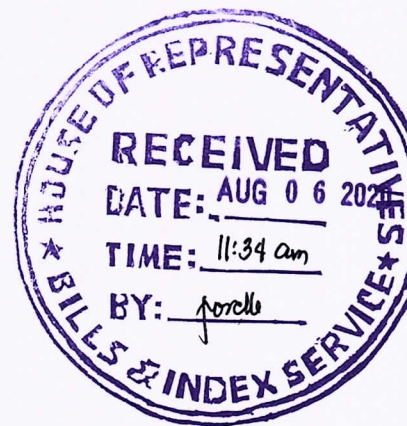




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

EIGHTEENTH CONGRESS
Second Regular Session

House Bill No. 7303



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 guaranty 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



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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,