



Republic of the Philippines
Department of Environment and Natural Resources
Visayas Avenue, Diliman, Quezon City. 1100
Tel Nos. (632) 8929-6626 to 29; VOIP Trunkline (632) 8755-3300/ 8755-3330
Website: <http://www.denr.gov.ph>

MEMORANDUM

FOR : **The Directors**
Legal Affairs Service
Policy and Planning Service
Indigenous Peoples Concerns - Mindanao and Bangsamoro
Autonomous Region in Muslim Mindanao Affairs

The Bureau Directors
Biodiversity Management Bureau
Forest Management Bureau
Land Management Bureau

The Administrator
National Mapping and Resource Information Authority

All Regional Executive Directors

FROM : **The Director**
Legislative Liaison Office

SUBJECT : **REQUEST FOR COMMENTS ON HOUSE BILL NOS. 531 AND 8657
OR THE PROPOSED "PROTECTED GEOGRAPHICAL
INDICATIONS ACT" FROM THE COMMITTEE ON TRADE AND
INDUSTRY OF THE HOUSE OF REPRESENTATIVES**

DATE : 06 September 2023

This refers to the email received by our Office dated 05 September 2023, the Committee on Trade and Industry of the House of Representatives will be conducting deliberations on the following legislative measures:

- **HOUSE BILL NO. 531 – "AN ACT PROVIDING FOR PROTECTED GEOGRAPHICAL INDICATIONS OF LOCALLY PRODUCED FOOD PRODUCTS, FOODSTUFF, HANDICRAFTS, WINES AND SPIRITS"**, introduced by Representative Geraldine B. Roman; and
- **HOUSE BILL NO. 8657 – "AN ACT PROVIDING FOR THE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR AGRICULTURAL OR NATURAL (UNPROCESSED OR WILD) PRODUCTS, PROCESSED PRODUCTS, WINES AND SPIRITS, OR ANY PRODUCTS OF HANDICRAFT OR INDUSTRY"**, introduced by Representative Mario Vittorio "Marvey" A. Mariño

In this regard, may we respectfully request **comments/recommendations from your office on the abovementioned matter, in preparation for their forthcoming deliberations**, as requested by the Committee. Kindly send them on or before **11 September 2023, at 5 PM** via email at denrllc@denr.gov.ph.

Attached herewith is the copy of the abovementioned email, and the House bills for your reference.

For information and appropriate action, please.


ROMIROSE B. PADIN

cc: Undersecretary for Special Concerns and Legislative Affairs

OSEC-2023-005732: Request for Position Paper on the Proposed Protected Geographical Indications Act

From: Office of the DENR Secretary (osec@denr.gov.ph)

To: denrlegislative@yahoo.com

Cc: ouscla@denr.gov.ph; iarodriguez@denr.gov.ph; osec.referral@denr.gov.ph

Date: Tuesday, September 5, 2023 at 02:41 PM GMT+8

Ma'am/Sir,

This is to respectfully refer, for information and appropriate action, the herein request for a position paper on the proposed Protected Geographical Indications Act.

We will appreciate informing this office, citing document number OSEC-2023-005732, of the action taken on the matter.

Thank you.

**Office of the Secretary
Department of Environment and Natural Resources**



----- Forwarded message -----

From: **Committee on Trade and Industry** <trade_hor@yahoo.com>

Date: Mon, Sep 4, 2023 at 11:33 AM

Subject: Request for Position Paper on the Proposed Protected Geographical Indications Act

To: ohea@denr.gov.ph <ohea@denr.gov.ph>, osec@denr.gov.ph <osec@denr.gov.ph>

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

COMMITTEE ON TRADE AND INDUSTRY

04 September 2023

Secretary MARIA ANTONIA YULO LOYZAGA
Department of Environment and Natural Resources
Visayas Ave., Diliman
Quezon City

Dear Secretary Loyzaga,

May we respectfully refer to your good office the following bills on the proposed "Protected Geographical Indications Act", as follows:

1. **House Bill No. 531**, entitled: **AN ACT PROVIDING FOR PROTECTED GEOGRAPHICAL INDICATIONS OF LOCALLY PRODUCED FOOD PRODUCTS, FOODSTUFF, HANDICRAFTS, WINES AND SPIRITS**, introduced by Representative Geraldine B. Roman; and,
2. **House Bill No. 8657**, entitled: **AN ACT PROVIDING FOR THE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR AGRICULTURAL OR NATURAL (UNPROCESSED OR WILD) PRODUCTS, PROCESSED PRODUCTS, WINES AND SPIRITS, OR ANY PRODUCTS OF HANDICRAFT OR INDUSTRY**, introduced by Representative Mario Vittorio "Marvey" A. Mariño

Attached are electronic copies of HBs 531 and 8657 for your ready reference.

In this regard, we will highly appreciate the submission of your comments on the aforementioned bills via email at trade_hor@yahoo.com not later than fifteen (15) days upon receipt hereof.

Your views and comments on the subject measures will be of great assistance to the Committee in the conduct of its forthcoming deliberations thereon.

For related concerns, please do not hesitate to contact any of the Committee Secretariat Staff: Committee Secretary Valentino Palanca at mobile no. 0917-806-5747, Supervising Legislative Staff Officer (SLSO) II Jessica Fradejas at mobile no. 0915-850-8219, SLSO I Roselyn Jarilla at mobile no. 0947-351-2219 or SLSO I Arlene Solomon at mobile no. 0939-957-0481.

Thank you.

Very truly yours,

MARIO VITTORIO "MARVEY" A. MARIÑO

Chairperson

Committee on Trade & Industry

FOR THE CHAIRMAN:

(Sgd.) VALENTINO R. PALANCA

Committee Secretary (Head of Secretariat)

Committee on Trade & Industry



HB00531.pdf

2.9MB



HB08657.pdf

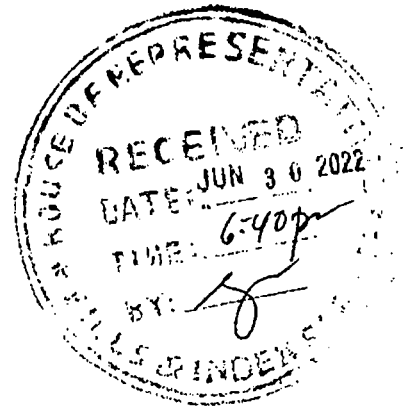
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Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 531



Introduced by Representative **GERALDINE B. ROMAN**

EXPLANATORY NOTE

It is not hard to think of a province or region in the Philippines with a globally-competitive product. To name a few, we have the Bataan *Tinapa*, Ilocos *Bagnet*, Guimaras Mango or Davao Durian. These products are closely associated with their origin that mere mention of the province is enough guaranties that the product is world-class.

However, due to the commercial viability and lack of regulation on the use of these geographical indications, it has been subject to abuse by many unscrupulous producers. Ultimately, the names of these products are being tarnished, degraded and cheapened to the detriment of the legitimate producers.

Hence, it is the duty of the State to protect the products, producers and consumers from this practice. In fact, Art. XII, Sec. 12 of the 1987 Constitution provides that: "The State shall promote the preferential use of Filipino labor, domestic materials and locally produced goods, and adopt measures that help make them competitive." It is envisioned that with the passage of this Bill, the local producers will be incentivized to preserve their methods of production which have close ties to Filipino culture and tradition. Non-discerning consumers will also be protected by being informed.

Further, this Bill will establish a foothold of Filipino products in the international market. In this age of globalization, our local goods, which are truly internationally competitive, will be given the chance to shine.

In view of the foregoing, passage of this bill is earnestly sought.


GERALDINE B. ROMAN



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 531

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GERALDINE B. ROMAN



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

House Bill No. 531

Introduced by Representative **GERALDINE B. ROMAN**

AN ACT
PROVIDING FOR PROTECTED GEOGRAPHICAL INDICATIONS OF LOCALLY
PRODUCED FOOD PRODUCTS, FOODSTUFF, HANDICRAFT, WINES AND
SPIRITS

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

ARTICLE I
GENERAL PROVISIONS

SECTION 1. Short Title. – This Act shall be known as the “Protected Geographical Indications Act.”

SECTION 2. Declaration of Policy – The State recognizes the economic and cultural contribution of locally produced agricultural products, foodstuff, handicrafts, wines and spirits. These products create value for local communities or regions since they are deeply rooted in tradition, culture and geography. Further, rural socio-economic development is bolstered by the consequent creation of job opportunities from production, processing and distribution.

Towards this end, the State shall endeavor to protect and promote these industries by helping producers to communicate the product characteristics and attributes of the produce and foodstuffs to buyers and consumers so as to ensure:

- (a) fair competition of producers;
- (b) availability of reliable information to consumers;
- (c) respect for intellectual property rights; and
- (d) integrity of the market.

SECTION 3. *Definition of Terms.* – As used in this Act:

- a) **Geographical indication** refers to indications which identify a good as originating in a territory, region or locality, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin and/or human factors;
- b) **Goods/Products** refer to agricultural products, foodstuff, any products of handicraft, or wines and spirits;
- c) **Registrar** refers to the Registrar of Geographical Indications;
- d) **Producer** refers to any person who exploits, processes, or produces agricultural goods and/or foodstuffs, or wines and spirits, makes or manufactures handicrafts, and/or exercises control over the use of GI, standards of production and other product specifications;
- e) **Office** refers to the Intellectual Property Office;
- f) **Bureau** refers to the Bureau of Trademarks;
- g) **IP Code** refers to Republic Act No.8293, otherwise known as the Intellectual Property Code of the Philippines;
- h) **Rules** refers to the Rules and Regulations on Geographical Indications;

ARTICLE II
PROTECTED GEOGRAPHICAL INDICATIONS

SECTION 4. *Objective.* – A scheme for protected geographical indications is established in order to help producers of products linked to a geographical area by:

- (a) Securing fair returns for the qualities of their products;
- (b) Ensuring uniform protection of the names as an intellectual property right;

- (c) Providing clear information on the value-adding attributes of the product to the consumers.

SECTION 5. *Requirements for Geographical Indications.* – ‘Geographical Indication’ is a name which identifies a product:

- (1) Originating in a specific place, region or country;
- (2) Whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and
- (3) At least one of the production steps of which take place in the defined geographical area.

SECTION 6. *Generic nature, conflicts with names of plant varieties and animal breeds, with homonyms and trademarks.* – Generic terms shall not be registered as protected geographical indications.

A name may not be registered as geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.

A name proposed for registration that is wholly or partially homonymous with a name already entered in the register may not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

SECTION 7. *Names, Symbols and Indications.* – Protected geographical indications may be used by any operator marketing a product conforming to the corresponding specification.

Symbols designed to publicize protected geographical indications shall be established. The indications ‘protected geographical indication’ or the corresponding abbreviations ‘PGI’ may appear on the labeling.

ARTICLE III PROTECTION

SECTION 8. *Registration.* – The protection afforded under this Act to any indication constituting geographical indication shall be obtained through a valid registration and a certificate issued to that effect by the Office.

SECTION 9. *Rights of Registrants.* – Registered names shall be protected against:

- (a) Any direct or indirect commercial use of a registered name in respect of products not covered by the registration where those products are comparable to the products registered under that name or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient;
- (b) Any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar, including when those products are used as an ingredient;
- (c) Any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) Any other practice liable to mislead the consumer as to the true origin of the product.

Where a protected geographical indication contains within it the name of a product which is considered to be generic, the use of that generic name shall not be considered to be contrary to sub-paragraphs (a) and (b) of the preceding paragraph.

Protected geographical indications shall not become generic.

SECTION 10. *Implementing Rules and Regulations.* – Within ninety (90) days from the approval of this Act, the Office, in consultation with the concerned stakeholders shall, promulgate the rules and regulations implementing the provisions of this Act. The implementing rules and regulations issued pursuant to this section shall take effect after thirty (30) days after its publication in two (2) newspapers of general circulation.

**ARTICLE IV
MISCELLANEOUS PROVISIONS**

SECTION 11. *Repealing Clause.* – All laws, presidential decrees or issuances, executive orders, letters of instruction, administrative orders, rules or regulation inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 12. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

SECTION 13. *Effectivity.* – This Act shall take effect fifteen (15) days after the publication in the Official Gazette or in a newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. 8657



Introduced by **Rep. MARIO VITTORIO "MARVEY" A. MARIÑO**
5th District, Batangas

EXPLANATORY NOTE

Our country prides itself on goods and products that are uniquely characterized to be part of our Filipino culture and heritage. In the international marketplace, these products should ideally represent our people's creativity and innovativeness. These products should hallmark the Filipino brand of quality to its global and local consumers. Nonetheless, this framework finds difficulty in application largely because of our country's weak regulation and lack of protection of our product's identity or geographical indication.

Ultimately, this proposed bill would not only safeguard our local producers' superior quality of manufacturing and craftsmanship, but would also protect consumers from disingenuous and substandard products that pose to be truly "Filipino-made."

Through this measure, not only do we want to ensure that products sold in the market were indeed produced, grown, or manufactured in the places they were said to have been produced, grown, or manufactured. We also want to ensure that products that bear any mark of having come from anywhere in the Philippines, are in fact things that all Filipinos can be proud of and showcase around the world.

This bill serves as the House's counterpart measure to the bill filed by Senator Sonny Angara in the Senate.

In view of the foregoing, the early passage of this bill is earnestly requested.


MARIO VITTORIO "MARVEY" A. MARIÑO

- b) Availability of reliable information to consumers;
- c) Respect for intellectual property rights; and
- d) Integrity of the market.

Sec. 3. Definition of Terms. – For purposes of this Act, the following terms are hereunder defined accordingly:

- a) *Bureau* refers to the Bureau of Trademarks;
- b) *Control System* refers to the verification of the compliance of goods with the Manual of Specifications, either by internal or external authorities;
- c) *Director General* refers to the Director General of the IPOPHL;
- d) *E-Gazette* refers to the IPOPHL's own publication where all matters required to be published under the IP Code shall be published;
- e) *Evocation of a geographical indication* refers to a term, sign, or other labelling or packaging device that presents a direct and clear link with the product covered by a protected geographical indication in the mind of the reasonably intelligent consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name;
- f) *Fees* refer to costs imposed on direct recipients of public goods and services provided and performed by the IPOPHL in the exercise of its functions; they also include charges and other costs;
- g) *Geographical indication (GI)* refers to indications which identify a good or product as originating in a territory, region, or locality, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin and/or human factors;
- h) *Goods/Products* refer to any agricultural or natural (unprocessed or wild) products, processed products, including foodstuff and alcoholic beverages, or any products of handicraft or industry;
- i) *Homonymous geographical indication* refers to a geographical indication that, in part or in whole, has the same spelling as, or

processes; control system and quality standards; labeling rules, among others;

- o) *Paris Convention* refers to the Convention for the Protection of Industrial Property signed at Paris on 20 March 1883, and any revision or amendment thereto which has become into force in the Philippines;
- p) *Person* refers to any juridical person, organization, association or duly constituted government unit, body, or agency;
- q) *Producer* refers to:
 - i. any producer of agricultural product or natural products;
 - ii. any processor of natural or agricultural or agri-food products;
 - iii. any industry or manufacturer of products of handicraft; and
 - iv. any trader dealing in the products mentioned in paragraphs (i), (ii), and (iii);
- r) *Registrar* refers to the Registrar of Geographical Indications;
- s) *Rules* refers to the Rules and Regulations on Geographical Indications;
- t) *Use of geographical indication* refers to offer for sale, production, sale, export or import of geographical indication goods as well as any promotion and communication material in relation to the geographical indication goods and other preparatory steps necessary to carry out the sale or export of goods protected as geographical indications.

Article II

Protected Geographical Indications

Sec. 4. Objectives. – A scheme for protected geographical indications is established in order to help producers of products linked to a geographical area by:

- a) Securing fair returns for the qualities of their products;
- b) Ensuring uniform protection of the product's geographical indication as an intellectual property right;

Sec. 8. *Rights of Registrants.* – Registered Geographical Indications shall be protected against:

- a) Any direct or indirect commercial use of a registered name with respect to products not covered by the registration where those products are comparable to the products registered or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient;
- b) Any misuse, imitation, or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar, including when those products are used as an ingredient;
- c) Any other false or misleading indication as to the provenance, origin, nature, or essential qualities of the product that is used on the inner or outer packaging, advertising material, or documents relating to the product concerned, and the packing of the product in a container tending to convey a false impression as to its origin;
- d) Any use of a geographical indication which constitutes an act of unfair competition within the meaning of Article 10^{bis} of the Paris Convention; and
- e) Any other practice that tends to mislead the consumer as to the true origin of the product.

Where a protected geographical indication contains within it the name of a product which is considered to be generic, the use of that generic name shall not be considered to be contrary to sub-paragraphs (a) and (b) of the preceding paragraph.

Protected geographical indications shall not become generic.

Article III

Powers and Authority of the IPOPHL

Sec. 9. *Geographical Indications Registrar.* – The Director of the Bureau of Trademarks shall act as the Registrar of Geographical Indications

The IPOPHL, DA, DTI, DOST, DENR, NCCA, NCIP, CDA, or such other relevant agencies as may be appropriate, shall conduct capacity-building and research and development activities and/or projects for potential GI producers and stakeholders, such as but not limited to the formulation of a manual of specifications, branding, packaging, and marketing of the GI protected product. The agencies shall assist these potential GI producers and stakeholders in ascertaining, validating, and certifying, as needed, the link of the quality, characteristics, or reputation of the goods to the territory, and shall provide such other services to support their needs.

The agencies shall allocate the necessary appropriations of their respective annual budget to implement these mandates subject to existing budgeting, accounting, and auditing laws, rules, and regulations.

Article IV

Registration

Sec. 13. *Applicants.* – The following may make an application to the Registrar for the registration of a geographical indication:

- a) Producers referred in Section 3(q) or producers' organization or association representing stakeholders directly involved in the extraction, production manufacture and trade of the goods covered by the geographical indication;
- b) Government agencies or local government units having area of responsibility covering the geographical origin of the goods, as well as representatives of foreign governments, relative to the geographical indication of its nationals, whose laws afford the same rights and protection to Philippine nationals; and
- c) Organizations or associations or indigenous cultural communities/indigenous peoples which are specifically entrusted with the task of regulating and/or protecting geographical indication by paragraphs (a) or (b).

Sec. 14. *Representation; Address for Service.* – If the applicant is not domiciled nor has no real and effective commercial establishment in the Philippines, it shall designate by a written document filed in the IPOPHL, the

- d) the goods to which the geographical indication applies;
- e) description of the geographical area to which the geographical indication applies, including its territorial limitations or boundaries;
- f) description of the specific quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic, as the case may be, is essentially attributable to the geographical origin and/or human factors;
- g) copy of the Manual of Specifications duly formulated and adopted by the stakeholders or its governing board or council;
- h) certification from the concerned government agency or equivalent independent body:
 - i. validating the causal link between specific quality, reputation or other characteristic of the goods and the geographical area where it originated or produced as described in paragraph f; and
 - ii. the technical information pertaining to the product specifications in the Manual of Specifications.

The Registrar may require the submission of other details as may be necessary.

Sec. 17. Proof of GI Protection from Foreign Authorities. – Foreign applicants shall also submit within a reasonable period as may be determined by the IPOPHL, proof issued by competent agency of the government or any private certifying entity, showing that the subject of the application is a registered or protected geographical indication. Other analogous legal documents or proof may also be accepted.

Sec. 18. Filing Date. – The filing date of an application shall be the date on which the Registrar received a fully accomplished application form, containing all the details set forth under Section 16 of this Act, together with the proof of payment of the required fee.

Article V

Examination

Sec. 23. *Differentiation of Homonymous Geographical Indications.* – The Registrar, in cases of bona fide concurrent use of homonymous geographical indications, shall determine the practical conditions under which the homonymous geographical indications in question will be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that the public are not misled.

Article VII

Refusal of the Application

Sec. 24. *Grounds for Refusal.* – The following names shall not be registered as geographical indication and shall be refused:

- a) Those which are contrary to laws and regulations, public order, public policy or morality;
- b) Geographical indications of a foreign country which are not or have ceased to be protected in their country or territory of origin;
- c) Those which mislead or deceive the public as to the characteristic, nature, quality, place of origin, production process of the good and/or its use;
- d) Those which consist exclusively of, or identical with, a generic, common or customary name of the goods in the Philippines and the geographical indication sought to be registered will be applied for the same goods;
- e) Those which are identical with or confusingly similar to the name of a plant variety or animal breed and is likely to mislead the consumer as to the true origin of the goods;
- f) Those which do not fall within the prescribed definition of geographical indication; and
- g) Those which are identical with, or confusingly similar to, or an evocation of, an earlier filed or registered geographical indication in the Philippines or in a treaty or international agreement of which the Philippines is a member in respect of the same goods or closely related goods as to cause confusion.

opposition will be taken into consideration by the BLA in deciding whether to grant or refuse protection to the geographical indication being applied for.

Article X

Term of Protection

Sec. 28. *Finality of Decision; Registration and Term of Protection.* – If no opposition is filed within the prescribed period, the geographical indication shall be granted protection on the day immediately after the last day of publication and entered in the Register of Protected Geographical Indications. In case there is an opposition, the protection shall be reckoned from the finality of the decision that the geographical indication is entitled to registration and protection. The registered geographical indication is protected for an unlimited term until or unless revoked with finality.

Article XI

Amendment

Sec. 29. *Amendment of an Application or Registration.* – The application for registration or the registration of a geographical indication may be amended, at the request of the applicant or registrant, to correct the formalities in the application or registration and the details in the Manual of Specifications.

Article XII

Cancellation of Registration; Dispute Resolution

Sec. 30. *Cancellation of Registration.* – At any time, upon payment of the prescribed fee and upon a verified petition by any interested person that the protection of geographical indication accorded under Section 7 is no longer warranted, due notice and opportunity to be heard shall be given to the registrant. If the same petition is found to be meritorious, the BLA shall cancel the registration based on any of the following grounds:

- a) The conditions for protection specified under Section 3(g) have not been fulfilled;
- b) There has been a change in the geographical origin of the goods including the natural and human factors, which are determinative of the quality, reputation or characteristics of the goods bearing a

In case of any internal dispute, or any issue on the use and/or misuse of the GI on the products specified in the registration by members of the applicant/registrant or authorized users thereof, or those involving conflicts and issues in the admission of stakeholders to the association and/or in imposing prohibitions on use of the registered GI, these may be referred to the BLA for mediation as governed by the relevant implementing rules and regulations.

If the settlement agreement involves the implementation of the Manual of Specifications, the same is subject to review by the Registrar and/or any certifying government agency if the issue relates to the causal link of the products with the geographical area or any technical information on the product specification embodied in the Manual of Specifications. Upon clearance by the Registrar and/or certifying government agency, the settlement agreement shall be deemed final and will be incorporated in the Manual of Specifications.

In the event mediation proceedings fail, the parties may be referred to the BLA for arbitration as provided in the rules and regulations.

Article XIII

Exceptions

Sec. 34. Prior Users of Geographical Indications and Trademarks. –

1) Nothing in this Act shall prevent the continued or similar use of a particular geographical indication of another country identifying goods in connection with goods or services by any national or domiciliary of Philippines or any national with real or effective commercial establishment in, or doing business in the Philippines, who have used said geographical indication in a continuous manner with regard to the same or related goods or services in the Philippines either -

- a) For at least 10 years before April 15, 1994; or
- b) In good faith before April 15, 1994.

2) Where the trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith either –

- a) Before the effectivity of this Act; or

8, without the consent or authorization from the registrant, is considered as an infringement and offense against the economic interest of the State. The State can motu proprio take administrative or legal measures to enforce protection of geographical indication against the geographical indications' infringers.

Sec. 40. Penalties. – Independent of the civil and administrative sanctions imposed by law, a criminal penalty of imprisonment from two (2) years to five (5) years and a fine ranging from five hundred thousand pesos (P500,000.00) to one million pesos (P1,000,000.00), shall be imposed on any person who is found guilty of committing infringement of geographical indications.

Article XVI

Final Provisions

Sec. 41. Appropriations. – The amount necessary for the conduct of activities and projects in relation to capacity-building, research and development, and assistance to potential and registered GI producers shall be sourced from the budgets of the different government agencies tasked to implement the same.

Sec. 42. Implementing Rules and Regulations. – Within ninety days (90) after the effectivity of this Act, the IPOPHL, in consultation with the relevant stakeholders, shall formulate the implementing rules and regulations (IRR) necessary to carry out the provisions of this Act.

Sec. 43. Transitory Provision. – Geographical indications registered by the IPOPHL under Republic Act No. 8293 and its regulations prior to the effectivity of this Act shall remain valid and effective. They shall automatically be transferred to, and form part of, the register created under this Act.

Sec. 44. Repealing Clause. – All laws, acts, presidential decrees or proclamations, issuances, executive orders, letters of instruction, administrative orders, rules and regulations, or parts thereof inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 45. Separability Clause. – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.