

PUBLIC CONSULTATION ON THE PROPOSED DRAFT GEOGRAPHICAL INDICATIONS RULES

Prepared by the Intellectual Property Office of Singapore
10 September 2018

PART 1 : INTRODUCTION

1.1 The Intellectual Property Office of Singapore (**IPOS**) seeks feedback on the proposed Geographical Indications Rules (**GI Rules**) to be introduced. The consultation period is from **10 September 2018 to 5 October 2018**. A draft of the GI Rules is set out in **Annex A**. Please note that this draft does not represent the final document and may be subject to further changes.

PART 2 : BACKGROUND

2.1 Geographical indications, or GIs, are indications which identify a given quality, reputation or other characteristic of a good that is essentially attributable to the place of its origin. Many GIs contain the name of the town, region or country where the good originates from. An example of a GI is “Champagne”, denoting a wine that originates from the Champagne region in France.

2.2 As part of our obligations under the European Union-Singapore Free Trade Agreement (**EUSFTA**), Singapore is committed to enhancing the existing protection regime for GIs. To prepare for this, the Geographical Indications Act 2014 (**GI Act 2014**) was passed by the Parliament of Singapore on 14 April 2014 and has since been gazetted¹. The GI Act 2014 will come into force upon ratification of the EUSFTA.

2.3 A key enhancement to the existing regime will be the establishment of a new Registry of Geographical Indications (**GI Registry**) to receive applications for registration of GIs in Singapore. Producers of GI products, associations of such producers and the relevant competent authorities will be entitled to file applications for registration in relation to certain categories of agricultural products and foodstuffs.

2.4 The GI Rules made under the GI Act 2014 will govern the operational aspects of the GI Registry. The rules will comprise, among others, the process for application, examination and registration of a GI as well as dispute resolution procedures.

2.5 We are pleased to give interested parties the opportunity to review and comment on the draft GI Rules before they are finalised. The GI Rules are anticipated to come into force together with the GI Act 2014.

¹ <https://sso.agc.gov.sg/Act/GIA2014/Uncommenced/20171107?DocDate=20140523>

PART 3 : OVERVIEW OF THE PROPOSED DRAFT GI RULES

Structural similarity to Trade Marks Rules

3.1 The proposed GI Rules have been modelled predominantly after the Trade Marks Rules (Cap. 332, R 1)². This is because users of the new GI regime are likely to be existing users of the trade mark system and by modelling the GI regime after a familiar system, users may find it easier to manage their GI applications.

3.2 All applications for GI registration will undergo a three-stage process similar to trade mark applications. Firstly, an application for registration must be submitted. Secondly, the application will be examined to ascertain that it fulfils the criteria for registration. Lastly, assuming that the application satisfies the registration criteria, it will be published for a period of time to give third parties an opportunity to object to the registration.

Key provisions of the proposed draft GI Rules

- 3.3 The proposed draft GI Rules contain key provisions relating to the following:
- (a) Preliminary general provisions;
 - (b) Registration of a GI;
 - (c) Qualification of rights;
 - (d) Setting up and maintenance of a Register for GIs;
 - (e) Renewal of registration of GIs;
 - (f) Cancellation of GIs;
 - (g) Evidence and procedure and costs and
 - (h) Extension of time and continued processing.

PART 4 : SUBMISSION OF COMMENTS

4.1 We look forward to your feedback in relation to the proposed draft GI Rules. Your views are important as they will help us build a fair and transparent GI regime in Singapore.

4.2 Please email your feedback with the subject “Public Consultation on the Proposed Geographical Indications Rules” to **ipos_consultation@ipos.gov.sg**.

4.3 Where possible, please identify the specific section in the draft GI Rules you are commenting on and explain the reason(s) for your proposal(s).

4.4 Please also include your name, the organisation you represent (if any), and your contact number and e-mail address to enable us to follow up with you, if necessary.

² <https://sso.agc.gov.sg/SL/332-R1?DocDate=20111024>

4.5 We may make public all or parts of any written submission and disclose the identity of the source. You may request for confidentiality for any part of the submission that is believed to be proprietary, confidential or commercially sensitive. Please mark such information clearly and place the information in a separate annex. If we grant confidential treatment, we will consider, but will not publicly disclose the information. As far as possible, you should limit any request for confidential treatment of information submitted. We seek your understanding that we are unable to accept any submission that requests confidential treatment of all, or a substantial part, of the submission.

4.6 We hope to hear from you by **5 October 2018**. Thank you.

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