

GEOGRAPHICAL INDICATIONS

Update: More Provisions of the GI Act take effect from 21 November 2019

In April 2019, we reported on the launch of Singapore's new geographical indications ("GI") registration system. This was part of Singapore's commitments under the European Union-Singapore Free Trade Agreement (EUSFTA). To date, more than 130 GIs have been registered in Singapore, identifying goods from cheese and meat to wine and spirits.

The EUSFTA will enter into force on 21 November 2019, and will bring into force further provisions of the Geographical Indications Act 2014 ("GI Act"). The provisions that will take effect are:

- (i) Sections 4(6) to 4(9) – these establish a right of action against use of a registered GI for prescribed categories of goods, regardless of whether such use is misleading. Previously, the right of action against non-misleading use was reserved for GIs identifying wines and spirits only;
- (ii) Sections 15 and 16 – these provide exceptions for certain uses, and prior users, of a registered GI. For example, a trader may use terms that are customarily used in Singapore to describe goods or services, regardless of whether such terms are contained in a registered GI. Moreover, a person who has been using a GI in good faith before 1 January 2004 may continue using it even if it is now a registered GI, unless it is a GI for wines or spirits;
- (iii) Section 75 – this deems the GI register to be prima facie evidence of certain matters relating to a registered GI, including that there were no grounds for refusal under section 41 of the GI Act; and
- (iv) Section 76 – this empowers the Court to certify the validity of a challenged GI registration, and provides for the effect of such certification.

The Geographical Indications (Composition of Offences) Regulations 2019 and the Geographical Indications (Prescribed Goods under Section 10) (Amendment) Rules 2019 also take effect on 21 November 2019. The former permits the compounding of certain offences, while the latter extends the right of action against use of homonymous GIs beyond wines, to 14 other categories of goods.

As Singapore strengthens its protection for GIs, consumers will grow in their recognition of and discernment between GIs. This will encourage a fertile market for authentic geographically unique products, in which traders and producers are able to ensure quality choices for consumers. We look forward to bringing you further news of Singapore's evolving GI regime.

If you would like to discuss protecting and enforcing GIs in Singapore, please get in touch with us.



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