



GI PROTECTION AND PROMOTION IN VIETNAM

*Center for Examining Geographical Indication and International Trademark
Intellectual Property Office of Viet Nam*



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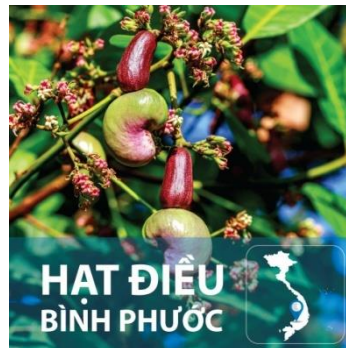
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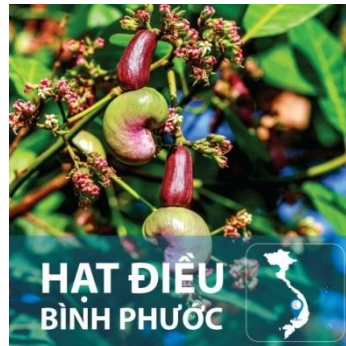


Part 1

Regulations on protection and management of GI

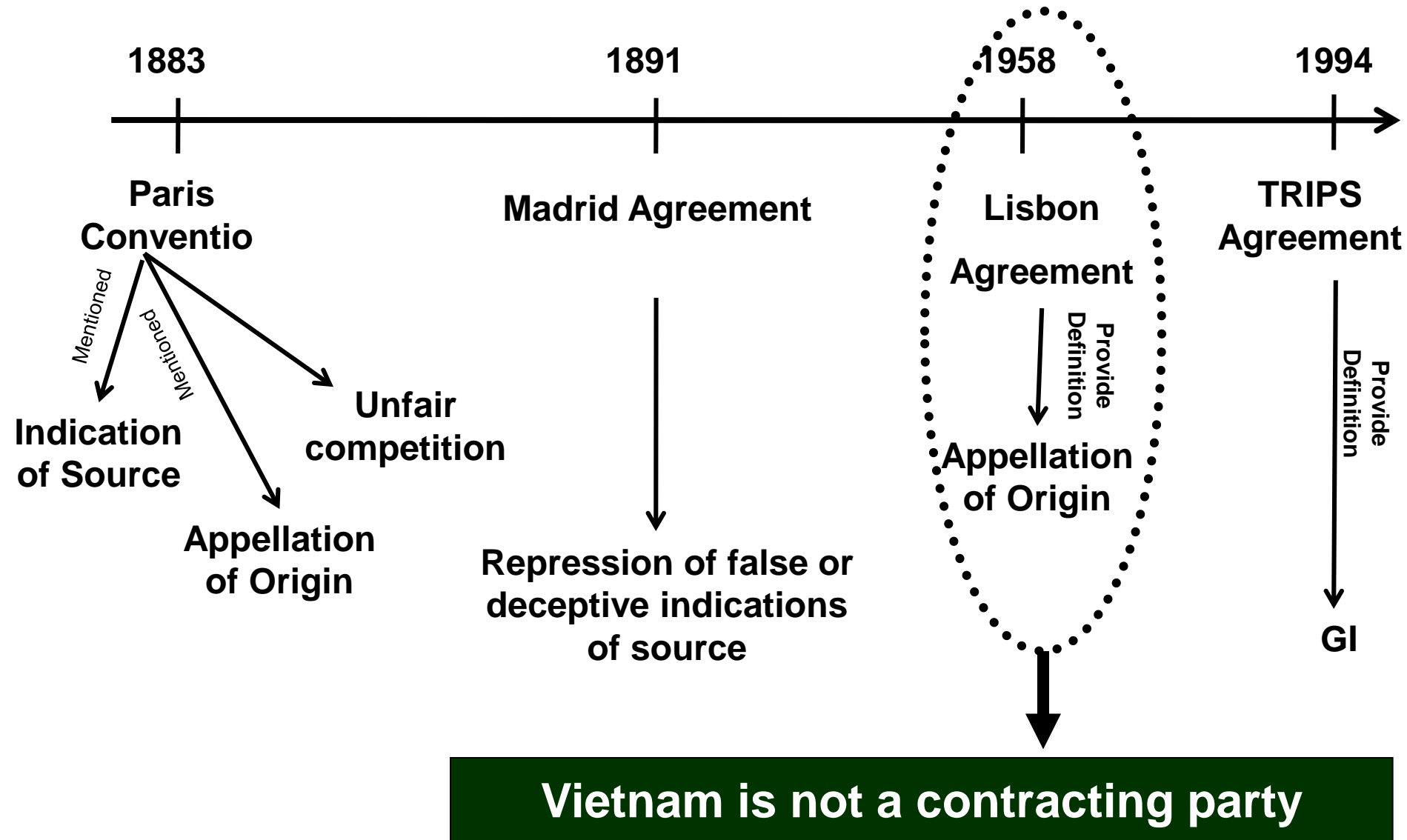
1.1. GI protection in international agreements

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Part 1. Regulations on protection and management of GI

1.1. GI protection in international agreements



Part 1. Regulations on protection and management of GI

1.2. Vietnam's legislation on GI

* The Civil Code;

-Intellectual Property Law no. 50/2005/QH11, amended by Law no. 36/2009/QH12, **Law no. 42/2019/QH14**;

-Decrees: 103/2006/NĐ-CP; 122/2010/NĐ-CP; 105/2006/NĐ-CP; 119/2010/NĐ-CP; 97/2010/NĐ-CP;

- Circulars: 01/2007/TT-BKHHCN, 13/2010/TT-BKHHCN, 18/2011/TT-BKHHCN, 05/2013/TT-BKHHCN, **16/2016/TT-BKHHCN**.



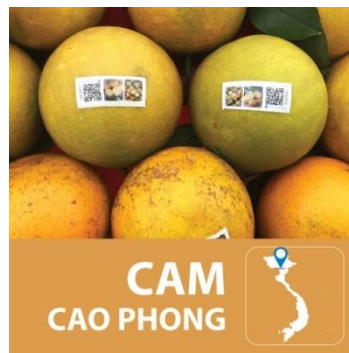
Vietnam's legislation on GI

* **Definition** (*Article 4.22 IP Law no. 50/2005/QH11*)

A geographical indication means a sign which identifies a product as originating from a specific region, locality, territory or country.

* **Conditions for GI protection** (*Article 79 IP Law no 50/2005/QH11*)

- The product bearing the GI originates from the area, locality, territory or country corresponding to such geographical indication;
- The product bearing the GI has a reputation, quality or characteristics mainly attributable to geographical conditions of the area, locality, territory or country corresponding to such GI.



Vietnam's legislation on GI

* Subject matters not protected as GIs:

- Names or indications which have become generic names of goods *under relevant consumers' impression in Vietnam*;
- GIs of foreign countries where they are not or no longer protected or no longer used;
- GIs identical with or similar to a protected mark *or a application for trademark protection which has an earlier filing date or priority date, where the use of such GIs is likely to cause a confusion as to the origin of products*
- GIs which mislead consumers as to the true geographical origin of products bearing such GIs.

(Article 80 IP Law 2005 no. 50/2005/QH11, amended by Law no. 42/2019/QH14)



Vietnam's legislation on GI

Amending Article 120a for Article 120 of Part 4 Chapter VIII of IP Law no 50/2005/QH11 as followed:

“Article 120a. International requests and handling international requests on GIs

- 1. Request for recognition and protection of GIs under international agreements for which the Socialist Republic of Vietnam is negotiating shall be construed as international request.*
- 2. The publication of international requests, handling of third parties' opinions, examination on the conditions for GI protection in the international requests shall be conducted following appropriate provisions of this Law for GI in applications filed to the competent authority of industrial property rights”.*



Vietnam's legislation on GI

* The right to register Vietnamese GIs belongs to the State. The State allows organizations and individuals producing products bearing GIs, collective organizations representing such organizations or individuals or administrative management agencies of localities to which such GIs pertain to exercise the right to register such GIs. Persons who exercise the right to register GIs shall not become owners of such GIs.

(Article 88 IP Law no 50/2005/QH11)



Vietnam's legislation on GI

Industrial property rights to a GI shall be established on the basis of a decision of the competent state agency on the grant of a protection title according to the registration procedures stipulated in this Law *or the recognition of international registration under treaties to which the Socialist Republic of Vietnam is a contracting party.*

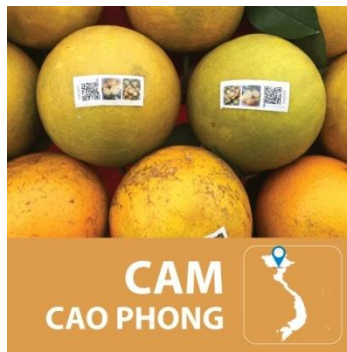
(Point a paragraph 3 Article 6 of IP Law no 50/2005/QH11 amended by Law no. 42/2019/QH14)



CAM SÀNH
HÀ GIANG



BƯỞI
TÂN TRIỀU



CAM
CAO PHONG



QUÝT
BẮC KẠN



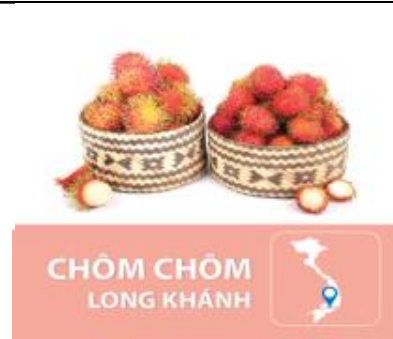
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Vietnam's legislation on GI

* GI rights:

- **Ownership:** The owner of Vietnam's GIs is the State; The State may grant the managing organization the right to exercise ownership rights to GI.
- **Right to use GI:** Individuals and organizations producing/trading products bearing GI in the geographical area.
- **Right to prevent others from using GI:** GI uses by others shall be prevented if such uses are not for personal needs or for non-commercial purposes, or for purpose of evaluation, analysis, research, teaching, etc.



Vietnam's legislation on GI

*GI protection title:

- shall be valid throughout the Vietnamese territory;
- shall have an indefinite validity starting from the grant date;
- shall be terminated where the geographical conditions decisive to reputation, quality or special characteristics of products bearing a GI have changed resulting in the loss of such reputation, quality or characteristics of products.



Vietnam's legislation on GI

* Provisions on State management for signs indicating geographical origin

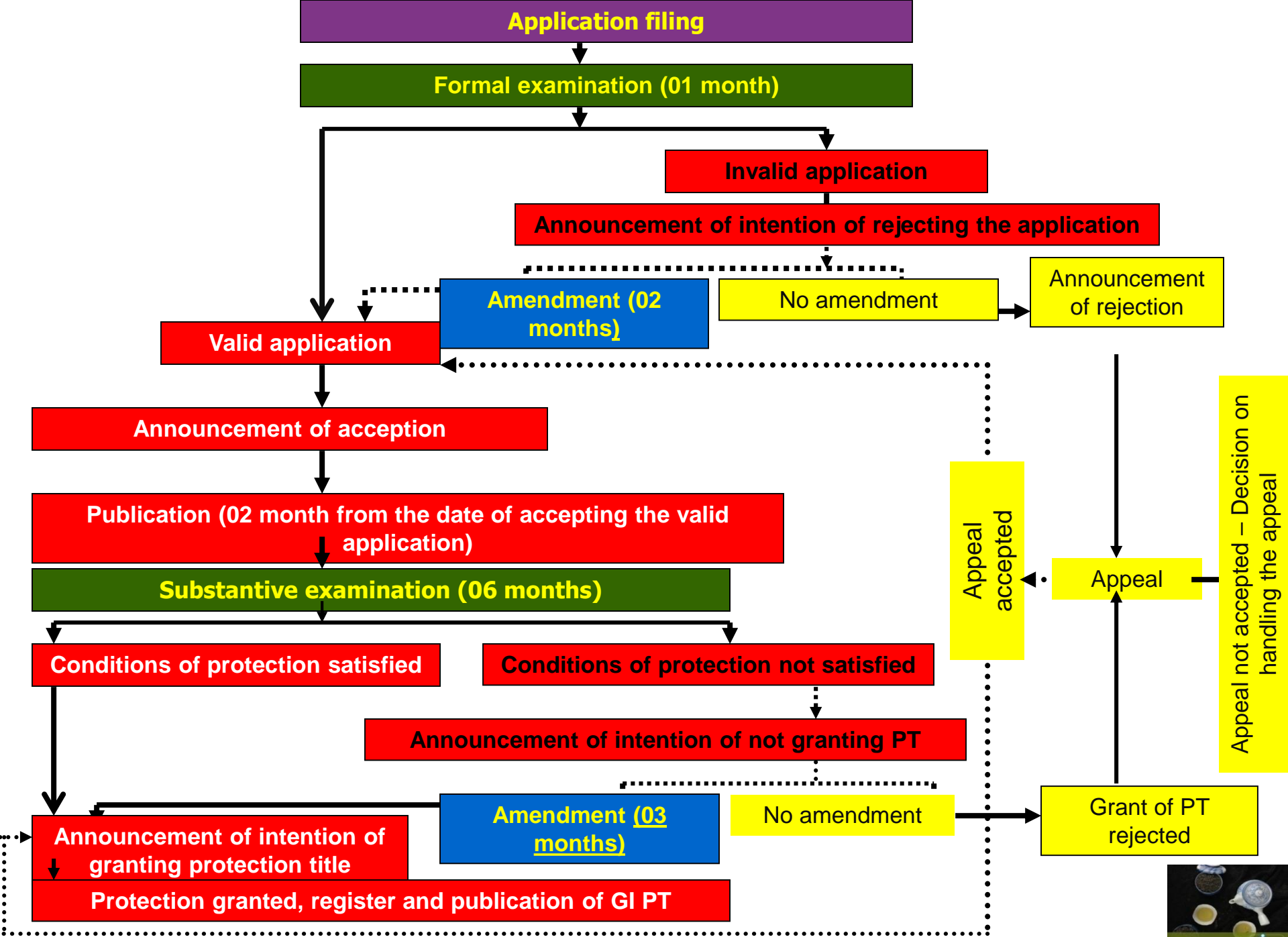
- MOST shall establish the rights for signs indicating geographical origin for local's specialties, traditional goods/services.
- People's Committees of provinces and municipals shall manage signs indicating geographical origin belonging to their localities.
- MARD, Ministry of Industry and Trade, Ministry of Culture, Sports and Tourism shall support People's Committees of provinces and municipals, etc.
- MOST, People's Committees of provinces and municipals, MARD, Ministry of Industry and Trade shall protect industrial property rights of protected signs indicating geographical origin.



Vietnam's legislation on GI

- Application form;
- Description of the product's characteristics/quality/reputation (including documents proving the basis and authenticity of the product's characteristics/quality/reputation);
- The map of the geographical area corresponding to the GI;
- Other documents (Consent of People's Committee of province/municipal, documents proving that the GI is protected in its country of origin, if such GI is a foreign one, Power of attorney in case the application is filed through a representative);
- Copy of voucher of payment (in case the filing fee was paid via postal or bank transfer service to IPVN).



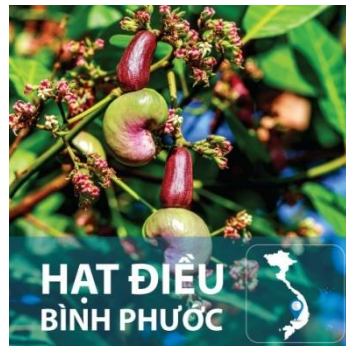


Part 2

Current situation of GI protection and management in Vietnam

2.1. Current situation of GI protection

2.2. Current situation of GI management



Part 2. Current situation of GI protection and management in Vietnam

2.1. Current situation of GI protection (as of 06 Sep. 2019)





1. Phú Quốc – Fish sauce	14. Hồng Dân – “Một bụi đỏ” rice
2. Mộc Châu – “Shan Tuyết” tea	15. Lục Ngạn – Lychee
3. Cognac – Spirit	16. Hòa Lộc – Mango
4. Buôn Ma Thuột – Coffee	17. Đại Hoàng – King’s banana
5. Đoan Hùng – Pomelo	18. Văn Yên – Cinnamon
6. Bình Thuận – Dragon fruit	19. Hậu Lộc– Shrimp sauce
7. Lạng Sơn – Star anise	20. Huế - Conical hat
8. Pisco – Spirit	21. Bắc Kạn – Seedless persimmon
9. Phan Thiết – Fish sauce	22. Phúc Trạch – Pomelo
10. Hải Hậu – “Tám xoan” rice	23. Scotch whisky – Spirit
11. Thanh Hà – Lychee	24. Tiên Lãng – Wild tobacco
12. Vinh – Orange	25. Bảy Núi – “Nàng Nhen” rice
13. Tân Cương – Tea	26. Trùng Khánh – Chestnut

Protected
GIs in
Vietnam
(as of
06 Sep
2019)





27. Bà Đen – Custard apple

40. Yên Tử – Yellow apricot blossom

28. Nga Sơn – Saltwater grass

41. Quảng Ninh – Clam

29. Trà My – Cinnamon

42. Isan Thái Lan – Silk

30. Ninh Thuận – Grape

43. Điện Biên – Rice

31. Tân Triều – Pomelo

44. Vĩnh Kim – Milk fruit

32. Bảo Lâm – Seedless persimmon

45. Quảng Trị – Pepper

33. Bắc Kạn – Mandarin

46. Cao Phong – Orange

34. Yên Châu – Mango

47. Vân Đồn – Peanut worm

35. Mèo Vạc – Peppermint honey

48. Long Khánh - Rambutan

36. Bình Minh – Pomelo

49. Ngọc Linh – Vietnamese Ginseng

37. Hạ Long – Cuttlefish paste

50. Vĩnh Bảo – Wild tobacco

38. Bạc Liêu – Salt

51. Thường Xuân – Cinnamon

39. Luận Văn – Pomelo



**Protected
GIs in
Vietnam
(as of
06 Sep
2019)**



52. Hà Giang – Orange

53. Kampong Speu – Palm sugar

54. Kampot – Pepper

55. Hưng Yên – Longan fruit

56. Quảng Bạ – Seedless persimmon

57. Xin Mần – “Già Dui” rice

58. Sơn La – Coffee

59. Ninh Thuận – Lamb meat

60. Thảm Dương – “Khẩu Tan Đón” rice

61. Mường Lò – Rice

62. Bến Tre – Green skin pomelo

63. Bến Tre – Green coconut

64. Bà Rịa Vũng Tàu – Black pepper

Protected
GIs in
Vietnam
(as of
06 Sep
2019)





65. Ô Loan – Blood clam

66. Bình Phước – Cashew nut

67. Ninh Bình – Goat meat

68. Cao Bằng – Tortoise-shell bamboo and Tortoise-shell bamboo mats

69. Hà Giang – “Shan tuyết” tea

70. Bà Rịa – Vũng Tàu – Golden pulp longan fruit

72. Hương Sơn – Deer antler

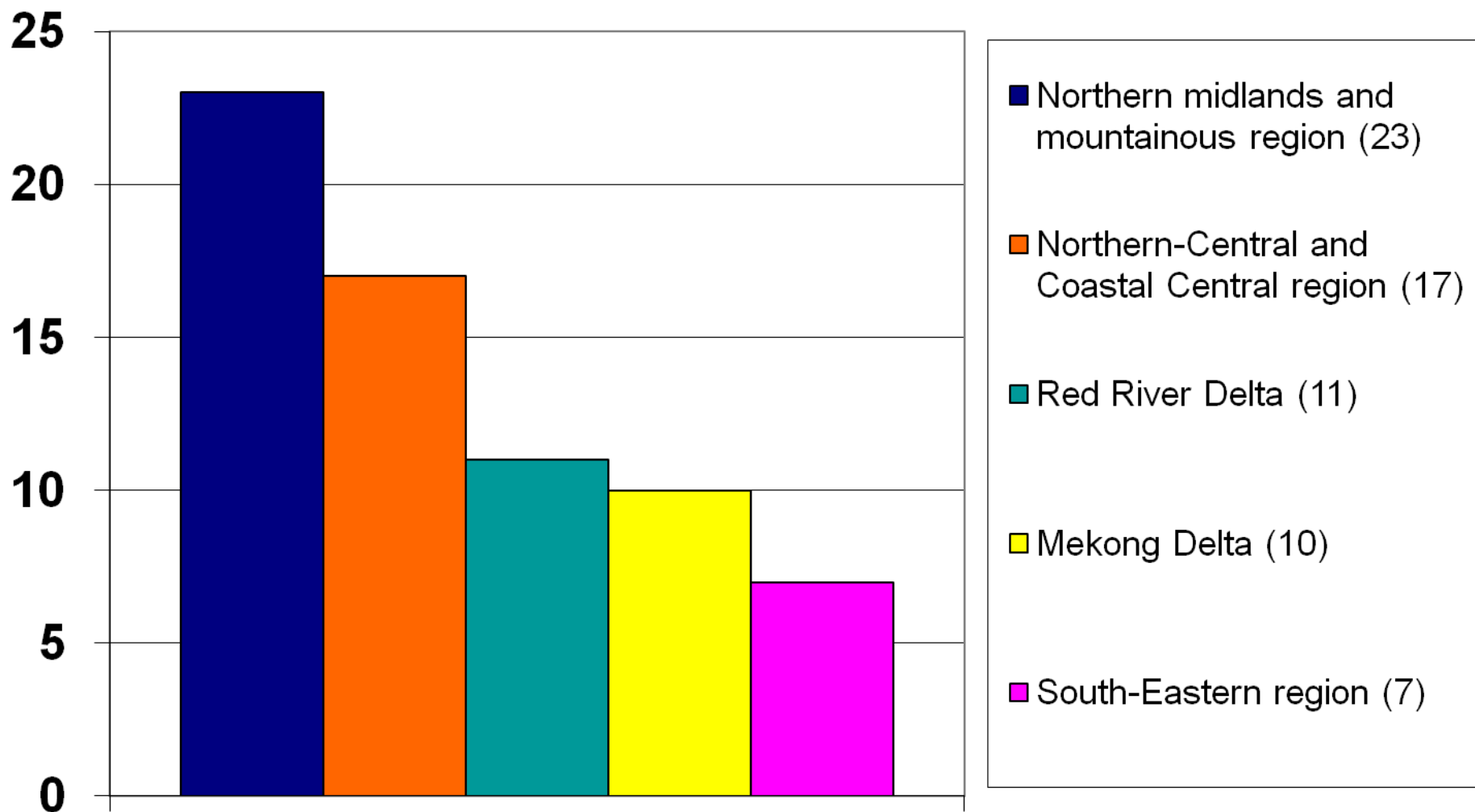
73. Hà Giang – Beef

74. Đồng Giao – Pineapple

75. Vĩnh Châu – Purple onion

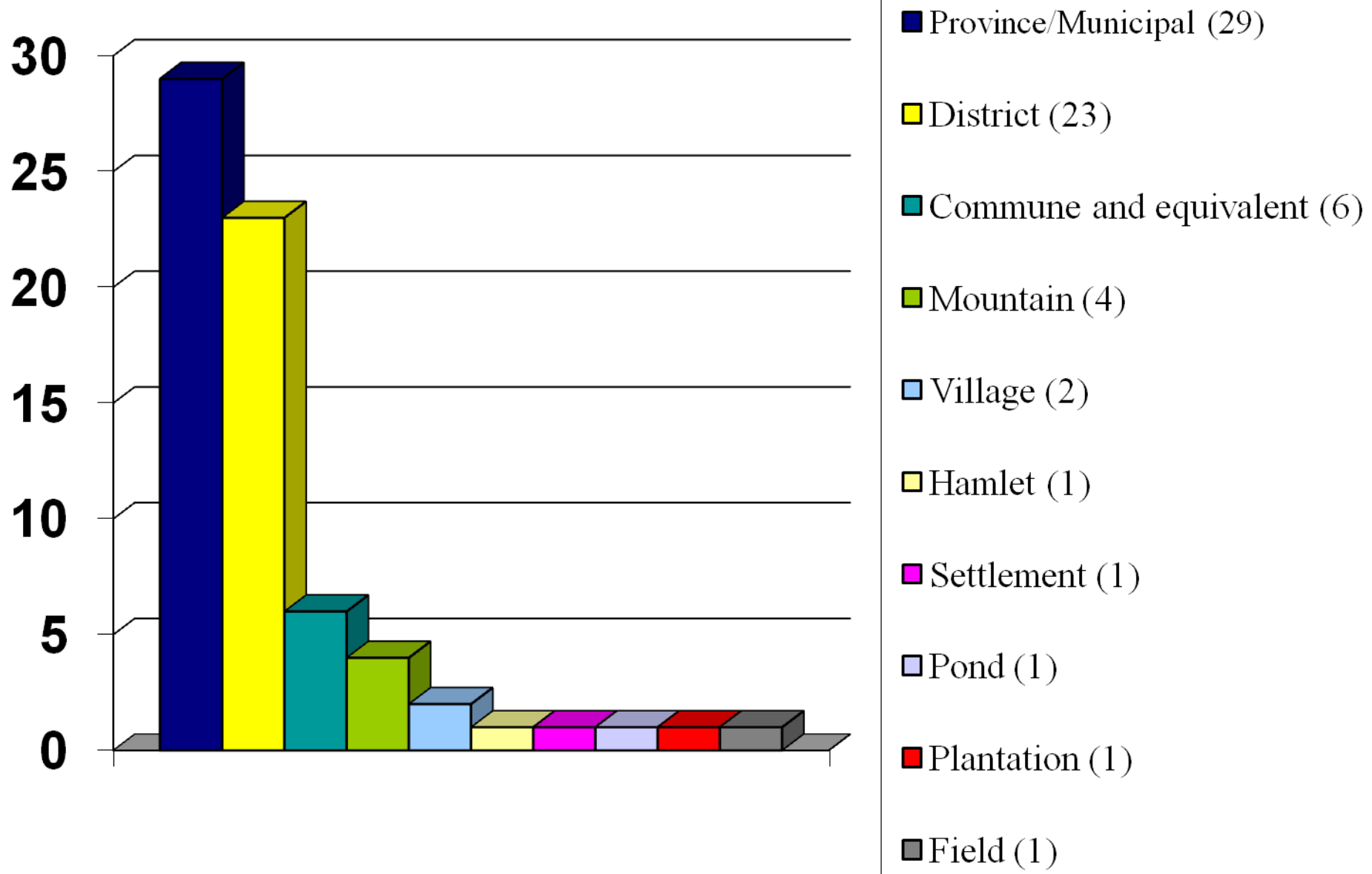
Protected
GIs in
Vietnam
(as of
06 Sep
2019)





GIs of Vietnam by regions

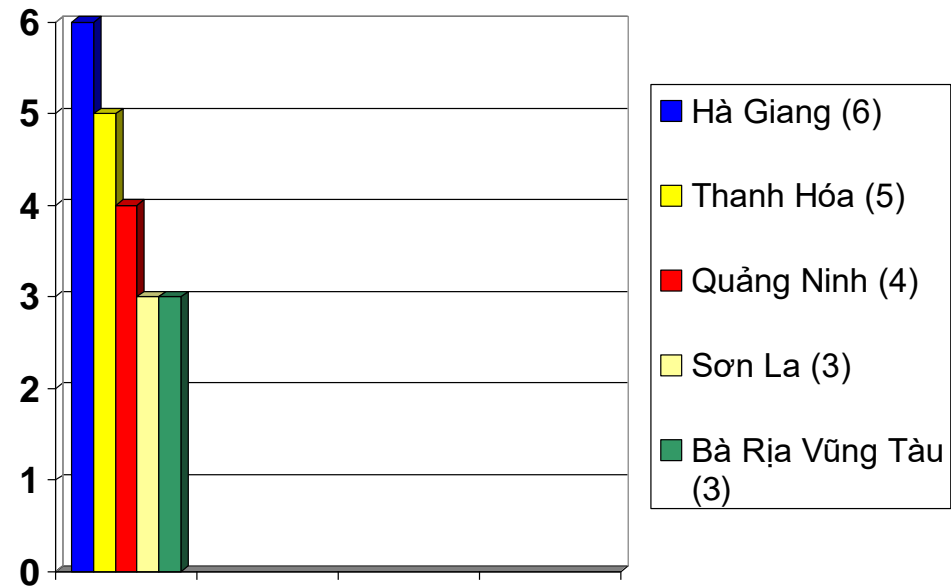
(as of 06 Sep. 2019)



Signs registered as GIs (*as of 06 Sep. 2019*)

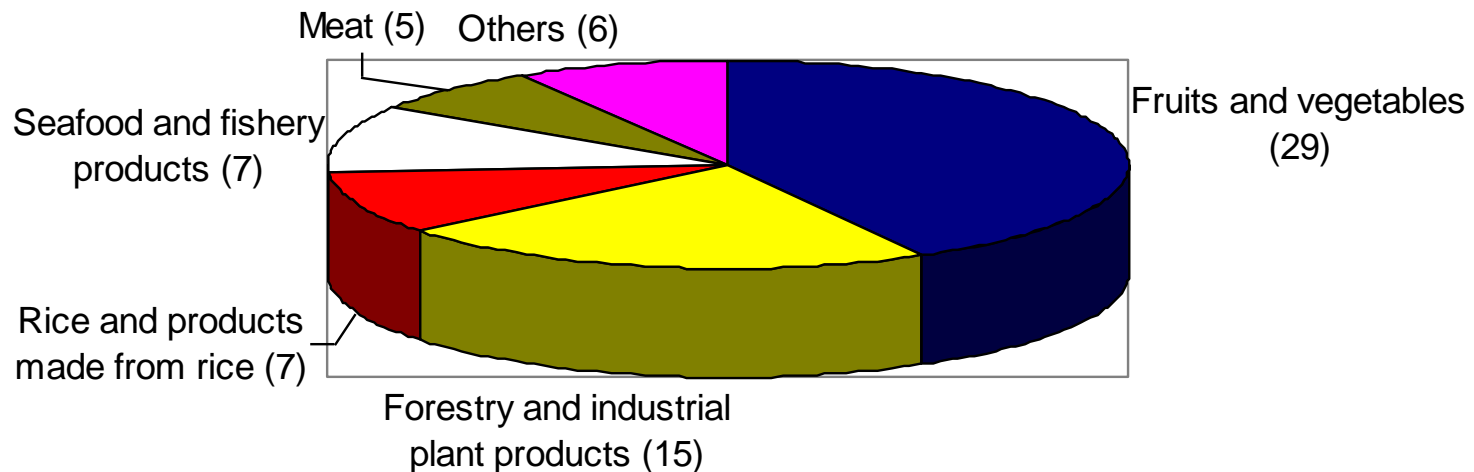
GIs by provinces

	Number of provinces/municipals that has GIs
01 GI	23
02 GI	13
More than 03 GI	05



- **13 provinces that have 02 GIs**: Cao Bằng, Bắc Kạn, Yên Bái, Lạng Sơn, Tiền Giang, Bến Tre, Bạc Liêu, Hải Phòng, Hà Tĩnh, Quảng Nam, Ninh Thuận, Bình Thuận, Đồng Nai.
- **23 provinces that have 01 GI**: Lào Cai, Thái Nguyên, Bắc Giang, Phú Thọ, Điện Biên, Hòa Bình, Kon Tum, Đắk Lắk, Vĩnh Long, An Giang, Kiên Giang, Sóc Trăng, Hải Dương, Hưng Yên, Hà Nam, Nam Định, Ninh Bình, Nghệ An, Quảng Trị, Thừa Thiên - Huế, Phú Yên, Bình Phước, Tây Ninh.

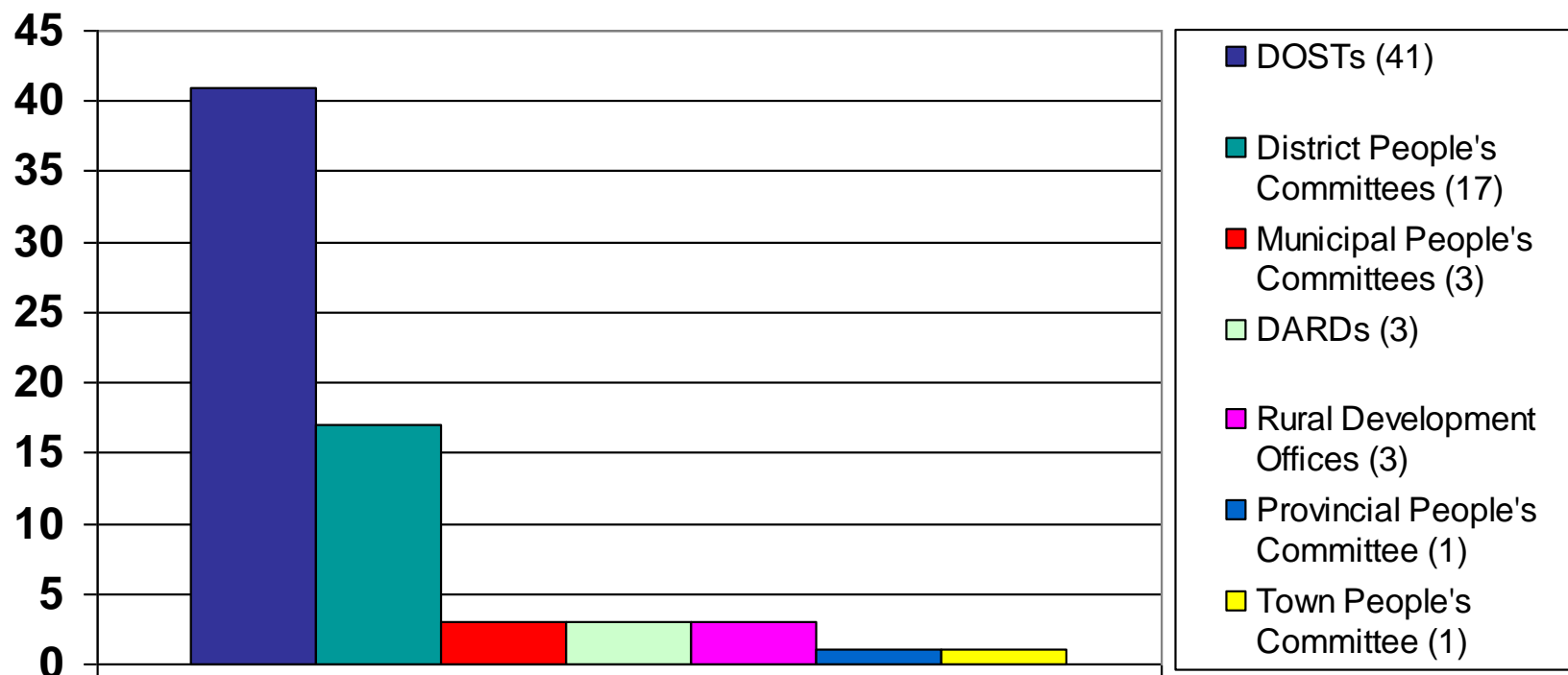
GIs by products



- Most of the GIs are raw and fresh products.
- Many protected products are ingredients: coffee, star anise, cinnamon...
- 06 non-food GIs: Tiên Lãng and Vĩnh Bảo tobacco, Nga Sơn saltwater grass, Huế conical hat, Yên Tử yellow apricot blossom, Cao Bằng tortoise-shell bamboo and tortoise-shell bamboo mat.

2.2 Current situation of GI management

(as of 06 Sep. 2019)



+ 35 Associations of GI product's producers, processors, traders



Models of managing GIs in Vietnam are diverse

Part 3

Trade promotion for GI

3.1. Impact of GI protection

3.2. GI registration in foreign countries

3.3. Challenges in GI development



Part 3. Trade promotion for GI

3.1. *Impact of GI protection*

Enhance the perception and promote investment of resources

- GI has had a positive impact on the perception, attention and investment of resources from the localities.
- GI has had a clear impact on the perception and attention of enterprises and local people to the production and development of the product on the market. Fairs for GI products were held.



Part 3. Trade promotion for GI

3.1. *Impact of GI protection (cont.)*

- Improve the value and price of the products

Quality and signs of origin-tracing are sought for.

Price of GI products increased by 20-100%, e.g.:

- Price for Cao Phong orange nearly doubled;
- Price for Mèo Vạc peppermint honey increased by 75-80%;
- Price for Phú Quốc fish sauce increased by 30-50%;
- Price for Đại Hoàng King's banana increased by 100 - 130%;

Part 3. Trade promotion for GI

3.1. *Impact of GI protection (cont.)*

- Price for Phúc Trạch pomelo increased by 10-15%;
- Price for Luận Văn pomelo (Thanh Hóa province) increased by 3,5 times comparing to pre-protection,
- Price for Vinh orange increased by over 50% after the GI is registered and managed;
- Mộc Châu “Shan tuyết” tea bearing the GI mark are sold at a 1,7 times higher price than the same product not bearing GI mark;
- Tân Cương tea bearing the GI mark are sold at a 1,5 times higher price than the same product not bearing GI mark. In particular, the GI stamp system is utilised effectively by Hoàng Bình tea company (*a major tea company of Thái Nguyên province*).
- Lục Ngạn lychee is considered a role model for the combination between science and technology activities and production and development of GI product.

Part 3. Trade promotion for GI

3.1. Impact of GI protection (cont.)



Support for production and market expansion

- Groups such as consortiums/associations were formed to participate in the production and market regulating.
- The market is better regulated, fake and counterfeited products are decreased

Gradually expand the export to the global value chain

- Many GI products are exported, such as: Phú Quốc fish sauce, Thanh Hà lychee, Hòa Lộc mango, etc.



Part 3. Trade promotion for GI

3.2. *GI registration in foreign countries*

- Direct registration: 04 GIs are protected in foreign countries (03 GIs in Thailand, 01 GI in the EU);
- Protection via FTA: 39 Vietnamese GIs shall be protected by the European Union once the EU – Vietnam Free Trade Agreement is in effect.
- Direct registration with bilateral cooperation: 03 GIs (Lục Ngạn lychee, Buôn Ma Thuột coffee, and Bình Thuận dragon fruit) are under registration process in Nhật in accordance with the MOU between Vietnam and Japan on GI.



Part 3. Trade promotion for GI

3.3. Challenges in GI development

- Imperfect policy, especially at local levels.
- Limited resources for management and control of GI.
- Limited participation of businesses in the market and distribution promotion.
- GI is not fully recognised and prioritised by consumers.



Part 3. Trade promotion for GI

3.3. *Challenges in GI development (cont.)*

- GI producers and traders are not fully committed to the protection of their products' reputation;
- Small scale production and scattered geographical areas resulting in inconsistent products;
- The lack of experience, human resource and expertise in control and verification of product;
- Challenges in the organisation and human resource for the establishment of consortiums and associations.



Part 4. Solutions for the near future

Institutional and policy solutions

- Continue perfecting the national legal system, focusing on the management and use of GI.
- Perfecting regulations on GI management models: promote the role of groups of producers/traders in the management and quality control of GI products.

Solutions for production and market development for GI products

- Introduce and promote GIs to consumers, making GI to become a recognised sign on the market.
- Manage and develop GIs based on the participation of businesses and value chain link.
- Enhance the management and handling of infringements on GIs on the market.



THANK YOU VERY MUCH

