



Challenges and Best Practices in the Enforcement of Geographical Indications

Supporting GI Producers in Protecting and Enforcing GI Rights

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Key Elements

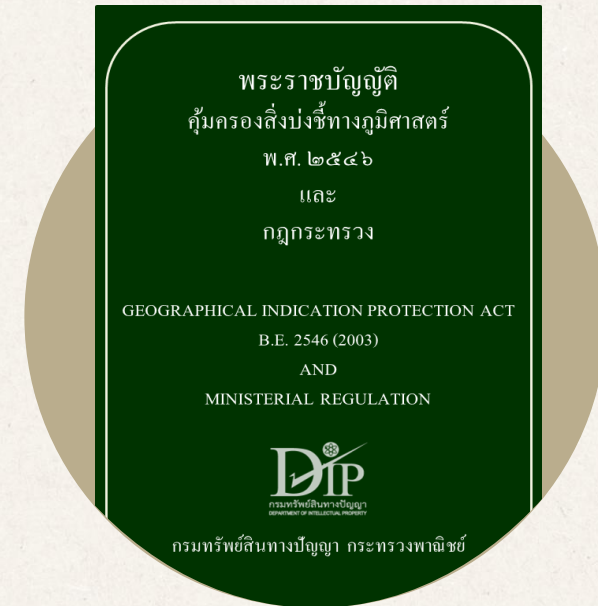
1. Registration
2. Control System
3. Thai GI Logo
4. Rights, Measures, and Sanction

1. Registration

Legal system

Sui Generis Law

- Geographical Indications Protection Act 2003
- Ministerial Regulation 2004
- Ministerial Notification 2004
- DIP Notification 2004



1. Registration

230 Domestic GIs
from 77 Provinces

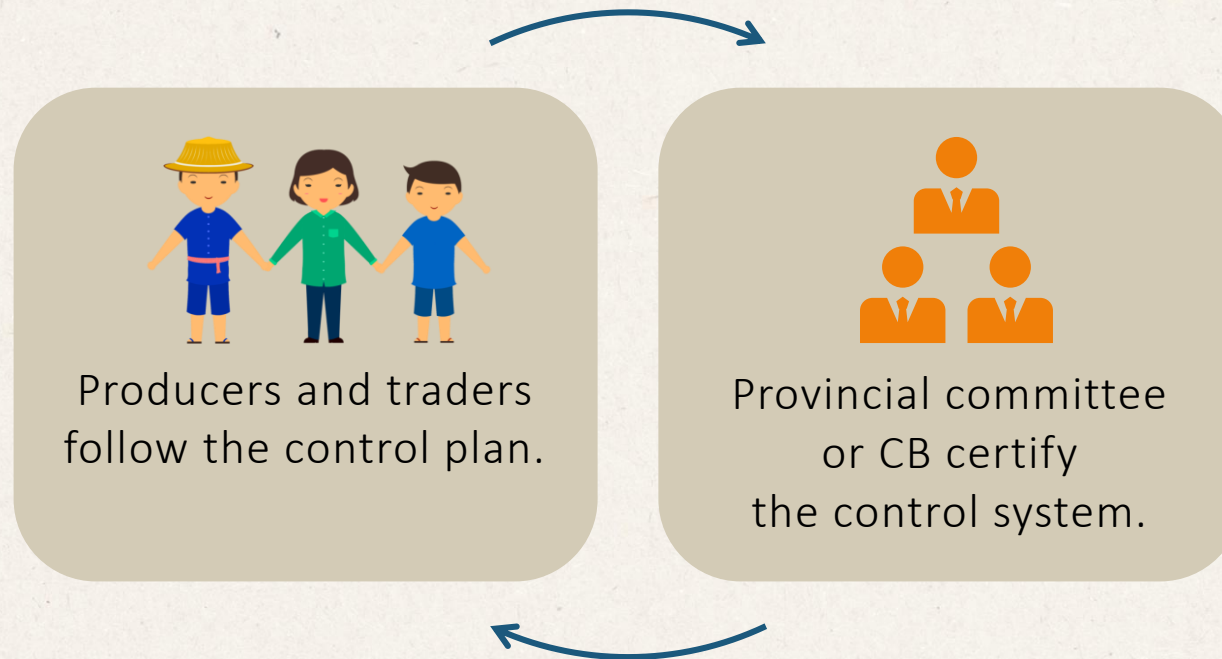


23 Foreign GIs
from 9 Countries

Total of 250 GIs Protected

2. Control System

Producers, traders, and stakeholders set up the GI control system.



3. Thai GI Logo



- ✓ Thai GI Logo belongs to the DIP.
- ✓ Issue to GI producers and traders who possess production manual and control plan, and being certified by the competent authority.
- ✓ Valid for 2 years.

3. Thai GI Logo



4. Rights, Measures, and Penalties

Section 25

When the registration of a GI has been effected,

- ✓ the producer of such goods, who is located in the geographical origin of the goods, or
- ✓ traders engaging in the trade in relation to such goods

are entitled to use the registered GI for the specified goods, in accordance with the conditions prescribed by the Registrar.

Section 26

- ▶ In the case where the persons under section 25 use the GI in a manner not in conformity with the conditions set forth in the registration, the Registrar shall serve on such person a notification.
- ▶ In the case of failure to conform with the conditions without reasonable justification, the Registrar may issue an order in writing suspending the use of the GI of such persons.

4. Rights, Measures, and Penalties

Section 27 The following acts are deemed unlawful:

- (1) the use of a GI for indicating or misleading others to believe that the goods which do not originate in the geographical origin specified in the application for registration are goods originating from such geographical origin;
- (2) the use of a GI in a manner which causes the public to be confused or misled as to the geographical origin of the goods and as to the quality, reputation or other characteristics of such goods, with a view to causing damage to other traders.

4. Rights, Measures, and Penalties

Section 28

When the goods of any particular type have been designated as specific goods, the use of a GI for the goods not originating in the geographical origin indicated in the application for registration is unlawful, even where the user has also indicated the true geographical origin of those goods.

The identification of the true geographical origin of the goods shall include the use of the expressions such as “kind”, “type”, “style” or any expression or thing similar thereto in association with the GI used for such goods.



4. Rights, Measures, and Penalties

Section 39 Any person who commits any acts under section 27 shall be liable to a fine not exceeding two hundred thousand Baht.

Section 40 Any person who commits the act under section 28 paragraph two shall be liable to a fine not exceeding two hundred thousand Baht.





Geographical Indications Office,
Department of Intellectual Property



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