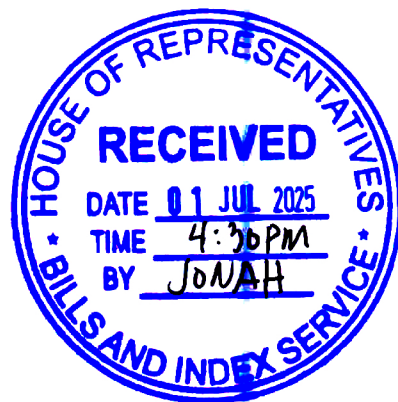




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 348



Introduced by Representative Crispin Diego “Ping” D. Remulla

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

EXPLANATORY NOTE

The Philippines takes great pride in the rich variety of local products that represent the identity, culture, and traditions of our regions. From handwoven textiles to unique agricultural goods, these products are not just sources of income—they are symbols of our heritage. Items like Inabel from Ilocos, Marikina leather shoes, and Liliw slippers, as well as Guimaras mangoes, Cordillera rice, and Bicol pili nuts, are well-loved both locally and abroad for their quality and authenticity.

However, many of these products are at risk of being copied or misused by others who are not part of the communities that created them. This can result in lost income for local producers and confusion for consumers. To prevent this, we must strengthen the use of geographical indications, or GIs, which are special labels that indicate a product comes from a specific place and has certain qualities associated with that location and its people.

In 2023, Guimaras Mangoes became the first GI-certified product in the country—a proud milestone. The Intellectual Property Office of the Philippines (IPOPHL) has identified over 30 other products nationwide that could also be protected under a Geographical Indication

(GI) label. While guidelines for GIs already exist, they are not yet backed by a specific law. That is why this proposed measure is so important.

This bill seeks to provide legal protection for GIs. It will ensure that only genuine products from the designated regions can use specific names associated with their origin. In doing so, we help protect Filipino craftsmanship, build trust with consumers, promote fair competition, and support the livelihood of our farmers, artisans, and small producers.

In view of the foregoing, the approval of this measure is earnestly sought.

A handwritten signature in black ink, consisting of a stylized 'R' followed by a series of loops and a final upward stroke.

CRISPIN DIEGO “PING” D. REMULLA



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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".

SEC. 2. *Declaration of Policies.* – The State recognizes the importance of geographical indications in agricultural, economic, and cultural development. It increases the competitive advantage of agricultural and industrial products with unique quality, reputation or characteristics that are essentially attributable to their geographical origin, thereby facilitating local and foreign market access and recognition. 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 communicate the product characteristics and their attributes to buyers and consumers 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.

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 sounds alike as, another geographical indication but identifies goods having a different geographical origin;
- j) *Indigenous Cultural Communities/Indigenous Peoples* (ICC/IPs) refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized communities on communally bounded and defined territories, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits,

1 or who have, through resistance to political, social and cultural inroads of
2 colonization, non-indigenous religions and cultures, became historically
3 differentiated from the majority of Filipinos. ICC/IPs shall likewise include peoples
4 who are regarded as indigenous on account of their descent from the populations
5 which inhabited the country, at the time of conquest or colonization, or at the time
6 of inroads of non-indigenous religions and cultures, or the establishment of present
7 state boundaries, who retain some or all of their own social, economic, cultural and
8 political institutions, but who may have been displaced from their traditional
9 domains or who may have resettled outside their ancestral domains;

10 k) *Indication* refers to a sign which is used to identify a good, either a geographical
11 name (name of a territory, region, or locality, or under exceptional circumstances,
12 the name of a country), a non-geographical name, an emblem or any other
13 distinctive symbol;

14 l) *IP Code* refers to Republic Act No. 8293 otherwise known as the Intellectual
15 Property Code of the Philippines;

16 m) *IPOPHL* refers to the Intellectual Property Office of the Philippines;

17 n) *Manual of Specifications* refers to a document that contains the name to be protected
18 as a geographical indication, description of the goods, the delimited geographical
19 area where the goods are produced, and an explanation of the link between the said
20 area and its quality, reputation, or characteristics; description of its production
21 processes; control system and quality standards; labeling rules, among others;

22 o) *Paris Convention* refers to the Convention for the Protection of Industrial Property
23 signed at Paris on 20 March 1883, and any revision or amendment thereto which
24 has become into force in the Philippines;

25 p) *Person* refers to any juridical person, organization, association or duly constituted
26 government unit, body, or agency;

27 q) *Producer* refers to:

28 i) any producer of agricultural product or natural products;

29 ii) any processor of natural or agricultural or agri-food products;

30 iii) any industry or manufacturer of products of handicraft; and

31 iv) any trader dealing in the products mentioned in paragraphs (i), (ii), and (iii);

32 r) *Registrar* refers to the Registrar of Geographical Indications;

33 s) *Rules* refers to the Rules and Regulations on Geographical Indications;

- 1 t) *Use of Geographical Indication* refers to offer for sale, production, sale, export or
2 import of geographical indication goods as well as any promotion and
3 communication material in relation to the geographical indication goods and other
4 preparatory steps necessary to carry out the sale or export of goods protected as
5 geographical indications.

6 **ARTICLE II**

7 **Protected Geographical Indications**

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

- 10 a) Securing fair returns for the qualities of their products;
11 b) Ensuring uniform protection of the product's geographical indication as an
12 intellectual property right;
13 c) Providing clear information on the value-adding attributes of the product to the
14 consumers;
15 d) Regulating or managing the procedure related to the registration of geographical
16 indications;
17 e) Protecting geographical indications, including in the unfair competition procedures;
18 f) Promoting geographical indication rights and products; and
19 g) Protecting producers from anti-competitive practices in the registration and use of
20 geographical indications

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

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

32 **SEC. 6. Names, Symbols, and Indications.** – Protected geographical indications may
33 be used by any operator marketing a product which conforms to its corresponding
34 specifications.

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

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

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

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

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

29 Protected geographical indications shall not become generic.

30 **ARTICLE III**

31 **Powers and Authority of the IPOPHL**

32 **SEC. 9. *Geographical Indications Registrar.*** – The Director of the Bureau of
33 Trademarks shall act as the Registrar of Geographical Indications who has the authority to

1 examine and register applications for the registration of geographical indications, and
2 implement the provisions of this Act

3 **SEC. 10. *Register of Protected Geographical Indications.*** – The Registrar shall keep
4 and maintain a register to be known as the Register of Protected Geographical Indications
5 which shall contain all the recorded particulars as the Registrar deems appropriate.

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

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

12 **SEC. 11. *Powers of the Bureau of Legal Affairs.*** – The Bureau of Legal Affairs (BLA)
13 of the IPOPHL shall have the authority to adjudicate on oppositions to the application for
14 geographical indication and cancellations of registered geographical indications. The BLA
15 shall also exercise original and exclusive jurisdiction in administrative complaints for
16 geographical indication infringement and other violations of this Act.

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

19 **SEC. 12. *Roles of Relevant Government Agencies.*** – Pursuant to their respective
20 mandates, the IPOPHL, the Department of Agriculture (DA), the Department of Trade and
21 Industry (DTI), the Department of Science and Technology (DOST), the Department of
22 Environment and Natural Resources (DENR), the National Commission for Culture and the
23 Arts (NCCA), the National Commission on Indigenous Peoples (NCIP), the Cooperative
24 Development Authority (CDA), and such other agencies and local government units as may be
25 appropriate, shall collaborate to support and encourage the development of domestic products
26 with origin-linked quality, characteristics, or reputation to be granted geographical indication
27 protection under the provisions of this Act.

28 The IPOPHL, DA, DTI, DOST, DENR, NCCA, NCIP, CDA, or such other relevant
29 agencies as may be appropriate, shall conduct capacity-building and research and development
30 activities and/or projects for potential geographical indication producers and stakeholders, such
31 as but not limited to the formulation of a manual of specifications, branding, packaging, and
32 marketing of the geographical indication protected product. The agencies shall assist these
33 potential geographical indication producers and stakeholders in ascertaining, validating, and

1 certifying, as needed, the link of the quality, characteristics, or reputation of the goods to the
2 territory, and shall provide such other services to support their needs.

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

6 **ARTICLE IV**

7 **Registration**

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

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

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

29 **SEC. 15. *Additional Qualifications for Non-Filipino Applicants.*** – The applicant, as
30 defined in Section 13 of this Act, who is neither a domestic corporation or
31 organization/association nor a local government unit, body or agency and intends to apply for
32 registration of a geographical indication of a foreign country must also have any of the
33 following qualifications:

- 1 a) A juridical entity incorporated or organized in a country which is a party to the
2 World Trade Organization Agreement on Trade-Related Aspects of Intellectual
3 Property Right or to other international convention or agreement concerning the
4 protection of geographical indications, to which the Philippines is also a party; or
5 b) Domiciled or has a real and effective industrial or commercial establishment in the
6 Philippines or in a country which is a party to an international convention or
7 agreement concerning the protection of geographical indications, to which
8 Philippines is also a party.

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

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

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

33 **SEC. 17. *Proof of GI Protection from Foreign Authorities.*** – Foreign applicants shall
34 also submit within a reasonable period as may be determined by the IPOPHL, proof issued by

1 a competent agency of the government or any private certifying entity, showing that the subject
2 of the application is a registered or protected geographical indication. Other analogous legal
3 documents or proof may also be accepted.

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

7 **ARTICLE V**

8 **Examination**

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

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

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

28 **SEC. 21. *Withdrawal of Application.*** – The application may be withdrawn at any time
29 by filing with the Registrar a written declaration of withdrawal signed by the applicant or its
30 authorized representative or agent and upon payment of the prescribed fee.

31 **ARTICLE VI**

32 **Homonymous Geographical Indications**

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

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 a 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.

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

1 **ARTICLE VIII**

2 **Publication**

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

- 7 a) Application number;
8 b) Filing date;
9 c) All the details set forth under Section 16 of this Act; and
10 d) Other matters which the Registrar may deem necessary

11 **ARTICLE IX**

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

13 **SEC. 27. *Opposition.*** –

- 14 a) Within one (1) month from the publication of the application of the geographical
15 indication and upon payment of the prescribed fee, any interested person who may
16 be damaged by its registration may file a notice to oppose the registrability of the
17 geographical indication before the BLA of the IPOPHL. The interested party may,
18 in lieu of a notice, file a written request for extension of one (1) month for good
19 cause and upon payment of the required fee
20 b) Within one (1) month from receipt by the BLA of such notice or request for
21 extension, a verified and written opposition, including supporting documents, must
22 also be submitted, without need of any notification from the BLA. Failure to comply
23 within the prescribed period will result in the dismissal of the Opposition. In no case
24 shall the filing of the verified opposition exceed two (2) months from the
25 publication date of the application.
26 c) A copy of the opposition shall be furnished by the BLA to the applicant who may
27 comment on it within one (1) month from receipt of the order. The opposition will
28 be taken into consideration by the BLA in deciding whether to grant or refuse
29 protection to the geographical indication being applied for.

30 **Article X**

31 **Term of Protection**

32 **SEC. 28. *Finality of Decision; Registration and Term of Protection.*** – If no opposition
33 Is filed within the prescribed period, the geographical indication shall be granted protection on
34 the day immediately after the last day of publication and entered in the Register of Protected

1 Geographical Indications. In case there is an opposition, the protection shall be reckoned from
2 the finality of the decision that the geographical indication is entitled to registration and
3 protection. The registered geographical indication is protected for an unlimited term until or
4 unless revoked with finality.

5 **ARTICLE XI**

6 **Amendment**

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

11 **ARTICLE XII**

12 **Cancellation of Registration; Dispute Resolution**

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

- 19 a) The conditions for protection specified under Section 3(g) of this Act have not been
20 fulfilled;
- 21 b) There has been a change in the geographical origin of the goods including the
22 natural and human factors, which are determinative of the quality, reputation or
23 characteristics of the goods bearing a geographical indication and such change
24 results in the disqualification;
- 25 c) Based on the ruling or decision of the court or tribunal, the applicant-registrant
26 referred to under Section 13 of this Act has no effective control over the use of the
27 geographical indication, standards of production of the goods and other product
28 specifications;
- 29 d) The registration of the geographical indication was obtained through false
30 statements and documents during the course of the application; and
- 31 e) The registered or protected geographical indication has been proven to be generic
32 or a common or customary name of the goods covered thereby in the Philippines
33 prior to the grant of protection.

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

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

9 **SEC. 32. *Appeal.*** – The decision of the BLA shall be final and executory unless
10 appealed to the Office of the Director General as provided under the uniform rules on appeal.
11 No motion for reconsideration of the BLA Director's decision is allowed.

12 **SEC. 33. *Dispute Resolution.*** – Notwithstanding any contrary provision in the Manual
13 of Specifications, if the approval of the association cannot be obtained as regards the
14 formulation and/or implementation of any of the provisions and requirements in the Manual,
15 including control processes and standards, and labeling rules, the same shall also be referred to
16 the BLA for mediation as provided under the implementing rules.

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

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

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

31 **ARTICLE XIII**

32 **Exceptions**

33 **SEC. 34. *Prior Users of Geographical Indications and Trademarks.*** –

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

7 1) For at least 10 years before April 15, 1994; or

8 2) In good faith before April 15, 1994.

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

11 1) Before the effectivity of this Act; or

12 2) Before the geographical indication is protected in its country of origin.

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

16 **ARTICLE XIV**

17 **Indigenous Cultural Communities/Indigenous Peoples**

18 **SEC. 35. *Additional mechanism.*** – Considering the rights accorded to the indigenous
19 cultural communities/indigenous peoples under the pertinent laws and international
20 instruments, this Act shall serve as an additional mechanism towards recognition of the full
21 ownership, control, and protection of their cultural and intellectual rights.

22 **SEC. 36. *Filing and compliance assistance.*** – Recognizing the importance and
23 benefits of protecting, promoting and preserving traditional knowledge and traditional cultural
24 expressions through geographical indications, the IPOPHL shall endeavor to capacitate and
25 assist the indigenous cultural communities/indigenous peoples in the filing of their applications
26 and compliance of the prescribed requirements.

27 **SEC. 37. *Waiver of fees.*** – The Director General is authorized to grant partial or total
28 waiver of fees for applications filed by recognized indigenous cultural communities/indigenous
29 peoples prescribed by the Bureau relevant to the geographical indication registration.

30 **SEC. 38. *Non-diminution of rights.*** – Nothing in this Act may be construed as
31 diminishing or extinguishing the rights that indigenous cultural communities/indigenous
32 peoples have or may acquire in the future.

33 **ARTICLE XV**

34 **Infringement of Geographical Indications, Sanctions and Penalties**

1 **SEC. 39. *Infringement of Geographical Indications.*** – Any willful use of registered
2 geographical indications in a manner prescribed under Section 8 of this Act, without the
3 consent or authorization from the registrant, is considered as an infringement and offense
4 against the economic interest of the State. The State can *motu proprio* take administrative or
5 legal measures to enforce protection of geographical indication against the geographical
6 indication's infringers.

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

12 **ARTICLE XVI**

13 **Final Provisions**

14 **SEC. 41. *Appropriations.*** – The amount necessary for the conduct of activities and
15 projects in relation to capacity-building, research and development, and assistance to potential
16 and registered geographical indication producers shall be sourced from the budgets of the
17 different government agencies tasked to implement the same.

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

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

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

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

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

Approved,