

FACTSHEET ON THE GEOGRAPHICAL INDICATIONS ACT

Definition

- The term Geographical Indication (“GI”):
 - Is a sign that is usually the name of a town, region or country where goods bearing the GI originate from.
 - Signifies the quality or reputation of goods that are attributable to geographical origin.
 - An example is “*Bordeaux*”, denoting a wine originating from that particular region in France.

What the current GI Act entails

- No registration is required for GIs under our existing GI Act.
- All GI goods enjoy a basic level of protection that prevents the use of the GI in a misleading manner which suggests that a good originates from a geographical area other than the true place of origin.
- Wines and spirits enjoy an enhanced level of protection, which means that a GI may not be used on products which do not come from the place indicated by the GI, even if consumers are not misled as to the products’ true geographical origin, e.g. “*Champagne-like wine from Country X*”.
- Interested parties (producers, traders and associations of such producers and/or traders) can pursue civil action for unauthorised use of GIs.

What the Bill seeks to do

- Establish a Registry of Geographical Indications (“GI Registry”).
 - Applicants can apply to the GI Registry to register GIs for (i) wines and spirits; and (ii) certain categories of agricultural products and foodstuffs such as cheese, meat and seafood.
 - Applicants will be required to specify the quality, reputation, or characteristics of the good and how it is attributable to the geographical origin.

- There will be detailed examination of each application to ascertain that they fulfil certain fundamental requirements.¹
 - Thereafter, the application will be made public for a period of time to allow third parties an opportunity to object to the registration on certain grounds.²
 - The GI Registry will reside within the Intellectual Property Office of Singapore (“IPOS”).
- Enhance the protection of GIs in Singapore.
 - Registered agricultural products/foodstuffs will have their level of protection enhanced to the level of protection currently afforded to wines and spirits.
 - Provides improved border enforcement measures for GIs.
 - GI owners will be able to request our Customs authorities to detain suspected infringing goods that are to be imported or exported out of Singapore.

Benefits

- GI registration will improve the certainty of protection given to GIs in Singapore.
- Broader economic benefits from EU-Singapore Free Trade Agreement (“EUSFTA”).

Staged Implementation

- The GI Bill will be brought into effect in stages, so that the GI registry will only be established when the EUSFTA is ratified and the enhanced protection of GIs will only take effect when the EUSFTA is provisionally applied³.

MINISTRY OF LAW

14 APRIL 2014

¹ For example, the GI must, amongst others, be protected in its country of origin, and should not be "generic" i.e. has become a common name for that product in Singapore. The Registry will also ensure that the GI application does not conflict with any prior trademarks or GIs.

² Third parties can object on the same grounds on which registration can be refused during the examination stage.

³ This is when the benefits of the EUSFTA will commence.