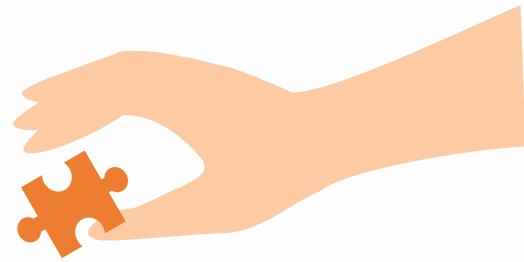
FOSTERING SYNERGY THROUGH COLLABORATION

Inter-agency cooperation



FOSTERING SYNERGY THROUGH COLLABORATION

Community Engagements



Partnerships transform GIs from
mere labels
into powerful tools for development



*Thank
You!*

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