



Promoting Intellectual  
Property Rights in the  
ASEAN Region

# INTRODUCTION TO GI PRODUCT SPECIFICATION

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Bandung, 23 November 2021



Funded by the European Union



This Project is funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

## DEFINITION OF GEOGRAPHICAL INDICATION (GI)

### Article 22 (1) of TRIPs Agreement

“ ... indication which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. “

### Article 2 (1) (ii) of Geneva Act of the Lisbon Agreement 2015

“ ... any indication protected in the Contracting Party of Origin consisting of or containing the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”

## DEFINITION OF APPELLATION OF ORIGIN (AO)

### Article 2 (1) (i) of Geneva Act of the Lisbon Agreement 2015

“ ... any denomination protected in the Contracting Party of Origin consisting of or containing the name of a geographical area, or another denomination known as referring to such area, which serves to designate a good as originating in that geographical area, where the quality or characteristics of the good are due exclusively or essentially to the geographical environment, including natural and human factors, and which has given the good its reputation. “

## GI AS A PART OF CONVENTIONAL IP

- Conventional IP is the IP system that is based on the international IP conventions and agreement.
- The Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) substantiates the conventional IP regimes.
- Geographical Indication is the only conventional IP that is held by non individual holders, beside Collective Marks and Certification Marks.

## GI AND OTHER IPR SUBJECT MATTERS

Copyrights

Patent

Trademarks

Geographical  
Indications

Industrial Design

Design of Integrated  
Circuit Lay Outs

Confidential  
Information

New Plant Variety

## RIGHT HOLDERS OF GI

Right holders of a GI is a Collective Management Organization on Geographical Indication (CMO-GI) or a producer association who holds an exclusive right to use a GI, that can consist of:

- Local producers and/or processors
- Local or traditional farmers or breeders
- Local operators
- Landowners
- Indigenous community, tribe or clan
- Local artists
- Local traders
- Local government, on behalf of producer associations living in localities in the related area
- State, on behalf of the producer associations in several territories of the state

## THE IMPORTANCE OF GI SPECIFICATION

- Being a substantial requirement for GI registration
- Forming a legal basis to grant an exclusive right to use a GI
- Establishing the geographical originality of the product: the causal link between the GI product and its geographical origin
- Forming a legally binding contract that guides all members of the CMO-GI to conduct the production process and quality control on the products
- Providing the consumers with a solid guarantee regarding the GI product's reputation, quality and/or characteristic, as well as the sustainability of the product's geographical environment

## MODELS & VERSIONS OF GI PROTECTION IN ASEAN MEMBER COUNTRIES

Collective &  
Certification Marks

Sui Generis  
Geographical  
Indication

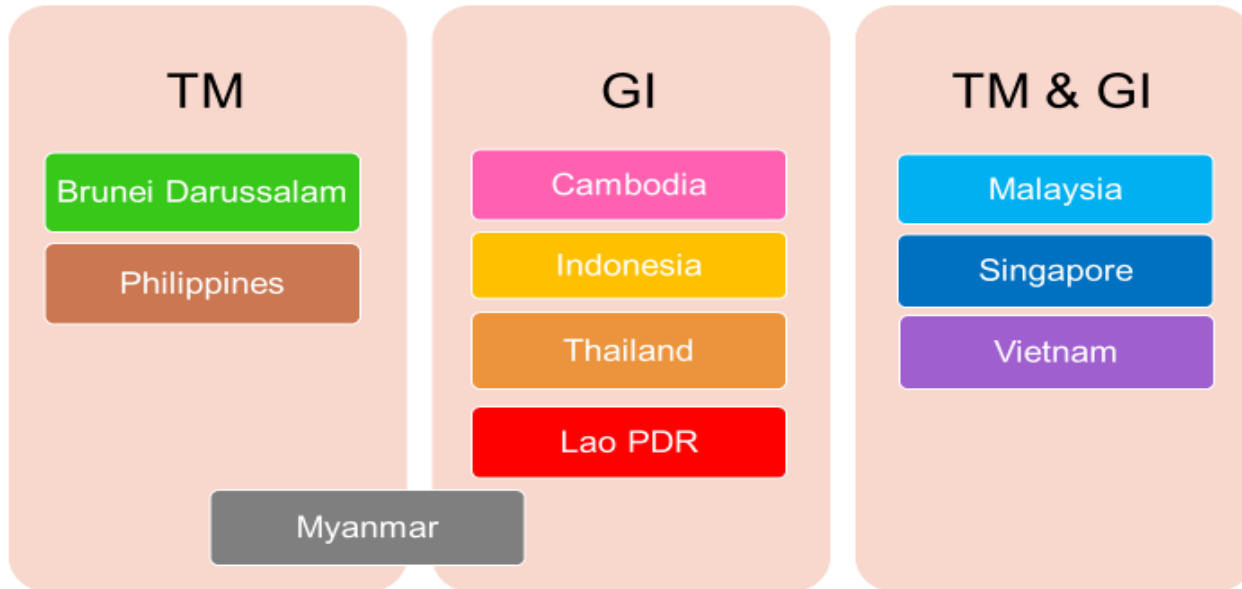
Combination

TRIPS Version

Lisbon Version



## MODELS OF GI PROTECTION IN ASEAN MEMBER COUNTRIES





## GI IN BRUNEI DARUSSALAM

- GI in Brunei Darussalam is protected under the general Trademarks protection system, especially Collective Marks, and the protection against unfair competition in business practices, especially Certification Marks.
- Objects of GI protection in Brunei covers agricultural and non agricultural products. Theoretically, GI on services can also be protected under Certification Marks.
- GI in Brunei Darussalam, however, is not applicable for wines and spirits; subject to special domestic public policy.



## GI IN PHILIPPINES

- GI in the Philippines is protected under the general Trademarks protection system, especially Collective Marks, based on the Trademarks Law and the Intellectual Property Code of the Philippines (IP Code) [Republic Act No. 8293, as amended].
- Objects of GI protection in the Philippines covers agricultural and non agricultural products.
- GI specification can be used as an additional compulsory/facultative document in the application of Trademarks or Certification Marks.
- GI specification under Collective Marks should mainly substantiate **the reputation of the product as a secondary significance**, which makes the GI logo that is regarded as a descriptive mark in the general Trademarks system, can get a capability to distinguish through use.

## GI IN CAMBODIA

GI in Cambodia is protected by Law on GI, Declaration of Procedures for Registration and Protection of GI (December 23, 2016), and [Geneva Act of the Lisbon Agreement](#).

Elements of GI specification in Cambodia:

- Name of GI, type of GI, and the GI label
- Main characteristics/features
- Production process
- Geographical area
- Link between the product and the geographical territory, including the history
- Process of quality control, controlling body, and competent authority
- GI right holders/GI association



## GI IN INDONESIA

GI in Indonesia is protected by Law on Trademarks and GI 20/2016, Government Regulation 51/2007, and the Minister of Justice and Human Rights Regulation 12/2019.

Elements of GI specification in Indonesia:

- Name of GI, name of the protected good/product, and the GI label
- Characteristic and quality of the good/product
- Link between the good/product and its geographical environment, especially the natural and/or human factor/s, including the history and tradition of the GI usage
- Production process
- Method of quality control
- GI map
- GI right holders

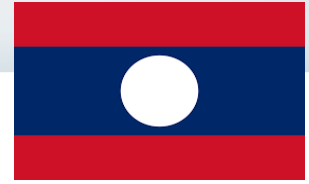


## GI IN THAILAND

GI in Thailand is protected by GI Protection Act B.E. 2546.

Elements of GI specification in Thailand:

- Photograph of GI product
- Description of the production process
- GI Label
- GI map indicating the scope of the geographical area
- Description about linkage between the product and the geographical origin by explaining the geographical environment of the origin
- Description about quality, reputation, properties or other characteristic of the product
- Document indicating that the product does originate from the specific geographical area



## GI IN LAO PDR

GI in Lao PDR is protected by Law on IP No.01/NA (20 December 2011), Decision of the Minister of Science and Technology on the Implementation of GI under the Law on IP No. 1119 (25 October 2016), Paris Convention, TRIPS Agreement, [Geneva Act of the Lisbon Agreement](#).

Elements of a Book of GI Specifications in Lao PDR:

- a specific geographical area of production
- The conditions of the product
- The process of quality control, especially internal controls
- The list of the GI producers and operators
- The rules pertaining the controlling targets as well as the internal regulation of the right holders association



## GI IN MYANMAR

GI in Myanmar is protected by Trademarks Law (2019) and Pyidaungsu Hlattaw Law No. 3 (30 January 2019) on Trademarks and GI Law

Elements of GI Specification in Myanmar:

- Name, nationality and address of the applicant organization
- GI name
- The region of GI production
- Description of the products to which the GI applies
- Significant features, quality or reputation of the GI product under the relevant GI
- Link between the features, quality or reputation of the product and its place of origin



## GI IN MALAYSIA

GI in Malaysia is protected by the GI Act 2000.

Elements of GI specification in Malaysia:

- Geographical area consisting the demarcation map, including the proof of origin
- The class of the goods
- Description of the product
- Quality, reputation or other characteristic of the goods
- Causal link between the geographical area and the quality, reputation or other characteristic of the good
- Specific steps in production that must take place in the identified geographical area
  
- Facultative elements:
  - Description of labelling
  - Award/recognition from authorized body
  - Inspection body/authority authorized in verifying compliance

## GI IN SINGAPORE

GI in Singapore is protected by GI Act 2014, GI Rules 2019 and Trademarks Act (Cap. 332).

### Elements of GI Specification in Singapore:

- Category of the goods
- Geographical area
- Description of goods to which the GI applies, particular characteristics differs form other goods of the same category
- Quality, reputation, or other characteristics essentially attributable to the geographical origin. These could relate to natural and/or human factors, or the reputation of the good that is essentially attributable to the place of origin.



## GI IN VIETNAM

GI in Vietnam is protected by Civil Code 2005, Criminal Code 2015, IP Law 2005, Decrees, Circular, Joint Circulars, and IP international legal instruments, notably: Paris Convention, TRIPS Agreement, international regional and bilateral agreements, and memorandums of cooperation related to GI.

### Elements of GI Specification in Vietnam:

- GI name
- Description of GI product
- Natural and human factors decisive to the reputation, quality and characteristics of the product
- Link between the characteristics and quality, or reputation of the product, and the geographical condition
- Depiction of the GI area in words and map, determined by a justified method
- Proof that the product originates from such geographical area
- Proof that a GI has been protected in the country of origin (foreign GI)
- Description of a local and stable method of production
- Mechanism of self-control on the characteristics and/or quality of the product



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