

Registering a Geographical Indication in Singapore

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Outline

1. Legislation for GIs
2. Registration process
3. Homonymous GIs
4. Qualification of rights

Legislation for Geographical Indications

Legislation for GIs

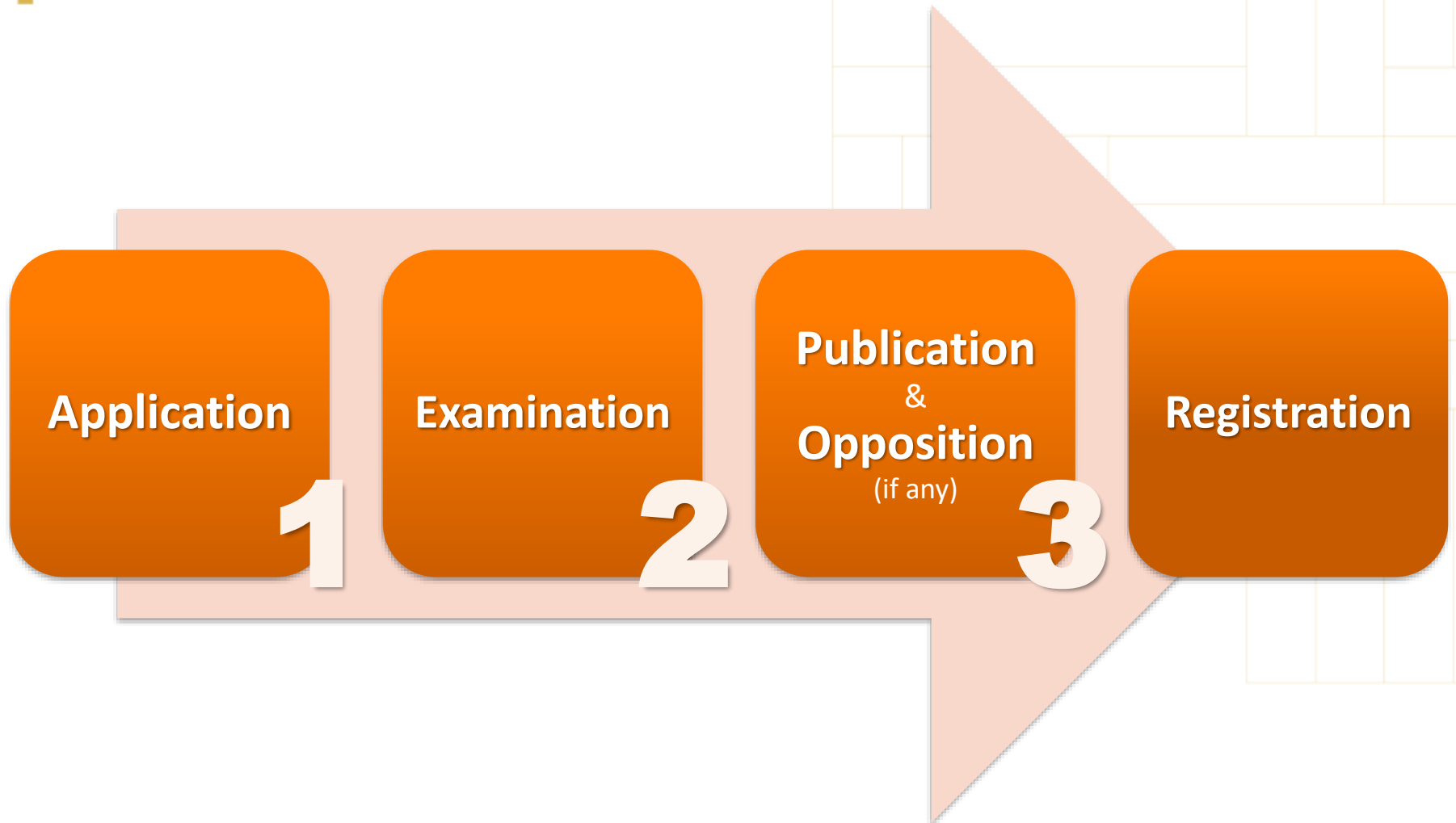
Geographical Indications Act 2014

GI Rules 2019

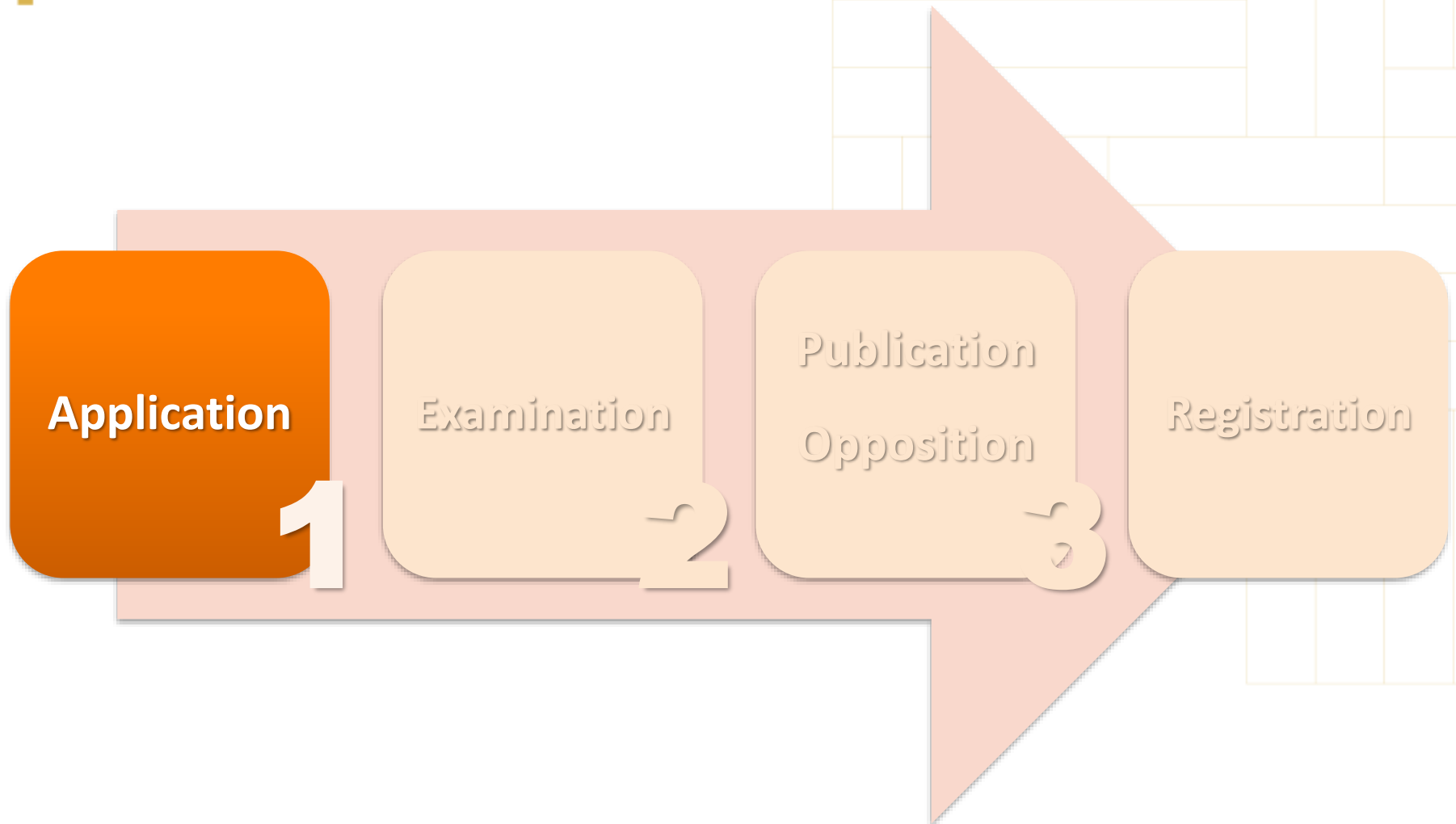
- In force since 1 April 2019
- Establishment of a Registry of Geographical Indications
- Reside within the Intellectual Property Office of Singapore
- System of registration for geographical indications

Registration Process

Overview of Registration Process



Stage 1: Application



Filing Requirements – Who can File

1

Producers

2

**Associations of such
producers**

3

**Relevant competent
authorities**

Filing Requirements

- Specify name, address and nationality of the applicant
- Indicate the capacity in which the applicant is applying for registration
- Specify the GI for which registration is sought
- Specify the geographical area to which the GI applies
- The quality, reputation, or characteristics of the goods in question and how that is attributable to the geographical origin
- Provide evidence that the GI has obtained recognition or registration as a GI in the qualifying country of origin
- Payment of the application fee (SGD 1,000)

FORM GI1

GEOGRAPHICAL INDICATIONS ACT 2014 GEOGRAPHICAL INDICATIONS RULES 2019	
FORM GI1	Application to Register a Geographical Indication
Notes: a. * denotes mandatory fields b. Please note that any fee paid is non-refundable. c. Amendments to the application are only allowed under limited circumstances as set out in section 47(2) of the Geographical Indications Act 2014.	
PART 1	Your reference
Your reference	Enter text here
PART 2A	Geographical Indication (GI) for which registration is sought*
Notes: a. For GIs from qualifying countries outside Singapore, the GI indicated here must be protected for the goods stated in Annex B in the country of origin. b. If the good is known by more than one name, you may indicate the different names and separate each name with “ / ”. For GIs from qualifying countries outside Singapore, each of the names must be protected in the country of origin. c. If the GI contains words and images, please affix the representation of the GI in a separate sheet of A4 paper. d. Please specify in (i) if any word in the GI is not protected in the country of origin.	
(i) Representation of the Geographical Indication	
Enter text here	
(ii) Protection not sought for the following word(s) in the Geographical Indication	
Enter text here	
PART 2B	Transliteration of GI
Notes: a. If any word(s) in the GI specified in Part 2A(i) contains characters other than Roman characters, please provide a transliteration in English of the word(s) and the language to which the word(s) belongs. b. Please attach supporting document(s) showing the transliteration, which can be from a certified translator or a translation company, or an extract from a dictionary.	
Word(s) in characters other than Roman characters	
Enter text here	
Transliteration	
Enter text here	
Language	
Enter text here	
<input type="checkbox"/> Supporting document is attached.	

Application – GI for which registration is sought

PART 2A	Geographical Indication (GI) for which registration is sought*
<p><u>Notes:</u></p> <ul style="list-style-type: none">a. For GIs from qualifying countries outside Singapore, the GI indicated here must be protected for the goods stated in Annex B in the country of origin.b. If the good is known by more than one name, you may indicate the different names and separate each name with “ / ”. For GIs from qualifying countries outside Singapore, each of the names must be protected in the country of origin.c. If the GI contains words and images, please affix the representation of the GI in a separate sheet of A4 paper.d. Please specify in (ii) if any word in the GI is not protected in the country of origin.	
<p>(i) Representation of the Geographical Indication</p> <p style="text-align: center;">Enter text here</p>	
<p>(ii) Protection not sought for the following word(s) in the Geographical Indication</p> <p style="text-align: center;">Enter text here</p>	

Application – Country of origin

PART 3	Country of origin*
<p><u>Notes:</u></p> <p>a. Where the geographical area straddles two or more countries, state all the countries.</p> <p>b. Please specify the geographical area to which the geographical indication applies in Annex A.</p> <p>c. Please provide documentary evidence that the geographical indication has obtained recognition or registration as a geographical indication in its country of origin. The documentary evidence shall be in the nature of a legal document (such as a legislative or regulatory provision, judicial decision and/or national or regional registration). If the documentary evidence is not in English, an English translation of the document shall be provided.</p>	
Country	Enter text here
<p><input type="checkbox"/> Supporting documentary evidence of recognition or registration is attached.</p> <p>Additional remarks, if any</p> <p>Enter text here</p>	

Application – Prescribed category of goods

1. Wines
2. Spirits
3. Beers
4. Cheese
5. Meat and meat products
6. Seafood
7. Edible oils
8. Non-edible oils
9. Fruits
10. Vegetables
11. Spices and condiments
12. Confectionery and baked goods
13. Flowers and parts of flowers
14. Natural gum

Application – Prescribed category of goods

PART 4	Category of goods, as set out in the Schedule*															
<p><u>Notes:</u></p> <p>a. An application for registration of a geographical indication may only be sought in respect of goods falling within one or more of the categories of goods set out in the Schedule to the Geographical Indications Act 2014.</p> <p>b. Please specify the goods to which the geographical indication applies in Annex B.</p> <p>c. Please specify the quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic (as the case may be) is essentially attributable to the place from which the goods originate in Annex C.</p>																
<table><tbody><tr><td><input type="checkbox"/> Wines</td><td><input type="checkbox"/> Spirits</td><td><input type="checkbox"/> Beers</td><td><input type="checkbox"/> Cheese</td><td><input type="checkbox"/> Meat and meat products</td></tr><tr><td><input type="checkbox"/> Seafood</td><td><input type="checkbox"/> Edible oils</td><td><input type="checkbox"/> Non-edible oils</td><td><input type="checkbox"/> Fruits</td><td><input type="checkbox"/> Vegetables</td></tr><tr><td><input type="checkbox"/> Spices and condiments</td><td><input type="checkbox"/> Confectionery and baked goods</td><td><input type="checkbox"/> Flowers and parts of flowers</td><td><input type="checkbox"/> Natural gum</td><td></td></tr></tbody></table>		<input type="checkbox"/> Wines	<input type="checkbox"/> Spirits	<input type="checkbox"/> Beers	<input type="checkbox"/> Cheese	<input type="checkbox"/> Meat and meat products	<input type="checkbox"/> Seafood	<input type="checkbox"/> Edible oils	<input type="checkbox"/> Non-edible oils	<input type="checkbox"/> Fruits	<input type="checkbox"/> Vegetables	<input type="checkbox"/> Spices and condiments	<input type="checkbox"/> Confectionery and baked goods	<input type="checkbox"/> Flowers and parts of flowers	<input type="checkbox"/> Natural gum	
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Application – Geographical area

- **Annex A**

Specify the geographical area to which the geographical indication applies

Application – Goods to which the GI applies

- **Annex B**

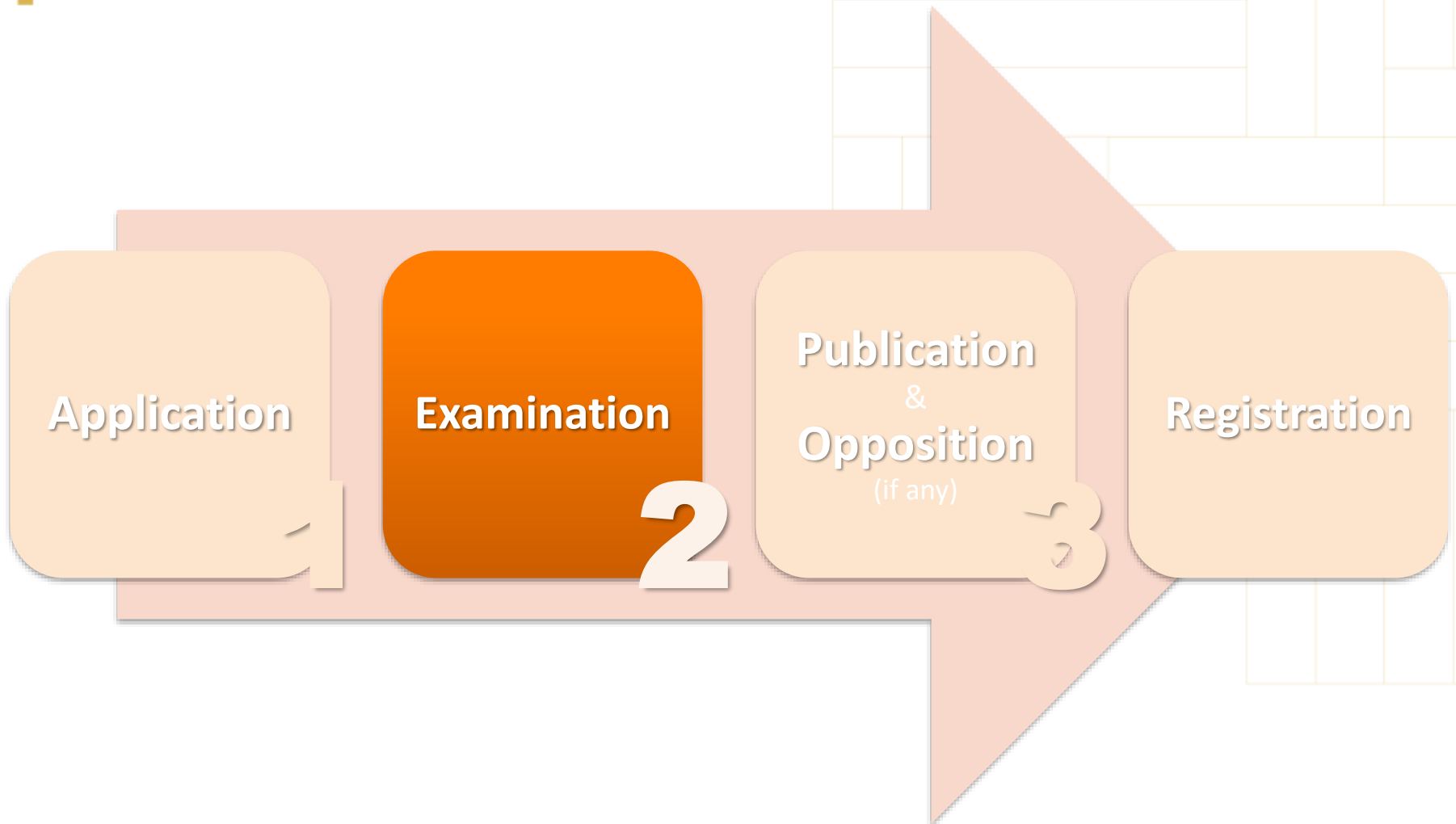
Specify the goods to which the geographical indication applies

Application – Quality, reputation or other characteristics

- **Annex C**

Specify the quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic (as the case may be) is essentially attributable to the place from which the goods originate

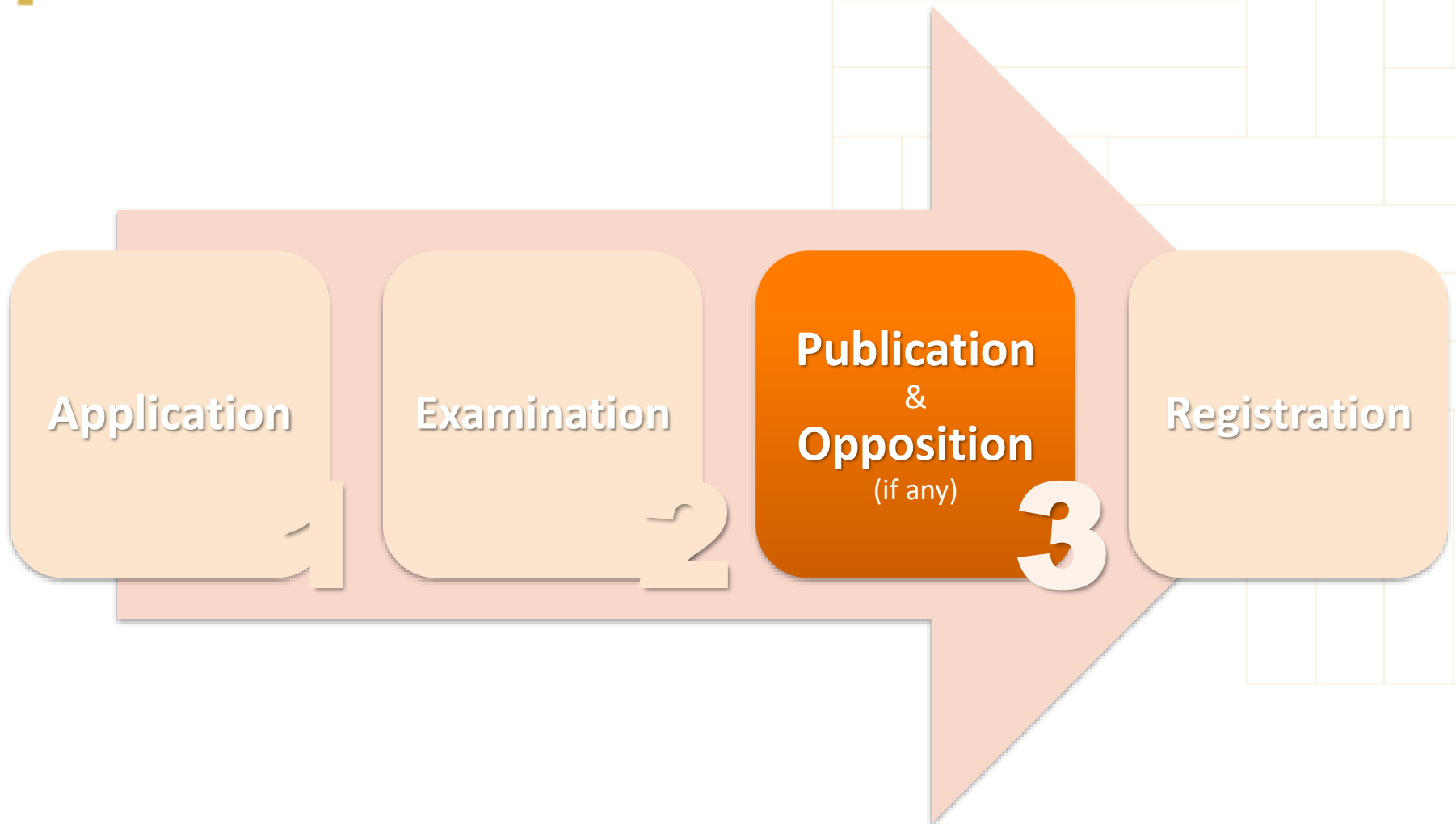
Stage 2: Examination



Examination

- Whether the proposed GI is contrary to **public policy** or **morality**
- Whether the proposed GI is **protected in its country or territory of origin**
- Whether the proposed GI contains the **name of a plant variety** or an **animal breed** and is likely to **mislead the consumer as to the true origin** of the product
- Whether the proposed GI is **identical with or similar to a trade mark**

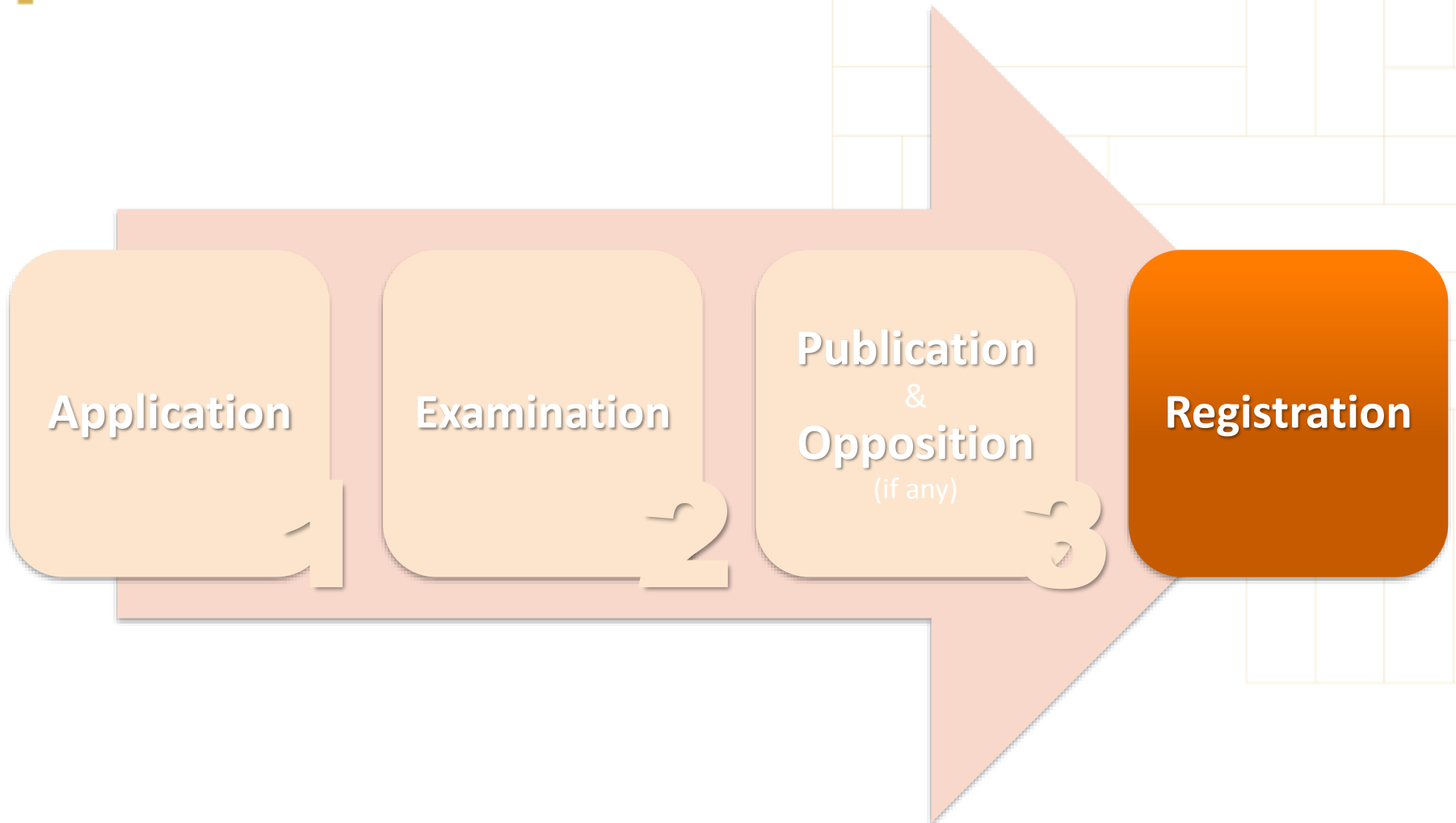
Stage 3: Publication & Opposition



Publication & Opposition

- If the requirements for registration are met, the GI will be published in the Geographical Indications Journal
- The journal may be downloaded at <https://www.ip2.sg>
- During the period of publication of 6 weeks, third parties may object to the registration of the GI

Registration



Registration

- 10 years of protection once registered
- May be renewed for further periods of 10 years



Homonymous Geographical Indications

Homonymous Geographical Indications

- Same spelling or sounds the same
- For any goods having a different geographical origin

Homonymous Geographical Indications

- Homonymous GIs can still be registered even if the similarly spelt or similarly sounding GI has already been registered
- Practical conditions may be imposed to avoid consumer confusion as to the true origin of the goods
 - E.g. ensuring that food labels, packaging or marketing collateral clearly indicate the country of origin
- The applicant/registrant for the homonymous GIs will have to communicate with each other and try to reach an agreement on the practical conditions

Qualification of Rights

Qualification of Rights

- Qualification of the rights conferred to a registered GI in relation to
 - any name contained in the GI, or
 - any term which may be a possible translation of the GI
- Useful to clarify the boundary between what is protected by the GI registration and what is available for use by third parties in relation to the GI

Qualification of Rights

- Any time after the date of publication of an application for registration
- Can be filed by anyone (applicant, registrant, or any third party)
- The request will be published for possible opposition
- Where a registered GI is subject to a qualification, the rights of the interested parties to that GI will be restricted accordingly.

Recap

- Fair and transparent 3-stage process:
 1. Application
 2. Examination
 3. Publication & Opposition
- Homonymous GIs may be registered with practical conditions
- Anyone can file a request for the qualification of rights to clarify what is protected or not protected by the registered GI

Further Info



GI Infopack

<https://www.ipos.gov.sg/resources/geographical-indication>

THANK YOU