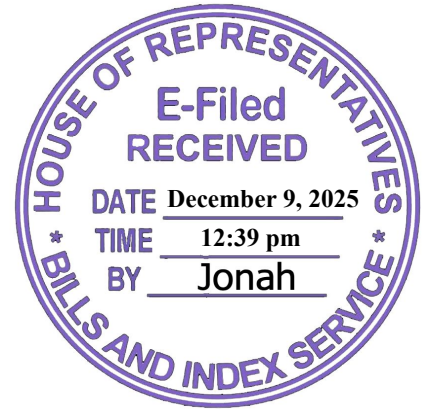


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS

First Regular Session

House Bill No. **6698**



Introduced by **Rep. BEVERLEY ROSE A. DIMACUHA**

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.

This bill seeks to establish guidelines to protect our products' geographical indication by preventing its use by individuals and entities who do not subscribe to the standards set forth in this Act. 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."

In that sense, this measure cleaves closely to our long-held advocacy of supporting "Tatak Pinoy" or Proudly Filipino industries and entrepreneurs. 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 was filed as HB 8657 and has passed 3rd Reading during the 19th Congress, thus, the approval of the bill is thus earnestly requested.


BEVERLEY ROSE A. DIMACUHA

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS

First Regular Session

House Bill No. 6698

Introduced by **Rep. BEVERLEY ROSE A. DIMACUHA**

AN ACT
PROVIDING FOR PROTECTED GEOGRAPHICAL INDICATIONS OF LOCALLY
PRODUCED AGRICULTURAL OR NATURAL (UNPROCESSED OR WILD)
PRODUCTS, PROCESSED PRODUCTS, OR ANY PRODUCTS OF HANDICRAFT
OR INDUSTRY

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

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

Section 2. *Declaration of Policies.* – The State recognizes the economic and cultural contribution of locally produced agricultural products, foodstuffs, handicrafts, and 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 communicate the product characteristics and their attributes 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.* – For purposes of this Act, the following terms are hereunder defined accordingly:

- a) *Bureau* refers to the Bureau of Trademarks;
- b) *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;
- c) *Goods/Products* refer to any agricultural or natural (unprocessed or wild) products, processed products, or any products of handicraft or industry;
- d) *IP Code* refers to Republic Act No. 8293 otherwise known as the Intellectual Property Code of the Philippines;
- e) *Office* refers to the Intellectual Property Office of the Philippines (IPOPHL);
- f) *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);
- g) *Rules* refers to the Rules and Regulations on Geographical Indications;
- h) *Specifications* refers to a document, specifying the production geographical area, production conditions and the quality control process of geographical indication goods, which is compiled by the applicant;
- i) *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.

Section 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 geographic indication as an intellectual property right;
- c) Providing clear information on the value-adding attributes of the product to the consumers;

- d) Regulating or managing the procedure related to the registration of GIs;
- e) Protecting GI, including in the unfair competition procedures; and
- f) Promoting the GI rights and products.

Section 5. *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 a 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, after comparing the homonym sought to be registered and the name already entered in the register, there is sufficient distinction in practice between the conditions of their local and traditional usage and presentation, taking into consideration the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

Section 6. *Exclusions from GI protection.* – The following shall not be protected as geographical indications:

- a) Indications that do not correspond to the definition of "geographical indication" in Section 3 of this Act;
- b) Indications that are contrary to law, good morals, good customs, public order, and public policy;
- c) Geographical indications that are not or cease to be protected in their country or territory of origin, or that have fallen into disuse in that country or territory;
- d) Indications that conflict with names of a plant variety or an animal breed in the territory of the country concerned and are likely to mislead the consumer as to the true origin of the product;
- e) Geographical indications that are generic terms in the territory of the Philippines.

Where a 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 item e) of this section.

Section 7. *Names, Symbols, and Indications.* – Protected geographical indications may be used by any operator marketing a product which conforms to its corresponding specifications.

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

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

Section 9. *Duties of the Office.* – The Intellectual Property Office is the competent authority related to geographical indications matters.

The competent authority shall be entrusted with all functions such as the administration, maintenance, and registration of geographical indications including:

- a) receiving and examining applications;
- b) examining the specifications;
- c) receiving oppositions and counter-statements;
- d) registering geographical indications and dealing with the amendment, invalidation, and cancellation of geographical indications;
- e) resolving conflicts related to geographical indications;
- f) publishing the registered Geographical indications in National Gazette/or newspaper;
- g) performing any other instruction in relation to geographical indications matters.

The office shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected geographical indications to designate goods that are produced or marketed in the Philippines.

Section 10. *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 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.

Section 11. *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.

Section 12. *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.

Section 13. *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 14. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,