Geographical Indications Protection & Promotion in Malaysia

Mr. Ryzul Osman Basah Senior Assistant Intellectual Property Officer Trademark & Geographical Division Intellectual Property Corporation of Malaysia



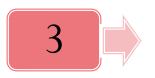
CONTENT



Overview About Malaysia



Overview of GI in Malaysia



Registered GI in Malaysia





GI Statistic



Overview About MALAYSIA

About Malaysia

- Federal constitutional monarchy with two legislative houses
- ✤ Capital: Kuala Lumpur
- ✤ Population: 2018 est.) 32,456,000
- ✤ Area 330,345 SQ KM
- Major language: Bahasa Malaysia, English,Mandarin,Tamil
- Major religions: Islam ,Buddhist, Hindu ,Christian
- Life expectancy 72.7years (men),77.6 years (women)
- Currency: Ringgit



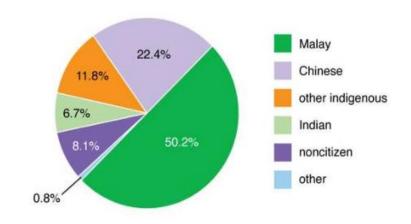


CULTURE, ETHNIC AND GEOGRAPHY

- Geographically, Malaysia is almost as diverse as its culture. 11 states and 2 federal territories (Kuala Lumpur and Putrajaya) form Peninsular Malaysia which is separated by the South China Sea from East Malaysia which includes the 2 states (Sabah and Sarawak on the island of Borneo) and a third federal territory, the island of Labuan
- The population of Malaysia consists of main ethnic groups-Malays, three Chinese. Indian. Estimates for 2011 reported the following distribution: Malays and other indigenous groups (Bumiputras), 62%; Chinese, 22.4%; persons of Indian descent, 6.7%; and other groups, 8.9%.. The indigenous groups on the peninsula are collectively called the Orang Asli (aborigines)and number about 50.000.

 About half of Sarawak's residents; the largest indigenous group consists of the Sea Dayaks, or Ibans, followed by the Land Dayaks, or Bidayuh. The majority of Sabah's population consists of indigenous peoples, principally Kadazans, Bajaus, and Muruts. The balance is dominated by Chinese.

Ethnic composition (2011)



© Encyclopædia Britannica, Inc.

Malaysia: Ethnic composition



Overview of Geographical Indication (GI) in Malaysia



LEGAL SYSTEM

Sui Generis Law And Geographical Indication (GI) Act 2000 enacted on 15 June 2000 and enforced on 15 August 2001



DEFINITION OF GEOGRAPHICAL INDICATION

"indications which identify a good as originating in the territory of a Member, or a region or locality in that territory.

MADE IN MALAYSIA OR MADE IN CHINA?



GEOGRAPHICAL INDICATION (GI) IN MALAYSIA

GI is a geographic term used in relation to a product to indicate:

- its place or area of origin;
- qualities and characteristics of the product; and
- those qualities and characteristics are due to the geographical and human characteristics of the place of origin



GEOGRAPHICAL INDICATION (GI) IN MALAYSIA

TRADEMARKS

INDIVIDUAL RIGHTS

USED BY ONE ENTERPRISE

RENEWAL

TRANSFERABLE

IDENTIFY PRODUCTS OF ENTERPRISES **GEOGRAPHICAL INDICATIONS**

COMMUNITY RIGHTS

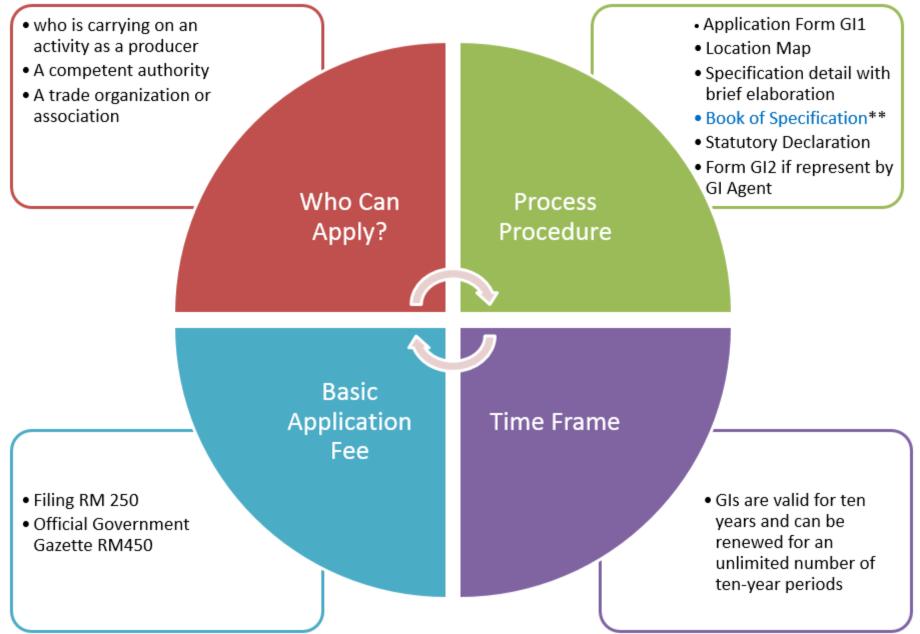
USED BY THE PRODUCERS IN THE PLACE OF ORIGIN

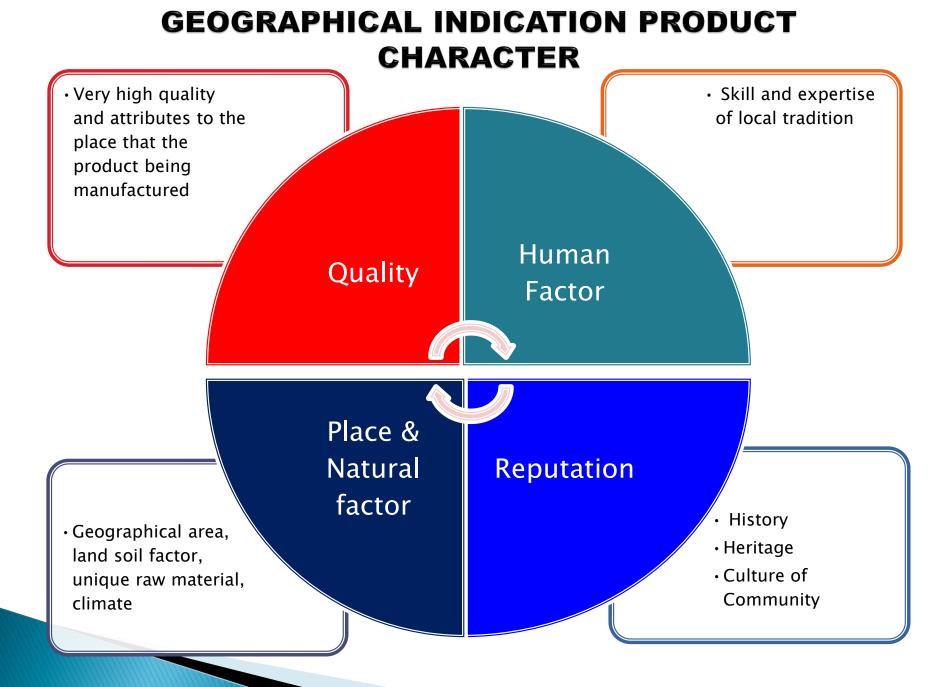
UNLIMITED DURATION

INCAPABLE OF BEING TRANSFERRED

INDICATE QUALITY OF PRODUCTS LINKED TO THE GEOGRAPHICAL AREAS

GI Registration System







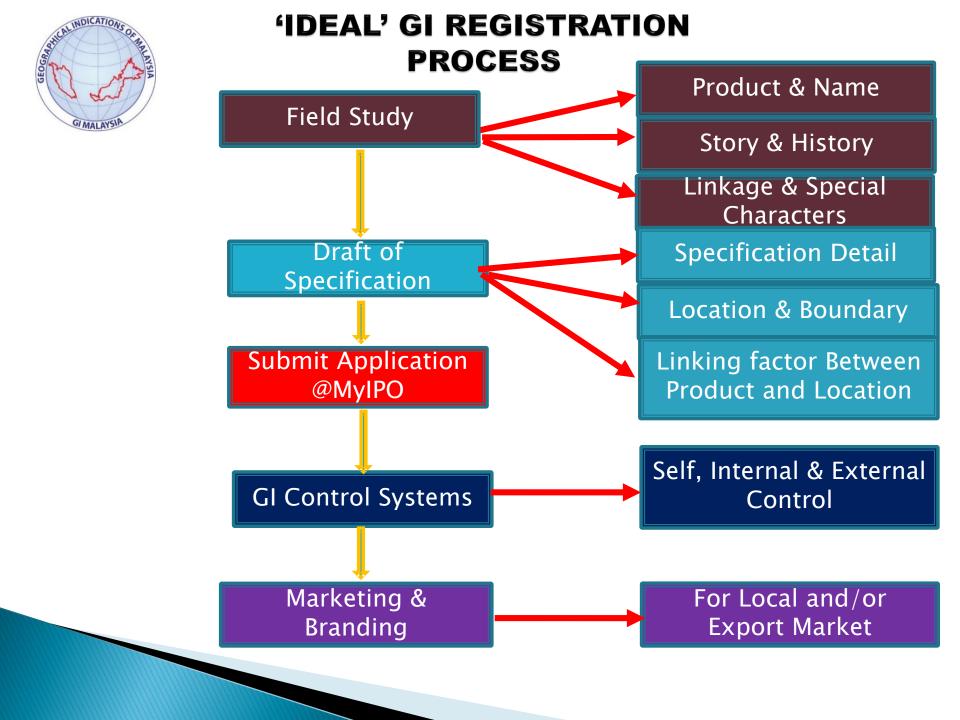
GEOGRAPHICAL INDICATION 3 MAIN FACTORS

Origin	 Derived from the name of the place e.g: Sabah, Sarawak, California, Swiss
Special Attributes	 The quality, reputation or other characteristic of the goods e.g: fine finishing, good craftsmanship, superior quality, pesticide free
Linking Factor	 Essentially attributable to the geographical origin e.g: climate, soil, traditional method in manufacturing the goods



CLASS OF GOODS







AFFILIATION VS INDIVIDUAL OWNERSHIP

Registration of GI is based on an affiliation ownership and not an individual ownership concept

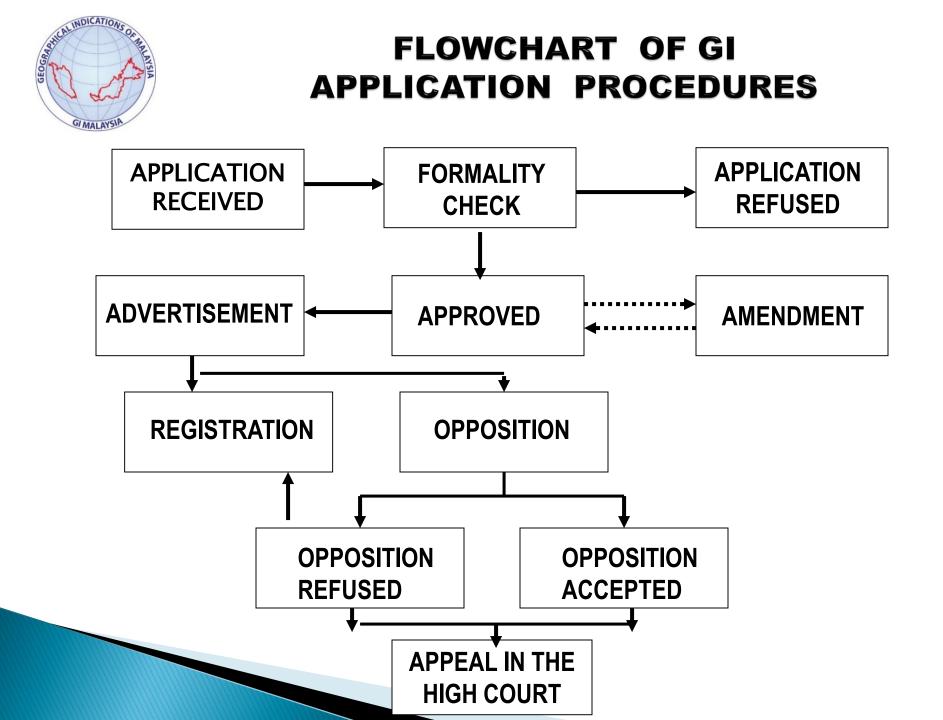


FOREIGN GI REGISTRATION

- 1. Must be explicit evidence that such geographical indication is protected under the law of such country
- 2. Has been used continuously until the date of filing an application for registration in MALAYSIA

GI PROTECTION







GI PROTECTION ADDRESSED BY THE FOLLOWING RELEVANT INTERNATIONAL TREATIES:

- PARIS CONVENTION 1883- for the protection of Industrial Property
- MADRID AGREEMENT 1891 ON FALSE DESIGNATIONS OF ORIGIN- for repression of false or deceptive indication of source of goods
 - LISBON AGREEMENT 1958 ON APPELLATIONS OF ORIGIN- protection of appellation of origin
 - TRIPS AGREEMENT: ARTICLES 22 TO 24



CRITERIA THAT DO NOT CORRESPOND TO THE MEANING OF "GEOGRAPHICAL INDICATIONS", IF

- Contrary to public order or morality;
- Which are not or have ceased to be protected in their country or territory of origin; or
- Fallen into disuse in their country or territory of origin



OPTIONS FOR PROTECTION

- Action for unfair competition or misleading and deceptive conduct in trade (common law or statute)
- Registration as a certification (or collective) mark
- Registration as a 'registered GI'



INSTITUTION OF PROCEEDINGS FOR INJUNCTION AND DAMAGES

- Any interested person may institute proceedings in the Court for injunction and damages (S.5 GI Act 2000). The 'interested person' refers to any of the persons specified in S.11 GI Act 2000.
- 2. The court may grant an injunction to prevent any unlawful use of the geographical indication and award any damages and any other legal remedy or relief as it deems fit.



GEOGRAPHICAL INDICATION CERTIFICATE



Perbadanan Harta Intelek Malaysia Diperbadankan Intellectual Property Corporation of Malaysia GEOGRAPHICAL INDICATIONS ACT 2000 GEOGRAPHICAL INDICATIONS REGULATIONS 2001 CERTIFICATE OF REGISTRATION [Section 19 and Regulation 29] **TENOM COFFEE** Geographical Indications No : GI06-00005 : 3 Name of Registered Proprietor : Yit Foh Coffee Factory Sdn. Bhd. : 1st day of November 2006 : 31st day of October 2016 : In respect of the following goods COFFEE POWDER, COFFEE SACHETS, ROASTED COFFEE BEANS AND OTHER COFFEE PRODUCT Quality, Reputation or Other Characteristic Coffer in Holevent to be originated from the registed errors in Hybride Continuents and Robents coffer one and, brenght to Robents in the Hybride Schule Sch Even though Malaysia is located in the world coffee belt area, while as compare to other places or regions in Sabah, Tenom provides the suitable cli two mongh Matayian teciate in the work cogress there, while accomparise in the places or regions in stability, terms prevale the summer contrast and been beening for the groups of Cogffer Comparison? To use the cogffer clorents are placet the cogffer clorents are majored and string say immediately and summer natural directivatifies method ac complex thil drings up. The effect clorents are placet been in the contrast contrast of stability on the strand method. The strand contrast is the contrast of the contrast of the contrast of the strand contrast of stability from the strand method. The contrast directivate for balance the contrast of the contrast of the contrast contrast from the strand method. The contrast directivate of resulting effect been are than effect the strand from the strand contrast, and and and and and and frame result attention of the effect been (1997) for effect the strand from the strand contrast of the strand effect the strand frame effect been and from tended (1997). The strand frame effect been and from tended the strand effect the strand effect being (1997) and (19 Tenom Coffee has been recognized and has gained goodwill for Malaysia as one of the higher quality coffee. It is fresh, no artificial, no coloring and yet has the most filtely rotated, aromatic, unique and good taxie of local coffee. As Tenom Coffee is produced locally in Tenom, Sabah, Malaysian Borneo, the Muthentic Barneo Taste', Tenom Coffee will give you the ultimate taste of coffee.



CANCELLATION AND RECTIFICATION OF REGISTRATION

Any interested person may request for cancellation of GI registration based on S.22 GI Act 2000.

- However, request for rectification of GI registration can only be made on the ground that the geographical area specified in the Registration does not correspond to the GI, or
 - The quality, reputation or other characteristic of such product is missing or unsatisfactory.

COMMERCIALIZATION OF GI





Malaysia GI Symbol

GI producer must possess ;

- Working Manual

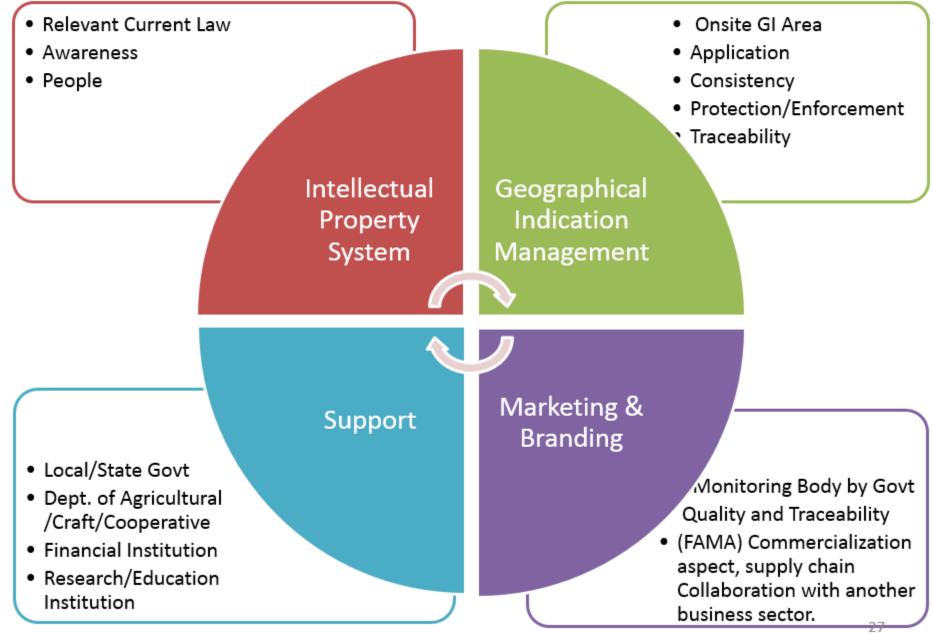
- Internal Control Plan to ensure compliance with the establish criteria

Who can use GI symbol?

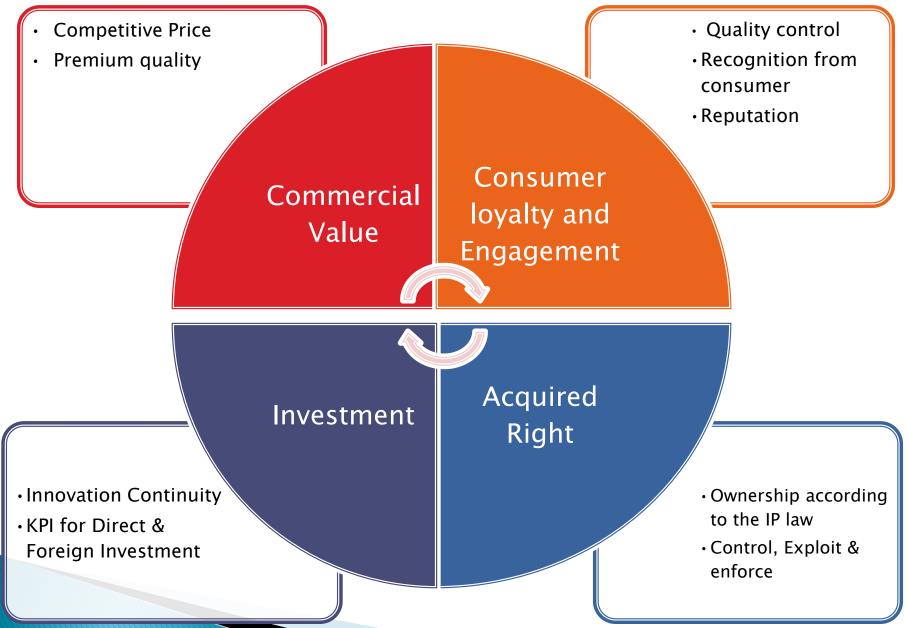
Producers of the goods in the geographical origin of the goods and

Traders related to the goods (subject the origin of the goods and got permit by the Registered GI right holder)

HOLISTIC GI SYSTEM



COMMERCIALIZATION & ECONOMY IMPACT





BENEFITS FOR LOCAL COMMUNITY

Corporation Between Producer

Sharing Information, Knowledge

Maintain Consumer Protection

Develop an community economy ecosystem. Example 'One Village One Product'.



BENEFITS FOR LOCAL COMMUNITY

Added Value Eco Tourism

Maintain the Traditional knowledge and Biodiversity

Create Job Opportunity

Maintain Local Economy Chain

CURRENT INITIATIVE FOR GI IN MALAYSIA





1. AMENDMENT of GI ACT





2. BOOK OF SPECIFICATION

Content of Specification

- Choice of the name
- Description of the product
- Definition of the geographical area
- Description of the method of production
- Link between the product and the geographical origin
- Control mechanisms
- Traceability/labelling



3. ONLINE REGISTRATION FOR GI VIA SPHI



GEOGRAPHICAL INDICATION

A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin.



NEW INITIATIVE FOR GI IN MALAYSIA





1. PRE-REGISTRATION ACTIVITIES

Filed studies



Registration Process

Workshop for B.O.S



Manual Update







2. MECHANISMS FOR CONTROL AND TRACEABILITY SYSTEM



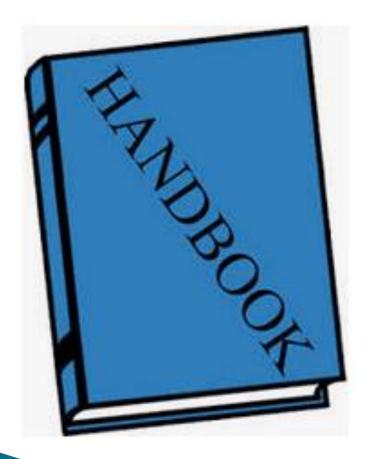


3. MYG.I EU REGISTRATION





4. MALAYSIA REGISTERED GI HANDBOOK, GI REGISTRATION & OPERATIONAL MANUAL



GUIDE TO GEOGRAPHICAL INDICATIONS

LINKING PRODUCTS AND THEIR ORIGINS



Daniele Giovannucci - Tim Josling - William Kerr - Bernard O'Connor - May T. Yeung



5. MARKETING & BRANDING PROJECT FOR GI (LOCAL & OVERSEA MARKET)

Mekartani	
"Citarasa tradisi, sentiasa di hati"	
Kuih Lidah (Kuih Tiram	,
Perasa kacang hijau	
Lamburger and	
Castorgan Haungan	
200 g	7111

Start small with RM 130 as capital. 7 hardworking entrepreneurs. Sales on 2011: RM 215,607 Global market including Middle East, China & Singapore.

MALAYSIA REGISTERED GI





REGISTERED GI IN SARAWAK







Beras Bario



lkan Empurau



Pua Kumbu



REGISTERED GI IN SABAH









Sabah Tea Tenom Coffee Sabah Batik Sabah Seaweed



REGISTERED GI IN MALAYSIA







LIST OF MALAYSIA GI's







Mangga Harum Manis Perlis



Musang King





GI STATISTIC

Application and Registration of Geographical Indications from 2003 to June 2019

YEAR	APPLICATION			REGISTRATION		
	Malaysia	Foreign	Total	Malaysia	Foreign	Total
TOTAL	115	13	128	77	7	84



LIST OF MALAYSIA GI's

1 Sarawak Pepper
2 Sabah Tea
3 Borneo Virgin Coconut Oil
4 <u>Tenom</u> Coffee
5 Sabah Seaweed
6 Bario Rice
7 <u>Buah Limau</u> Bali Sungai <u>Gedung</u>
8 Pisco
9 Scotch Whisky
10 Sarawak <u>Beras Biris</u>
11 Sarawak <u>Beras Bajong</u>
12 Kuih Lidah Kampung Berundong Papar
13 <u>Tambunan</u> Ginger
14 Sarawak Sour Eggplant
15 Sarawak Layered Cake
16 Sarawak <u>Dabai</u>
17 Cognac
18 Parmigiano Reggiano
19 Langkawi Cheese
20 Sarawak Litsea
21 Mangga Harumanis Perlis
22 Champagne
23 <u>Belaçan</u> Bintulu
24 <u>Sesar Unjur</u> Sarawak
25 <u>Umai</u> Sarawak
26 <u>Tenun</u> Pahang <u>Diraja</u>

27 <u>Biskut</u> Dan San Sungai <u>Lembing</u>	54 Kuih Cincin Kampung Melugus Papar			
28 Kacang Goreng Sempalit	55 Barolo			
29 Gaharu Gopeng	56 Tequila			
30 Songket Terengganu	57 Balung Lemongrass Tea			
31 Songket Melaka	0000000			
32 Isau Sarawak	58 <u>Ikan Empurau</u> Sarawak 59 <u>Ikan Puput</u> Sarawak			
33 Durian Nyekak Sarawak				
34 Ikan Terubok Mulut Besar Sarawak	60 Sarawak Tapioca			
35 Halia Bentong	61 Sarawak Sago			
36 Kayu Manis Keningau	62 Durian <u>Balik Pulau</u>			
37 Tuhau Tambunan	63 <u>Kasut Manik M</u> elaka 64 Kebaya <u>Nyonya</u> Melaka 65 <u>Anggur Tasik Beris</u> 66 <u>Tenunan Iranun, Kota Belud</u> 67 <u>Parang Berukir, Kota Belud</u> 68 <u>Rinago, Kudat</u>			
38 Sabah Batik				
39 Kelarai, Ulu Tomani Tenom				
40 Batik Terengganu				
41 Tembaga Ladang				
42 Ukiran Kayu Besut				
43 Keropok Losong	69 Pinakol, Kudat			
44 Keropok Lekor Terengganu	70 Gong <u>Matunggong</u> , <u>Kudat</u>			
45 Bot Pulau Duyong	71 Asam Pedas Melaka			
46 Nasi Dagang Terengganu	72 Dodol Melaka			
47 Malaysia Durian Musang King	73 Tawau Koko			
48 Belacan Sibuti	74 Liking Kota <u>Belud</u>			
49 Buah Tarap, Sibuti (Buah Lomak)	75 Beca Berhias Melaka			
	76 Inavol Rungus, Kudat			
50 Daun Sabong, Sibuti (Daun Bagok)	77 Sarawak Adenosma			
51 Timun Dayak Sibuti	78 Ikan Tabai Lawas			
52 Sarawak <u>Midin</u>	79 Pala Balik Pulau			
53 Kayu Hujan Panas Sibuti	80 Penjaram Kota Belud			

81 Arbil Kuala <u>Penyu</u> 82 <u>Kolupis</u> Sabah 83 <u>Piyutu</u> Sandakan

84 Madu Kelulut Lundu



GI REGISTRATION IN PROGRESS

Sulaman Keringkam Sarawak



Tekat Benang Emas



Songket Gedong



GI REGISTRATION IN PROGRESS

Gambus Johor





Labu Pulau Tiga



Babeh Lundayeh Sipitang



THE BORNEO POST Tuesday, December 1, 2009 HOME

Protecting state's rice brand names

By Lim How Pim

KUCHING: Sarawak's Beras Badong' and 'Beras Birls' are expected to receive the <u>Geographical</u> Indications (GI) Certificate of Registration from the Intellectual Property Corporation of Malaysia (MyIPO) in April next year.

With the certification, the brand names of local rice, like 'Barion Rice', will be protected and therefore cannot be used on similar rice grown outside the state. 'Bario Rice' is among the

firststxproductsgranied the GI certification across the country in April this year. The other products are Sarawak Pepper, Sabah Tea, Tenom Coffee, Borneo Virgin Coconut Oil and

Sabah Seaweed. Recently, 'Buah Limau Bali' was added to the list. 'Beras Bajong' is a fragrant

rice variety planted by the traditional rice farmers of Lubok Nibong in Botong. It is a traditional tall variety that is photoperiod conference here yesterday, Deputy Chief Minister Dutuk Patinggi Tan Sri Dr George Chan said GI protection would provide entrepreneurs donsumers the assurance of authenticity and consistent product quality.

"Beras Bajong' and "Beras Birts" were two very promising rice varieties, he said, adding that the Department of Agriculture, would - concentrate on certification of rice and later expand to vegetables and fruits. Dr Chan, who is

Dr Chan, who is Modernisationof Agriculture Minister, pointed out that Gi protection would boost the country's image and the location's visibility via 'GI tourism' such as promoting GI location as a tourist destination.

"GI protection will add value to products and effectively increasefarmers' income and inadvertently create greater demands for our exotic rice varieties at home and abroad," he said.



QUALITY ASSURED: Director of Agriculture Department Paul Vincent (second right) presents the Geographical Indications (GI) Certificate of Registration for 'Barlo Rice' to Dr Chan as others look on.

G1 protection will add value to products and effectively increase farmers' income and inadvertently create greater demands for our exotic rice varieties at home and abroad. production of 'Bario Rice' following enhanced planting techniques and irrigation system. Todate, the state produces 480 metric tonnes of 'Bario While assuring that the certification would not cause any hike in the price of the product, he said the price would be reviewed once it became an organic

Bario rice gets legal protection

By Desmond Davidson

KUCHING: Sarawak's Adan padi, more famously known as the Bario rice, is now a protocted variety.

The Intellectual Property Corporation of Malaysia (MyIPO) has awarded this traditional Sarawak rice the certification of geographical indication (CB).

This means no rice of the Adam variety grown outside the Kelabit highland in the Limbong Division of Sarawak can be called Bario rice.

Also, from January next

year, all Bario rice grown in the Kelnhit highland will carry the GI labelling — à quality assurance for consumers that the rice they are buying is "of pure quality" from the highhands.

Deputy Chief Minister Tan Sri Dr George Chan suid the GI protection only applied to products that originated from a specific geographical location which possessed consistent quality, authenticity, reputation, consumer loyalty and price preculum.

He said this after receiving the GI certification from MyIPO at his office in Wisian Bapa here yesterday.

"The certification of geographical indication is a form of intellectual property right. It not only protects growers but also entrepresents and consumers.

"Gongraphical indications are valuable to producers for the same reason as a tradomark," said Dr Chan, who is the outgoing Minister of Moderaisation of Agriculture.

He hands over the state ministry to the state's second deputy chief minister Tan Sri Alfred Jahu today

Bario rice is among six products to receive the GI reg-

istration cortilicate this year. The other products that have received the G cortilication are Surawak pepper. Salah tea, Tesson coffee, Borneo virgla coronat off and Salah seaweed.

With an annual production of only 480 tonnes, Bario rice, which is known for its soft and slightly sticky texture when cooked, fotches a premium price.

In Kaching, the Bario rice is sold at RM10 to RM15 per kg.

Planted on 240ha more than 1,000 metres above sea level, the rice takes about six months to mavaro, 0raly one

crop can be planted a year. Dr Chun said more highland

formers would be encouraged to plant the rice "organically". The first horvest of organi-

cally planted Barto rice is expected in January Water huffaloes are still in widespread use and herbicides and pesticides, which are expensive, are sparingly used.

The Department of Agriculture has also submitted another two traditional Sarawak rice varieties, the "Beras Bajong" and the "Beras Biris" for GL cortification. The certifications are expected in April next year. The Beras Bajong is a fragrant rice variety planted by the traditional rice farmers of Lubok Nibung in the Beiung division of the state.

The rice is sold as semi-polished rice and is glossy and tender in texture and highly fragrant when cooked.

The Beras Biris originates from the Sumarjan area of the Samarahan Ottision. It is also a fragrant rice and is commonly known as Beras Wangi Simurjan.

When cooked, Beras Biris has a smooth texture and the grains are soft and slightly slicky.



Get high on coffee at Kopi Tenom Festival



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TENOM, Nov 13, 2014:

Its aroma is fragrant. Its taste is enticing. That is the general experience when visiting the Yit Foh Coffee Factory here.

The factory is one of the producers of Kopi Tenom.

It has been operating since 1960 and is still employing the traditional way of producing coffee - by roasting the beans over wood fire.

"This method is best in bringing out the true aroma of coffee," said its factory manager, Alex Yong, when met by Bernama at the factory in Kampung Chintamata, 3km from Tenom town.

Alex, who inherited the family business, opened up a new factory in 1993 and is now working at expanding the market for his products globally.

Making coffee starts with the process of sun-drying coffee cherries for 14 days.



Daily Express 68 Established since 1963

Home Sabah National Business Sport Features

Govt supports UMS' research development of seaweed

Published on: Tuesday, November 04, 2014

Email to a friend Printer Friendly

KOTA KINABALU: The State government supports Universiti Malaysia Sabah (UMS) through its Seaweed Research Unit (UPRL) in the research development of seaweed to boost the State's economy and eradicate poverty.

Agriculture and Food Industries Assistant Minister Datuk Sairin Karno, said this is because higher public institutions play an important role in producing knowledgeable future generations to be involved in the seaweed industry.

"The research and development of the product will not only increase the productivity but also to improve the cost efficiency to fulfil local as well as the global market needs," he said when launching the UMS Seaweed Showcase 2014 at the university's Chancellor Hall here, Monday.

Sabah, he explained, is well known for its waters being suitable for the varieties of seaweed such as the red seaweed (Kappaphycus alvarezii) and green seaweed (Cauler palentillifera).

Therefore, Sairin said because the East Coast of Sabah has been identified as the best waters for the seaweed industry, it is recognised as an Aquaculture Seaweed Industry Zone.

He stated that seaweed products have a wide market in terms of manufacturing food based and non-food based products.

"The seaweed industry is expected to be developed in the 10th Malaysia Plan (10MP). The Nation's Agrofood Policy 2011-2020 has identified seaweed as one of the fishery commodities that should be increased.

"Seaweed production is expected to increase up to 900,000 metric tonnes with the export value of dry seaweed and carrageenan worth about RM1.4 billion in year 2020," he said, adding that Australia, Canada and Japan are the main imports of dry seaweed.

The Agriculture and Agrobased Industry Ministry has taken a strategic approach to upgrade the small scale group of seaweed cultivators into clusters through the provision of proper facilities that can create a more conducive and safer working environment.

Meanwhile, UMS Vice Chancellor, Professor Datuk Dr. Mohd Harun Abdullah said the university has been involved in the research of seaweed since 1998 through the Hardcore Poor Housing project (PPRT) in Pulau Bangi.





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