



**MEMORANDUM**

**FOR :** **The Director**  
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

**FROM :** **The Director**  
Legislative Liaison Office

**SUBJECT :** **REQUEST FOR COMMENTS ON THE PROTECTED  
GEOGRAPHICAL INDICATIONS ACT FROM THE COMMITTEE  
ON TRADE, COMMERCE AND ENTREPRENEURSHIP**

**DATE :** 14 September 2023

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In reference to the email received by our Office, the Committee on Trade, Commerce and Entrepreneurship would like to respectfully request inputs from the Department, specifically focusing on Section 12 - Roles of Relevant Government Agencies of **Senate Bill No. 2387** 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:

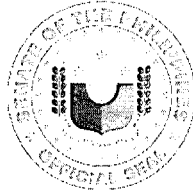
1. Brief background and mandates of your agency, which will help us contextualize your agency's role in the implementation and enforcement of the Protected Geographical Indications Act.
2. List of Activities and/or Projects that your agency has undertaken or is currently involved in concerning capacity building, research and development, and assistance.
3. Appropriations allocated and utilized for the activities and/or projects related to capacity building, research and development, and assistance.
4. Any proposed amendments to Sec. 12 or other parts of the bill.

In this regard, we would like request your good Office to submit your comments in preparation for the upcoming interpellation, as requested by the Committee. Further, kindly submit your comments **on or before 19 September 2023, 5:00 PM** via email at [denrilo@denr.gov.ph](mailto:denrilo@denr.gov.ph).

Attached herewith is a copy of the Letter Invitation and the Senate Bill for your reference.

  
**ROMIROSE B. PADIN**

cc: Undersecretary for Special Concerns and Legislative Affairs



REPUBLIC OF THE PHILIPPINES

**Senate**

Pasay City

**JUAN EDGARDO "SONNY" ANGARA**  
Senator

26 July 2023

**Hon. Maria Antonia Yulo Loyzaga**

Secretary

Department of Environment and Natural Resources (DENR)

Dear **Hon. Loyzaga**:

Greetings! In preparation for the upcoming interpellations on the Protected Geographical Indications Act, we would like to respectfully request inputs from your esteemed office, specifically focusing on Section 12 - Roles of Relevant Government Agencies. Your insights on the following points would be highly valuable for our understanding:

1. Brief background and mandates of your agency, which will help us contextualize your agency's role in the implementation and enforcement of the Protected Geographical Indications Act.
2. List of Activities and/or Projects that your agency has undertaken or is currently involved in concerning capacity building, research and development, and assistance.
3. Appropriations allocated and utilized for the activities and/or projects related to capacity building, research and development, and assistance.
4. Any proposed amendments to Sec. 12 or other parts of the bill.

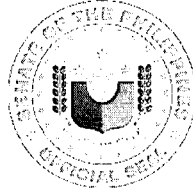
For any queries, please feel free to contact Atty. Paolo Quilala at [pequilala@gmail.com](mailto:pequilala@gmail.com) and copy furnish [senate.trade@gmail.com](mailto:senate.trade@gmail.com).

We hope that you can provide us with your inputs, as well as relevant data, on the proposed measures on or before Wednesday, 09 August 2023. Thank you.

For the Senator,

A handwritten signature in black ink, appearing to read "Fatima Lipp Panontongan".

**ATTY. FATIMA LIPP PANONTONGAN**



REPUBLIC OF THE PHILIPPINES

**Senate**

Pasay City

**JUAN EDGARDO "SONNY" ANGARA**

Senator

Chief-of-Staff

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NINETEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )

**SENATE**

**S. B. No. \_\_\_\_\_**

(In substitution of Senate Bill No. 1868)

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Prepared by the Committee on Trade, Commerce and Entrepreneurship with  
Senators Sonny Angara, Mark Villar, Loren Legarda, and Joel Villanueva,  
as authors thereof

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**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**

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

**Article I**

**General Provisions**

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

3       **Sec. 2. Declaration of Policies.** – The State recognizes the importance of  
4 geographical indications in agricultural, economic, and cultural development. It  
5 increases the competitive advantage of agricultural and industrial products with  
6 unique quality, reputation or characteristics that are essentially attributable to their  
7 geographical origin, thereby facilitating local and foreign market access and  
8 recognition. Further, rural socio-economic development is bolstered by the consequent  
9 creation of job opportunities from production, processing, and distribution.

10       Towards this end, the State shall endeavor to protect and promote these  
11 industries by helping producers communicate the product characteristics and their  
12 attributes to buyers and consumers to ensure:

- 1 a) Fair competition of producers;
- 2 b) Availability of reliable information to consumers;
- 3 c) Respect for intellectual property rights; and
- 4 d) Integrity of the market.

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

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

1	j) <i>Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs)</i> refers to a	2
3	group of people or homogeneous societies identified by self-ascription and	3
4	ascription by others, who have continuously lived as organized communities	4
5	on communally bounded and defined territories, and who have, under	5
6	claims of ownership since time immemorial, occupied, possessed and	6
7	utilized such territories, sharing common bonds of language, customs,	7
8	traditions and other distinctive cultural traits, or who have, through	8
9	resistance to political, social and cultural invasions of colonization, non-	9
10	indigenous religions and cultures, became historically differentiated from	10
11	the majority of Filipinos. ICC/IPs shall likewise include peoples who are	11
12	regarded as indigenous on account of their descent from the populations	12
13	which inhabited the country, at the time of conquest or colonization, or at	13
14	the time of invasions of non-indigenous religions and cultures, or the	14
15	establishment of present state boundaries, who retain some or all of their	15
16	own social, economic, cultural and political institutions, but who may have	16
17	been displaced from their traditional domains or who may have resettled	17
18	outside their ancestral domains;	18
19	k) <i>Indication</i> refers to a sign which is used to identify a good, either a	19
20	geographical name (name of a territory, region, or locality, or under	20
21	exceptional circumstances, the name of a country), a non-geographical	21
22	name, an emblem or any other distinctive symbol;	22
23	l) <i>IP Code</i> refers to Republic Act No. 8293 otherwise known as the Intellectual	23
24	Property Code of the Philippines;	24
25	m) <i>IPOPHL</i> refers to the Intellectual Property Office of the Philippines;	25
26	n) <i>Manual of Specifications</i> refers to a document that contains the name to be	26
27	protected as a geographical indication, description of the goods, the	27
28	delimited geographical area where the goods are produced, and an	28
29	explanation of the link between the said area and its quality, reputation, or	29
30	characteristics; description of its production processes; control system and	30
	quality standards; labeling rules, among others;	

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

## 19 **Article II**

### 20 **Protected Geographical Indications**

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

- 23 a) Securing fair returns for the qualities of their products;
- 24 b) Ensuring uniform protection of the product's geographical indication as an  
25 intellectual property right;
- 26 c) Providing clear information on the value-adding attributes of the product to  
27 the consumers;
- 28 d) Regulating or managing the procedure related to the registration of GIs;
- 29 e) Protecting GI, including in the unfair competition procedures;
- 30 f) Promoting the GI rights and products; and
- 31 g) Protecting producers from anti-competitive practices in the registration and  
32 use of GI.

1           **Sec. 5. *Generic nature, conflicts with names of plant varieties and***  
2 ***animal breeds, with homonyms and trademarks.*** – Generic terms shall not be  
3 registered as protected geographical indications. A name may not be registered as a  
4 geographical indication where it conflicts with a name of a plant variety or an animal  
5 breed and is likely to mislead the consumer as to the true origin of the product.

6           A name proposed for registration that is wholly or partially homonymous with  
7 a name already entered in the register may not be registered, unless, after comparing  
8 the homonym sought to be registered and the name already entered in the register,  
9 there is sufficient distinction in practice between the conditions of their local and  
10 traditional usage and presentation, taking into consideration the need to ensure  
11 equitable treatment of the producers concerned and that consumers are not misled.

12           **Sec. 6. *Names, Symbols, and Indications.*** – Protected geographical  
13 indications may be used by any operator marketing a product which conforms to its  
14 corresponding specifications.

15           A national logo designed to publicize protected geographical indications shall  
16 be established. The Bureau shall constitute a National Logo to certify all registered  
17 geographical indication goods in the Philippines.

18           **Sec. 7. *Acquisition of Rights.*** – The enhanced protection afforded under this  
19 Act to any indication constituting a geographical indication shall be obtained through  
20 valid registration and a certificate issued to that effect by the Bureau.

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

- 23           a) Any direct or indirect commercial use of a registered name with respect to  
24 products not covered by the registration where those products are  
25 comparable to the products registered or where using the name exploits the  
26 reputation of the protected name, including when those products are used  
27 as an ingredient;
- 28           b) Any misuse, imitation, or evocation, even if the true origin of the products  
29 or services is indicated or if the protected name is translated or  
30 accompanied by an expression such as 'style', 'type', 'method', 'as produced  
31 in', 'imitation' or similar, including when those products are used as an  
32 ingredient;



- 1 c) Any other false or misleading indication as to the provenance, origin, nature,  
2 or essential qualities of the product that is used on the inner or outer  
3 packaging, advertising material, or documents relating to the product  
4 concerned, and the packing of the product in a container tending to convey  
5 a false impression as to its origin;
- 6 d) Any use of a geographical indication which constitutes an act of unfair  
7 competition within the meaning of Article 10<sup>bis</sup> of the Paris Convention; and
- 8 e) Any other practice that tends to mislead the consumer as to the true origin  
9 of the product.

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

13 Protected geographical indications shall not become generic.

### 14 **Article III**

#### 15 **Powers and Authority of the IPOPHL**

16 **Sec. 9. *Geographical Indications Registrar.*** – The Director of the Bureau  
17 of Trademarks shall act as the Registrar of Geographical Indications who has the  
18 authority to examine and register applications for the registration of geographical  
19 indications, and implement the provisions of this Act.

20 **Sec. 10. *Register of protected Geographical Indications.*** –The Registrar  
21 shall keep and maintain a register to be known as the Register of Protected  
22 Geographical Indications which shall contain all the recorded particulars as the  
23 Registrar deems appropriate.

24 The Register shall be open to the inspection of the public during business hours,  
25 and accessible/searchable online, subject to certain conditions as the Registrar may  
26 prescribe. A certified true copy or extract of any entry in the Register shall be provided  
27 to any person requiring the copy or extract upon payment of the prescribed fee.

28 The Registrar, as soon as practicable, shall make applications for registration  
29 available and allow for the filing of observation or objections online or in electronic  
30 form.

31 **Sec. 11. *Powers of the Bureau of Legal Affairs.*** – The Bureau of Legal  
32 Affairs (BLA) of the IPOPHL shall have the authority to adjudicate on oppositions to

1 the application for geographical indication and cancellations of registered geographical  
2 indications. The BLA shall also exercise original and exclusive jurisdiction in  
3 administrative complaints for GI infringement and other violations of this Act.

4 The BLA shall also have the power to resolve disputes other than the  
5 aforementioned through alternative modes of dispute resolution.

6 **Sec. 12. Roles of Relevant Government Agencies.** – Pursuant to their  
7 respective mandates, the IPOPHL, the Department of Agriculture (DA), the  
8 Department of Trade and Industry (DTI), the Department of Science and Technology  
9 (DOST), the Department of Environment and Natural Resources (DENR), the National  
10 Commission for Culture and the Arts (NCCA), the National Commission on Indigenous  
11 Peoples (NCIP), the Cooperative Development Authority (CDA), and such other  
12 agencies and local government units as may be appropriate, shall collaborate to  
13 support and encourage the development of domestic products with origin-linked  
14 quality, characteristics, or reputation to be granted GI protection under the provisions  
15 of this Act.

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

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

27 **Article IV**

28 **Registration**

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

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

11 **Sec. 14. Representation; Address for Service.** – If the applicant is not  
12 domiciled nor has no real and effective commercial establishment in the Philippines,  
13 it shall designate by a written document filed in the IPOPHL, the name and address  
14 of a Philippine resident or representative from the Embassy, Consulate or Chamber of  
15 Commerce in the Philippines of the country where the goods originated, who may be  
16 served notices or process in proceedings affecting the geographical indication. Such  
17 notices or services may be served upon the person so designated by leaving a copy  
18 thereof at the address specified in the last designation filed. If the person so  
19 designated cannot be found at the address given in the last designation, such notice  
20 or process may be served upon the Registrar.

21 **Sec. 15. Additional Qualifications for Non-Filipino Applicants.** – The  
22 applicant, as defined in Section 13, who is neither a domestic corporation or  
23 organization/association nor a local government unit, body or agency and intends to  
24 apply for registration of a geographical indication of a foreign country must also have  
25 any of the following qualifications:

- 26 a) a juridical entity incorporated or organized in a country which is a party to  
27 the World Trade Organization Agreement on Trade-Related Aspects of  
28 Intellectual Property Right or to other international convention or agreement  
29 concerning the protection of geographical indication, to which the  
30 Philippines is also a party; or
- 31 b) domiciled or has a real and effective industrial or commercial establishment  
32 in the Philippines or in a country which is a party to an international

1 convention or agreement concerning the protection of geographical  
2 indications, to which Philippines is also a party.

3 **Sec. 16. Requirements of Application.** – The application for the registration  
4 of the geographical indication shall be in the prescribed form, may be in Filipino or in  
5 English and, shall be filed before the Registrar, containing the following details:

- 6 a) name and address of the applicant;
- 7 b) name of the State of which the applicant is a juridical entity or the law under  
8 which it is organized and existing; or name of the State in which the  
9 applicant has domicile or has a real and effective industrial or commercial  
10 establishment;
- 11 c) name of the geographical indication sought to be registered;
- 12 d) the goods to which the geographical indication applies;
- 13 e) description of the geographical area to which the geographical indication  
14 applies, including its territorial limitations or boundaries;
- 15 f) description of the specific quality, reputation or other characteristic of the  
16 goods and how that quality, reputation or other characteristic, as the case  
17 may be, is essentially attributable to the geographical origin and/or human  
18 factors;
- 19 g) copy of the Manual of Specifications duly formulated and adopted by the  
20 stakeholders or its governing board or council;
- 21 h) certification from the concerned government agency or equivalent  
22 independent body:
  - 23 i. validating the causal link between specific quality, reputation or  
24 other characteristic of the goods and the geographical area where  
25 it originated or produced as described in paragraph f; and
  - 26 ii. the technical information pertaining to the product specifications in  
27 the Manual of Specifications.

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

29 **Sec. 17. Proof of GI Protection from Foreign Authorities.** – Foreign  
30 applicants shall also submit within a reasonable period as may be determined by the  
31 IPOPHL, proof issued by competent agency of the government or any private  
32 certifying entity, showing that the subject of the application is a registered or

1 protected geographical indication. Other analogous legal documents or proof may also  
2 be accepted.

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

## 7 **Article V**

### 8 **Examination**

9 **Sec. 19. Examination; Deficiencies.** – The Registrar shall examine the  
10 applications for registration of geographical indication in accordance with this Act or  
11 in accordance with an international treaty to which the Philippines is a party, according  
12 to procedures approved thereunder. Should there be any deficiency in the application,  
13 the applicant shall be notified by the Registrar to remedy the same, and if deemed  
14 necessary, shall be requested to submit additional information or documents within  
15 two (2) months from mailing date of the notice. The period to respond may be  
16 extended upon written request by the applicant and payment of the required fee for  
17 an additional period of one (1) month each but not to exceed the total of four (4)  
18 months from mailing date of the official action. Any request for such extension must  
19 be filed on or before the day on which the response of the applicant is due.

20 In case the deficiencies are not remedied or if the applicant failed to submit  
21 the additional information or documents within the prescribed period, the application  
22 shall be considered withdrawn without prejudice to the right of the applicant to re-file  
23 the same application subject to the requirements set forth under this Act.

24 **Sec. 20. Disclaimer.** – A generic or customary term or common name  
25 component of a geographical indication should be disclaimed. In general, a name or  
26 term is considered generic, customary or common if it is understood by the general  
27 public in the Philippines or the relevant consumers of the goods covered by the  
28 geographical indication to be the product itself or the name and denomination used  
29 to refer to the goods themselves.

30 **Sec. 21. Withdrawal of Application.** – The application may be withdrawn  
31 at any time by filing with the Registrar a written declaration of withdrawal signed by

1 the applicant or its authorized representative or agent and upon payment of the  
2 prescribed fee.

### 3 **Article VI**

#### 4 **Homonymous Geographical Indications**

5 **Sec. 22. *Protection for Homonymous Geographical Indications.*** – In  
6 the case of homonymous geographical indications for goods as defined in Section 3(i),  
7 the protection shall be accorded to each indication.

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

### 14 **Article VII**

#### 15 **Refusal of the Application**

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

- 18 a) Those which are contrary to laws and regulations, public order, public policy  
19 or morality;
- 20 b) Geographical indications of a foreign country which are not or have ceased  
21 to be protected in their country or territory of origin;
- 22 c) Those which mislead or deceive the public as to the characteristic, nature,  
23 quality, place of origin, production process of the good and/or its use;
- 24 d) Those which consist exclusively of, or identical with, a generic, common or  
25 customary name of the goods in the Philippines and the geographical  
26 indication sought to be registered will be applied for the same goods;
- 27 e) Those which are identical with or confusingly similar to the name of a plant  
28 variety or animal breed and is likely to mislead the consumer as to the true  
29 origin of the goods;
- 30 f) Those which do not fall within the prescribed definition of geographical  
31 indication; and

1 g) Those which are identical with, or confusingly similar to, or an evocation of,  
2 an earlier filed or registered geographical indication in the Philippines or in  
3 a treaty or international agreement of which the Philippines is a member in  
4 respect of the same goods or closely related goods as to cause confusion.

5 **Sec. 25. Order of Refusal.** – Upon proper notification, an Order of Refusal  
6 shall be issued by the Registrar to the applicant who may appeal the same to the  
7 Director General in accordance with the Uniform Rules on Appeal. No motion for  
8 reconsideration of the Registrar’s decision is allowed.

9 **Article VIII**

10 **Publication**

11 **Sec. 26. Publication.** – When the Registrar finds that the requirements  
12 prescribed by this Act are satisfied, it shall, upon payment of the prescribed fee,  
13 forthwith cause the application to be published in the e-Gazette for a period of one  
14 (1) month. The publication shall include the following:

- 15 a) Application number;  
16 b) Filing date;  
17 c) All the details set forth under Section 16; and  
18 d) Other matters which the Registrar may deem necessary.

19 **Article IX**

20 **Opposition to the Registration of Geographical Indication**

21 **Sec. 27. Opposition.** – a) Within one (1) month from the publication of the  
22 application of the geographical indication and upon payment of the prescribed fee,  
23 any interested person who may be damaged by its registration may file a notice to  
24 oppose the registrability of the geographical indication before the Bureau of Legal  
25 Affairs (BLA) of the IPOPHL. The interested party may, in lieu of a notice, file a written  
26 request for extension of one (1) month for good cause and upon payment of the  
27 required fee.

28 b) Within one (1) month from receipt by the BLA of such notice or request for  
29 extension, a verified and written opposition, including supporting documents, must  
30 also be submitted, without need of any notification from the BLA. Failure to comply  
31 within the prescribed period will result to the dismissal of the Opposition. In no case

1 shall the filing of the verified opposition exceed two (2) months from the publication  
2 date of the application.

3 (c) A copy of the opposition shall be furnished by the BLA to the applicant who  
4 may comment on it within one (1) month from receipt of the order. The opposition  
5 will be taken into consideration by the BLA in deciding whether to grant or refuse  
6 protection to the geographical indication being applied for.

## 7 **Article X**

### 8 **Term of Protection**

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

## 17 **Article XI**

### 18 **Amendment**

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

## 23 **Article XII**

### 24 **Cancellation of Registration; Dispute Resolution**

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

- 31 a) The conditions for protection specified under Section 3(g) have not been  
32 fulfilled;



- 1           b) There has been a change in the geographical origin of the goods including  
2           the natural and human factors, which are determinative of the quality,  
3           reputation or characteristics of the goods bearing a geographical indication  
4           and such change results to the disqualification;
- 5           c) Based on the ruling or decision of the court or tribunal, the applicant-  
6           registrant referred to under Section 13 has no effective control over the use  
7           of the geographical indication, standards of production of the goods and  
8           other product specifications;
- 9           d) The registration of the geographical indication was obtained through false  
10          statements and documents during the course of the application; and
- 11          e) The registered or protected geographical indication has been proven to be  
12          generic or a common or customary name of the goods covered thereby in  
13          the Philippines prior to the grant of protection.

14           **Sec. 31. Notice of Verified Petition.** – The BLA shall notify and furnish a  
15          copy of the verified petition to the concerned registrant of the geographical indication  
16          who may comment to it within one (1) month from receipt of the order.

17           The period to file the comment may be extended for another one (1) month  
18          upon written request of the registrant for good and sufficient cause and upon payment  
19          of the required fee. Thereafter, the petition shall be submitted for decision of the  
20          Director of the BLA. In no case shall the filing of the comment exceed two (2) months  
21          from the date of receipt of the notice to comment.

22           **Sec. 32. Appeal.** – The decision of the BLA shall be final and executory unless  
23          appealed to the office of the Director General as provided under the uniform rules on  
24          appeal. No motion for reconsideration of the BLA Director’s decision is allowed.

25           **Sec. 33. Dispute Resolution.** – Notwithstanding any contrary provision in  
26          the Manual of Specifications, if the approval of the association cannot be obtained as  
27          regards the formulation and/or implementation of any of the provisions and  
28          requirements in the Manual, including control processes and standards, and labeling  
29          rules, the same shall also be referred to the BLA for mediation, and as provided under  
30          the implementing rules.

31           In case of any internal dispute, or any issue on the use and/or misuse of the  
32          GI on the products specified in the registration by members of the applicant/registrant

1 or authorized users thereof, or those involving conflicts and issues in the admission of  
2 stakeholders to the association and/or in imposing prohibitions on use of the  
3 registered GI, these may be referred to the BLA for mediation as governed by the  
4 relevant implementing rules and regulations.

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

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

## 14 **Article XIII**

### 15 **Exceptions**

#### 16 **Sec. 34. *Prior Users of Geographical Indications and Trademarks.* –**

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

23 a) For at least 10 years before April 15, 1994; or

24 b) In good faith before April 15, 1994.

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

27 a) Before the effectivity of this Act; or

28 b) Before the geographical indication is protected in its country of origin.

29 Measures adopted to implement this Act shall not prejudice the eligibility for,  
30 or the validity of the registration of the trademark, or the right to use a trademark, on  
31 the basis that such trademark is identical with or similar to, a geographical indication.

32

1 **Article XIV**

2 **Indigenous Cultural Communities/Indigenous Peoples**

3 **Sec. 35. *Additional mechanism.*** – Considering the rights accorded to the  
4 indigenous cultural communities/indigenous peoples under the pertinent laws and  
5 international instruments, this Act shall serve as an additional mechanism towards  
6 recognition of the full ownership and control and protection of their cultural and  
7 intellectual rights.

8 **Sec. 36. *Filing and compliance assistance.*** – Recognizing the importance  
9 and benefits of protecting, promoting and preserving traditional knowledge and  
10 traditional cultural expressions through geographical indications, the IPOPHL shall  
11 endeavor to capacitate and assist the indigenous cultural communities/indigenous  
12 peoples in the filing of their applications and compliance of the prescribed  
13 requirements.

14 **Sec. 37. *Waiver of fees.*** – The Director General is authorized to grant partial  
15 or total waiver of fees for applications filed by recognized indigenous cultural  
16 communities/indigenous peoples prescribed by the Bureau relevant to the GI  
17 registration.

18 **Sec. 38. *Non-diminution of rights.*** – Nothing in this Act may be construed  
19 as diminishing or extinguishing the rights that indigenous cultural  
20 communities/indigenous peoples have or may acquire in the future.

21 **Article XV**

22 **Infringement of Geographical Indications,**

23 **Sanctions and Penalties**

24 **Sec. 39. *Infringement of Geographical Indications.*** – Any willful use of  
25 registered geographical indications in a manner prescribed under Section 8, without  
26 the consent or authorization from the registrant, is considered as an infringement and  
27 offense against the economic interest of the State. The State can motu proprio take  
28 administrative or legal measures to enforce protection of geographical indication  
29 against the geographical indications' infringers.

30 **Sec. 40. *Penalties.*** – Independent of the civil and administrative sanctions  
31 imposed by law, a criminal penalty of imprisonment from two (2) years to five (5)  
32 years and a fine ranging from five hundred thousand pesos (P500,000.00) to one

1 million pesos (P1,000,000.00), shall be imposed on any person who is found guilty of  
2 committing infringement of geographical indications.

3 **Article XVI**

4 **Final Provisions**

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

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

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

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

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

24 **Sec. 46. Effectivity.** – This Act shall take effect fifteen (15) days after its  
25 publication in the *Official Gazette* or in a newspaper of general circulation.

*Approved,*