

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 8080



Introduced by Representative **MAXIMO JR. Y. DALOG**

EXPLANATORY NOTE

Across the country, farmers, fisherfolk, artisans, and rural communities are the stewards of goods whose quality, reputation, and characteristics are closely linked to their place of origin. From agricultural crops to traditional handicrafts, these products derive their distinctiveness from the unique conditions and traditions of their respective localities. When properly protected, Geographical Indications (GIs) enable producers to distinguish their goods in the marketplace and obtain fairer returns for their labor.

A Geographical Indication is an intellectual property right that serves as both an origin and quality indicator. It assures consumers that a product originates from a specific locality and possesses attributes essentially attributable to that place and its human factors. Effective GI protection strengthens consumer confidence, enhances market recognition, and preserves the authenticity and reputation of local products.

Although GIs are recognized under the Intellectual Property Code of the Philippines and governed by administrative regulation, the current framework does not provide a fully developed statutory system for sustained protection and effective enforcement. There is a need to strengthen the legal structure to ensure clearer remedies, stronger safeguards, and coordinated institutional support for producers. This bill addresses that need by establishing a comprehensive legal framework for GI protection consistent with international standards. It reinforces safeguards against misuse, clarifies authorized use, formalizes a structured control and verification system to maintain product integrity, and institutionalizes coordinated government support for the development and promotion of origin-linked products.

By safeguarding the names and reputation of local products and ensuring that only legitimate producers benefit from their use, this measure empowers farmers and rural communities to capture greater value from their labor. It promotes fair competition, protects consumers from misleading practices, and advances sustainable, place-based rural development.

It must be noted that a similar measure was approved on Third Reading by the House of Representatives during the 19th Congress. The refiling of this bill underscores the urgency of institutionalizing GI protection in the country.

Furthermore, the European Union - Philippines Free Trade Agreement (EU-PH FTA) negotiations which is targeted for conclusion by both parties by the end of 2026 have specifically highlighted the need for a national law on geographical indications. The adoption of this measure will align the Philippines with international standards and obligations under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), while also strengthening the country's position in trade negotiations and enhancing market access for Philippine products abroad.

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



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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

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

- 1 d) Integrity of the market.

2 **SEC. 3. Definition of Terms** - For purposes of this Act, the following terms are
3 hereunder defined accordingly:

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

- 1 j) *Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs)* refers to a
2 group of people or homogenous societies identified by self-ascription and
3 ascription by others, who have continuously lived as organized
4 communities on communally bounded and defined territories, and who
5 have, under claims of ownership since time immemorial, occupied,
6 possessed and utilized such territories, sharing common bonds of
7 language, customs, traditions and other distinctive cultural traits, or who
8 have, through resistance to political, social and cultural inroads of
9 colonization, non-indigenous religions and cultures, became historically
10 differentiated from the majority of Filipinos. ICC/IPs shall likewise include
11 peoples who are regarded as indigenous on account of their descent from
12 the populations which inhabited the country, at the time of conquest or
13 colonization, or at the time of inroads of non-indigenous religions and
14 cultures, or the establishment of present state boundaries, who retain some
15 or all of their own social, economic, cultural and political institutions, but
16 who may have been displaced from their traditional domains or who may
17 have resettled outside their ancestral domains;
- 18 k) *Indication* refers to a sign which is used to identify a good, either a
19 geographical name (name of a territory, region, or locality, or under
20 exceptional circumstances, the name of a country), a non-geographical
21 name, an emblem or any other distinctive symbol;
- 22 l) *IP Code* refers to Republic Act No. 8293 otherwise known as the Intellectual
23 Property Code of the Philippines;
- 24 m) *IPOPHL* refers to the Intellectual Property Office of the Philippines;
- 25 n) *Manual of Specifications* refers to a document adopted by the applicant or
26 registrant, reflecting the collective determination of the producers
27 concerned within the defined geographical area in accordance with the
28 applicable governance or consultative processes, and containing the name
29 to be protected as a geographical indication, the description of the goods,
30 the delimited geographical area where the goods are produced, and an
31 explanation of the link between the said area and their quality, reputation,
32 or characteristics; a description of the production processes; the internal
33 control mechanisms and 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; and
9 iii. any industry or manufacturer of products of handicraft.
- 10 r) *Registrar* refers to the Registrar of Geographical Indications;
- 11 s) *Rules* refers to the Rules and Regulations on Geographical Indications;
- 12 t) *Use of Geographical Indication* refers to offer for sale, production, sale,
13 export or import of geographical indication goods as well as any promotion
14 and communication material in relation to the geographical indication goods
15 and other preparatory steps necessary to carry out the sale or export of
16 goods protected as geographical indications.

17 **ARTICLE II**
18 **PROTECTED GEOGRAPHICAL INDICATIONS**

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

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

1 **SEC. 5. *Generic Nature, Conflicts with Names of Plant Varieties and Animal***
2 ***Breeds, with Homonyms and Trademarks.*** - Generic terms shall not be registered
3 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 a
7 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. *National Geographical Indications Logo.*** - A national logo designed
13 to publicize protected geographical indications shall be established. The Bureau shall
14 constitute a National Logo to certify all registered geographical indication goods in the
15 Philippines.

16 **SEC. 7. *Acquisition of Rights.***-The protection afforded under this Act to any
17 indication constituting a geographical indication shall be obtained through valid
18 registration and a certificate issued to that effect by the Bureau.

19 **SEC. 8. *Rights Conferred to Geographical Indications.*** - Registered
20 Geographical Indications shall be protected against:

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

- 1 c) Any other false or misleading indication as to the provenance, origin,
2 nature, 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 10bis 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 The protection of geographical indications shall also apply to any use of a domain
14 name that is contrary to this Section.

15 **ARTICLE III** 16 **POWERS AND AUTHORITY OF THE IPOPHL**

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

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

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

1 The Registrar, as soon as practicable, shall make applications for registration
2 available and allow for the filing of opposition online or in electronic form.

3 **SEC. 11. Powers of the Bureau of Legal Affairs.** - The Bureau of Legal Affairs
4 (BLA) of the IPOPHL shall have the authority to adjudicate on oppositions to the
5 application for geographical indication and cancellations of registered geographical
6 indications. The BLA shall also exercise original and exclusive jurisdiction in
7 administrative complaints for geographical indication infringement and other violations
8 of this Act.

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

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

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

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

4 Private agencies may also support the geographical indication system.

5 **ARTICLE IV** 6 **REGISTRATION**

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

- 9 a) A producers' organization or association representing those directly
10 involved in the extraction, production, or manufacture of the goods covered
11 by the geographical indication, and which represents a majority, or such
12 other significant proportion as may be determined by the GI Registrar, of
13 the producers of the goods within the delimited geographical area. The
14 organization or association may include traders or other marketing entities
15 as non-voting members; provided that voting control over matters affecting
16 compliance with the Manual of Specifications shall remain exclusively with
17 producers operating within the defined geographical area.
- 18 b) Government agencies or local government units having area of
19 responsibility covering the geographical origin of the goods, as well as
20 representatives of foreign governments, relative to the geographical
21 indication of its nationals, whose laws afford the same rights and protection
22 to Philippine nationals; and
- 23 c) Organizations or associations or indigenous cultural
24 communities/indigenous peoples which are specifically entrusted with the
25 task of regulating and/or protecting geographical indication by paragraphs
26 (a) or (b).

27 **SEC. 14. *Representation; Address for Service.*** - If the applicant is neither
28 domiciled nor has real and effective commercial establishment in the Philippines, it
29 shall designate by a written document filed in the IPOPHL, the name and address of
30 a Philippine resident or representative from the Embassy, Consulate or Chamber of
31 Commerce in the Philippines of the country where the goods originated, who may be

1 served notices or process in proceedings affecting the geographical indication. Such
2 notices or services may be served upon the person so designated by leaving a copy
3 thereof at the address specified in the last designation filed. If the person so
4 designated cannot be found at the address given in the last designation, such notice
5 or process may be served upon the Registrar.

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

- 11 a) A juridical entity incorporated or organized in a country which is a party to
12 the World Trade Organization Agreement on Trade-Related Aspects of
13 Intellectual Property Right or to other international convention or agreement
14 concerning the protection of geographical indications, to which the
15 Philippines is also a party; or
- 16 b) Domiciled or has a real and effective industrial or commercial establishment
17 in the Philippines or in a country which is a party to an international
18 convention or agreement concerning the protection of geographical
19 indications, to which the Philippines is also a party.

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

- 23 a) Name and address of the applicant;
- 24 b) Name of the State of which the applicant is a juridical entity or the law under
25 which it is organized and existing; or name of the State in which the
26 applicant has a domicile or has a real and effective industrial or commercial
27 establishment;
- 28 c) Name of the geographical indication sought to be registered;
- 29 d) The goods to which the geographical indication applies;
- 30 e) Description of the geographical area to which the geographical indication
31 applies, including its territorial limitations or boundaries;

- 1 f) Description of the specific quality, reputation, or other characteristic of the
2 goods and how that quality, reputation, or other characteristic, as the case
3 may be, is essentially attributable to the geographical origin and/or human
4 factors;
- 5 g) Copy of the Manual of Specifications duly formulated and adopted by the
6 stakeholders or its governing board or council;
- 7 h) Verification or validation from the relevant government agency related to
8 the good, or from a competent private independent body:
- 9 i. of the causal link between specific quality, reputation or other
10 characteristic of the goods and the geographical area; and
- 11 ii. of the technical information pertaining to the product specifications in
12 the Manual of Specifications.

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

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

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

23 **ARTICLE V** 24 **EXAMINATION**

25 **SEC. 19. Examination; Deficiencies.** - The Registrar shall examine the
26 applications for registration of geographical indications in accordance with this Act or
27 in accordance with an international treaty to which the Philippines is a party, according
28 to procedures approved thereunder. Should there be any deficiency in the application,
29 the applicant shall be notified by the Registrar to remedy the same, and if deemed
30 necessary, shall be requested to submit additional information or documents within
31 two (2) months from mailing date of the notice. The period to respond may be extended

1 upon written request by the applicant and payment of the required fee for an additional
2 period of one (1) month each but not to exceed the total of four (4) months from mailing
3 date of the official action. Any request for such extension must be filed on or before
4 the day on which the response of the applicant is due.

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

9 A consultative group of experts from the relevant government agencies or private
10 sector referred to in Section 12, well versed in the area of the good to be designated
11 by the geographical indication, may be constituted by the Registrar to support IPOPHL
12 in conducting the substantive examination of the link between the quality,
13 characteristics or reputation of the goods to the territory and the formulation of the
14 Manual of Specifications.

15 **SEC. 20. *Disclaimer.*** - A generic or customary term or common name
16 component of a geographical indication should be disclaimed. In general, a name or
17 term is considered generic, customary or common if it is understood by the general
18 public in the Philippines or the relevant consumers of the goods covered by the
19 geographical indication to be the product itself or the name and denomination used to
20 refer to the goods themselves.

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

25 **ARTICLE VI** 26 **HOMONYMOUS GEOGRAPHICAL INDICATIONS**

27 **SEC. 22. *Protection for Homonymous Geographical Indications.*** - In the
28 case of homonymous geographical indications for goods as defined in Section 3(i) of
29 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

1 General in accordance with the Uniform Rules on Appeal. No motion for
2 reconsideration of the Registrar's decision is allowed.

3 **ARTICLE VIII** 4 **PUBLICATION**

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

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

13 **ARTICLE IX** 14 **OPPOSITION TO THE REGISTRATION OF GEOGRAPHICAL INDICATION**

15 **SEC. 27. *Opposition.*** - a) Within two (2) months from the publication of the
16 application of the geographical indication and upon payment of the prescribed fee, any
17 interested person who may be damaged by its registration may file a notice to oppose
18 the registrability of the geographical indication before the BLA of the IPOPHL. The
19 interested party may, in lieu of a notice, file a written request for extension of one (1)
20 month for good cause and upon payment of the required fee.

21 b) Within one (1) month from receipt by the BLA of such notice or request for
22 extension, a verified and written opposition, including supporting documents, must
23 also be submitted, without need of any notification from the BLA. Failure to comply
24 within the prescribed period will result in the dismissal of the Opposition. In no case
25 shall the filing of the verified opposition exceed four (4) months from the publication
26 date of the application.

27 c) A copy of the opposition shall be furnished by the BLA to the applicant who
28 may comment on it within two (2) months from receipt of the order. The opposition will
29 be taken into consideration by the BLA in deciding whether to grant or refuse protection
30 to the geographical indication being applied for.

ARTICLE X

TERM OF PROTECTION

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

ARTICLE XI

USE OF GEOGRAPHICAL INDICATIONS

SEC. 29. *Right to Use Geographical Indications.* - Protected geographical indications may be used by any person marketing a product which conforms to its corresponding Manual of Specifications.

SEC. 30. *Control and Verification of Use.* - The use of a registered geographical indication shall be subject to verification and compliance under the Control System defined in Section 3(b) of this Act to ensure continued conformity with the Manual of Specifications.

ARTICLE XII AMENDMENT

SEC. 31. *Amendment of an Application or Registration.* - The application for registration or the registration of a geographical indication may be amended, at the request of the applicant or registrant, to correct the formalities in the application or registration and the details in the Manual of Specifications.

ARTICLE XIII
CANCELLATION OF REGISTRATION; DISPUTE RESOLUTION

SEC. 32. Cancellation of Registration. - At any time, upon payment of the prescribed fee and upon a verified petition by any interested person that the protection of geographical indication accorded under Section 7 of this Act is no longer warranted,

1 due notice and opportunity to be heard shall be given to the registrant and if the same
2 petition is found to be meritorious, the BLA shall cancel the registration based on any
3 of the following grounds:

- 4 a) The conditions for protection specified under Section 3(g) of this Act have
5 not been fulfilled;
- 6 b) There has been a change in the geographical origin of the goods including
7 the natural and human factors, which are determinative of the quality,
8 reputation or characteristics of the goods bearing a geographical indication
9 and such change results in the disqualification;
- 10 c) Pursuant to a final court order or decision, if the registrant referred to under
11 Section 13 of this Act is found to have ceased to exercise effective control
12 over the use of the geographical indication and compliance with the Manual
13 of Specifications. For purposes of this paragraph, "effective control" shall
14 refer to the existence and implementation of adequate internal control
15 mechanisms by the registrant, and, where applicable, independent external
16 verification conducted by a duly designated or accredited government
17 agency or private control body, sufficient to ensure conformity with the
18 Manual of Specifications;
- 19 d) The registration of the geographical indication was obtained through false
20 statements and documents during the course of the application; and
- 21 e) The registered or protected geographical indication has been proven to be
22 generic or a common or customary name of the goods covered thereby in
23 the Philippines prior to the grant of protection.

24 **SEC. 33. Notice of Verified Petition.** - The BLA shall notify and furnish a copy
25 of the verified petition to the concerned registrant of the geographical indication who
26 may comment to it within one (1) month from receipt of the order.

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

SEC. 34. *Appeal.* - The decision of the BLA shall be final and executory unless appealed to the Office of the Director General as provided under the uniform rules on appeal. No motion for reconsideration of the BLA Director's decision is allowed.

SEC. 35. *Dispute Resolution.* - Notwithstanding any contrary provision in the Manual of Specifications, where the producer-members of the applicant or registrant association are unable to reach consensus or the required voting threshold under its governance rules with respect to the formulation, amendment, or implementation of any provision of the Manual of Specifications, the matter may be referred to the Bureau of Legal Affairs (BLA) for mediation in accordance with the implementing rules and regulations.

In case of any dispute, or any issue on the use and/or misuse of the geographical indication on the products specified in the registration, the matter may be referred to the BLA for mediation as governed by the implementing rules and regulations.

Nothing in this Section shall be construed to authorize the applicant or registrant to prohibit the lawful use of a registered geographical indication by a person marketing a product which conforms to the Manual of Specifications.

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

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

ARTICLE XIV EXCEPTIONS

Section 36. Prior Users of Geographical Indications and Trademarks. —

- 1) **Nothing in this Act shall prevent the continued or similar use of a particular geographical indication of another country identifying goods in connection with goods or services by any national or domiciliary of the Philippines or**

1 any national with real or effective commercial establishment in, or doing
2 business in the Philippines, who have used said geographical indication in
3 a continuous manner with regard to the same or related goods or services
4 in the Philippines either:

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

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

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

10 a) Before the effectivity of this Act; or

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

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

15 **ARTICLE XV**
16 **INDIGENOUS CULTURAL COMMUNITIES/INDIGENOUS PEOPLES**

17 **SEC. 37. *Additional Mechanism.*** - Considering the rights accorded to the
18 indigenous cultural communities/indigenous peoples under the pertinent laws and
19 international instruments, this Act shall serve as an additional mechanism towards
20 recognition of the full ownership, control, and protection of their cultural and intellectual
21 rights.

22 **SEC. 38. *Filing and Compliance Assistance.*** - Recognizing the importance
23 and benefits of protecting, promoting and preserving traditional knowledge and
24 traditional cultural expressions through geographical indications, the IPOPHL shall
25 endeavor to capacitate and assist the indigenous cultural communities/indigenous
26 peoples in the filing of their applications and compliance of the prescribed
27 requirements.

28 **SEC. 39. *Waiver of Fees.*** - The Director General is authorized to grant partial or
29 total waiver of fees for applications filed by recognized indigenous cultural

1 communities/indigenous peoples prescribed by the Bureau relevant to the
2 geographical indication registration.

3 **SEC. 40. *Non-diminution of Rights.*** - Nothing in this Act may be construed as
4 diminishing or extinguishing the rights that indigenous cultural
5 communities/indigenous peoples have or may acquire in the future.

6 **ARTICLE XVI**
7 **INFRINGEMENT OF GEOGRAPHICAL INDICATIONS,**
8 **SANCTIONS AND PENALTIES**

9 **SEC. 41. *Infringement of Geographical Indications.*** - Any willful use of a
10 registered geographical indication in a manner prescribed under Section 8 of this Act,
11 shall constitute infringement and an offense against the economic interest of the State.
12 The State may motu proprio take administrative or legal measures to enforce
13 protection of geographical indications against infringers.

14 **SEC. 42. *Penalties.*** - Independent of the civil and administrative sanctions
15 imposed by law, a criminal penalty of imprisonment from two (2) years to five (5) years
16 and a fine ranging from Five hundred thousand pesos (P 500,000.00) to One million
17 pesos (P 1,000,000.00), shall be imposed on any person who is found guilty of
18 committing infringement of geographical indications.

19 **ARTICLE XVII**
20 **FINAL PROVISIONS**

21 **SEC. 43. *Appropriations.*** - The amount necessary for the initial implementation
22 of this Act shall be charged against the current year's appropriations of the
23 departments and agencies concerned. Thereafter, the funding of which shall be
24 included in the annual General Appropriations Act.

25 **SEC. 44. *Implementing Rules and Regulations.*** - Within ninety days (90) after
26 the effectivity of this Act, the IPOPHL, in consultation with the relevant stakeholders,
27 shall formulate the implementing rules and regulations necessary to carry out the
28 provisions of this Act.

1 **SEC. 45. *Open Data and Public Access.*** - To foster public trust and
2 transparency, the IPOPHL shall maintain an Open GI Information Portal containing up
3 to-date and searchable information on:

- 4 a) The Register of Protected Geographical Indications;
- 5 b) Manuals of Specifications;
- 6 c) Issued certificates of registration and compliance;
- 7 d) Petitions for cancellation or opposition; and
- 8 e) Reported and adjudicated violations and resolutions.

9 All information shall be made publicly accessible online, subject to applicable
10 data privacy and trade secret exceptions under the law.

11 **SEC. 46. *Monitoring and Evaluation.*** - The IPOPHL shall establish a
12 Monitoring and Evaluation Framework for the implementation of this Act, in
13 coordination with relevant government agencies and civil society stakeholders. The
14 results of these evaluations shall guide policy refinements and supplemental programs
15 to improve the effectiveness and inclusivity of GI protection in the Philippines.

16 **SEC. 47. *Non-Discrimination.*** - The implementation of this Act shall be guided
17 by the principles of equity, inclusiveness, and non-discrimination. No producer,
18 producers' organization/association, Indigenous Cultural Community/Indigenous
19 Peoples (ICC/IP), cooperative, or enterprise shall be denied access to the benefits
20 and protection of a geographical indication on the basis of size, capacity, ethnicity,
21 gender, economic status, provided they meet the requirements of the Manual of
22 Specifications. Equity, inclusiveness and non-discrimination are ensured by the
23 requirement of representativeness of the applicant in charge of elaborating the Manual
24 of Specifications.

25 In the formulation and enforcement of the Manual of Specification and control
26 processes, implementing agencies and registered associations shall ensure that no
27 provision shall unjustly exclude qualified smallholders, marginalized producers, or
28 historically recognized local actors. The Registrar shall have the authority to review
29 and invalidate any content of the Manual of Specifications and the control processes
30 that result in unjust or arbitrary exclusion.

1 **SEC. 48. *Transitory Provision.*** - Geographical indications registered by the
2 IPOP HL under Republic Act No. 8293 and its regulations prior to the effectivity of this
3 Act shall remain valid and effective. They shall automatically be transferred to, and
4 form part of, the register created under this Act.

5 **SEC. 49. *Repealing Clause.*** - All laws, executive orders, issuances, decrees,
6 rules and regulations or any part thereof which are inconsistent with or contrary to the
7 provisions of this Act are deemed amended, modified, or repealed accordingly.

8 **SEC. 50. *Separability Clause.*** -If any part or provision of this Act is held invalid
9 or unconstitutional, the other provisions not affected shall remain in full force and
10 effect.

11 **SEC. 51. *Effectivity.*** - This Act shall take effect fifteen (15) days after its
12 publication in the Official Gazette or in a newspaper of general circulation.

13 Approved,
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