

Bird & Bird ATMD

IP Legal Update



Singapore's New Registry of Geographical Indications

April 2019

From 1st April 2019, Singapore will establish a Registry for Geographical Indications ("GIs"). GI holders will be able to register their GIs and benefit from increased protection.

What is a Geographical Indication?

- A geographical indication is a sign which identifies a product as originating from a particular geographical location which has given the product its special quality, attributes or reputation (by reason of natural environmental factors or particular local skill, expertise or know-how, for example).
 - *Champagne* wine, *Roquefort* cheese and *Darjeeling* tea are but a few examples of recognised GIs.

So what's new?

- There has hitherto been no registration system for GIs in Singapore.
- The Geographical Indications Act 1999 provides a measure of automatic protection for a GI which is recognised in its country of origin provided such countries are members of the World Trade Organisation or parties to the Paris Convention.
- However with the exception of wines and spirits, a GI holder's rights are limited to situations where use of the GI by other traders would mislead the public as to the true geographical origin of the goods.
- Some GI holders register their GIs as collective/certification *trade marks* instead, so as to rely on protection under the trade marks regime.

- **But from 1 April 2019 onwards:** furthering Singapore's obligations under the new EU-Singapore Free Trade Agreement ("EUSFTA") with the establishment of a Register of GIs, GI holders can now secure a *registered* GI in Singapore.
- In addition, a *new* Geographical Indications Act 2014 confers increased protection for registered GIs.

How can it help me?

- A registered GI confers *increased protection* in addition to the automatic protection which is preserved under the new regime.
- Significantly, registered GI rights can prevent unauthorised use of your GI *even if such use does not mislead* the public as to the true geographic origin of the goods; this extends to all prescribed categories for which registration is accepted; not merely wines and spirits.
 - For instance, "Parma-style", or "Korean Parma", for ham might arguably dispel any assumption that these goods originate from the Parma region in Italy and so not mislead the public; in this situation a GI registration for "Parma" could enable the GI holder to prevent such use.
- Registered rights are conferred by the new statutory regime in Singapore and not dependent on international treaty membership as such.
- Further, the GI Register itself becomes evidence of the existence and validity of your GI, making it easier for you to assert your rights.

With our award-winning IP expertise, we would be delighted to help you navigate our new GI regime to prepare, file and prosecute your GI application to a successful registration.

For further details and information on the prescribed categories and filing requirements, please get in touch with us.

We'd love to hear from you.

Contact us

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