

NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

23 AUG -3 P 4 :32

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 100

Submitted by the Committee on Trade, Commerce and Entrepreneurship on
AUG - 3 2023.

Re: Senate Bill No. 2387 Prepared by the Committee upon the
recommendation of the Subcommittee on Senate Bill No. 1868.

Recommending its approval in substitution of Senate Bill No. 1868

Sponsors: Senator Sonny Angara

MR. PRESIDENT

The Committee on Trade, Commerce and Entrepreneurship to which was referred
Senate Bill No. 1868, introduced by Senators Sonny Angara, Mark Villar, Loren
Legarda, and Joel Villanueva, *entitled*:

**"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"**

has considered the same and has the honor to report it back to the Senate with the
recommendation that the attached **Senate Bill No. 2387** prepared
by the Committee, entitled:


**"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 approved in substitution of Senate Bill No. 1868, with Senators Angara, Villar (M), Legarda, and Villanueva, as authors thereof.

Respectfully submitted:

Chairpersons


SEN. SONNY M. ANGARA
Subcommittee on Senate Bill No. 1868


SEN. MARK A. VILLAR
*Committee on Trade, Commerce and
Entrepreneurship*

Vice-Chairpersons

SEN. RAFFY T. TULFO

SEN. MARIA LOURDES NANCY S. BINAY

Members

SEN. CYNTHIA A. VILLAR

SEN. RONALD "BATO" DELA ROSA

SEN. WIN GATCHALIAN

SEN. PIA S. CAYETANO

**"AN ACT
PROVIDING FOR THE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR
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SEN. CHRISTOPHER "BONG" GO

SEN. IMEE R. MARCOS

SEN. JOSEPH VICTOR G. EJERCITO

SEN. RISA HONTIVEROS

Ex-Officio Members:



SEN. LOREN LEGARDA
President Pro-Tempore

SEN. JOEL VILLANUEVA
Majority Floor Leader

SEN. AQUILINO "KOKO" PIMENTEL III
Minority Floor Leader

HON. JUAN MIGUEL "MIGZ" F. ZUBIRI
Senate President



SEN. CHRISTOPHER "BONG" GO

SEN. IMEE R. MARCOS



SEN. JOSEPH VICTOR G. EJERCITO



SEN. RISA HONTIVEROS

*will interpellate, &
may propose amendments.*

Ex-Officio Members:

SEN. LOREN LEGARDA
President Pro-Tempore

"will interpellate"

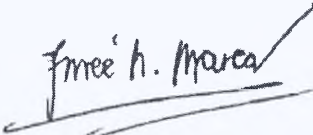
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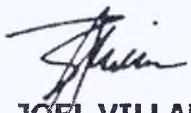

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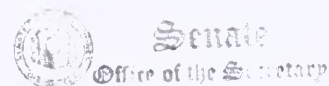
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NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



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SENATE
S. B. No. 2387

(In substitution of Senate Bill No. 1868)

RECEIVED BY

Prepared by the Committee on Trade, Commerce and Entrepreneurship with
Senators Sonny Angara, Mark Villar, Loren Legarda, and Joel Villanueva,
as authors thereof

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

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

3 **Sec. 2. Declaration of Policies.** – The State recognizes the importance of
4 geographical indications in agricultural, economic, and cultural development. It
5 increases the competitive advantage of agricultural and industrial products with
6 unique quality, reputation or characteristics that are essentially attributable to their
7 geographical origin, thereby facilitating local and foreign market access and
8 recognition. Further, rural socio-economic development is bolstered by the consequent
9 creation of job opportunities from production, processing, and distribution.

10 Towards this end, the State shall endeavor to protect and promote these
11 industries by helping producers communicate the product characteristics and their
12 attributes to buyers and consumers to ensure:

- 1 a) Fair competition of producers;
- 2 b) Availability of reliable information to consumers;
- 3 c) Respect for intellectual property rights; and
- 4 d) Integrity of the market.

5 **Sec. 3. Definition of Terms.** – For purposes of this Act, the following terms
6 are hereunder defined accordingly:

- 7 a) *Bureau* refers to the Bureau of Trademarks;
- 8 b) *Control System* refers to the verification of the compliance of goods with
9 the Manual of Specifications, either by internal or external authorities;
- 10 c) *Director General* refers to the Director General of the IPOPHL;
- 11 d) *E-Gazette* refers to the IPOPHL's own publication where all matters required
12 to be published under the IP Code shall be published;
- 13 e) *Evocation of a Geographical Indication* refers to a term, sign, or other
14 labelling or packaging device that presents a direct and clear link with the
15 product covered by a protected geographical indication in the mind of the
16 reasonably intelligent consumer, thereby exploiting, weakening, diluting or
17 being detrimental to the reputation of the registered name;
- 18 f) *Fees* refer to costs imposed on direct recipients of public goods and services
19 provided and performed by the IPOPHL in the exercise of its functions. They
20 also include charges and other costs;
- 21 g) *Geographical Indication (GI)* refers to indications which identify a good or
22 product as originating in a territory, region, or locality, where a given
23 quality, reputation, or other characteristic of the good is essentially
24 attributable to its geographical origin and/or human factors;
- 25 h) *Goods/Products* refer to any agricultural or natural (unprocessed or wild)
26 products, processed products, including foodstuff and alcoholic beverages,
27 or any products of handicraft or industry;
- 28 i) *Homonymous Geographical Indication* refers to a geographical indication
29 that, in part or in whole, has the same spelling as, or sounds alike as,
30 another geographical indication but identifies goods having a different
31 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 communities
4 on communally bounded and defined territories, and who have, under
5 claims of ownership since time immemorial, occupied, possessed and
6 utilized such territories, sharing common bonds of language, customs,
7 traditions and other distinctive cultural traits, or who have, through
8 resistance to political, social and cultural inroads of colonization, non-
9 indigenous religions and cultures, became historically differentiated from
10 the majority of Filipinos. ICC/IPs shall likewise include peoples who are
11 regarded as indigenous on account of their descent from the populations
12 which inhabited the country, at the time of conquest or colonization, or at
13 the time of inroads of non-indigenous religions and cultures, or the
14 establishment of present state boundaries, who retain some or all of their
15 own social, economic, cultural and political institutions, but who may have
16 been displaced from their traditional domains or who may have resettled
17 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 that contains the name to be
26 protected as a geographical indication, description of the goods, the
27 delimited geographical area where the goods are produced, and an
28 explanation of the link between the said area and its quality, reputation, or
29 characteristics; description of its production processes; control system and
30 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;
9 iii. any industry or manufacturer of products of handicraft; and
10 iv. any trader dealing in the products mentioned in paragraphs (i), (ii), and
11 (iii);
- 12 r) *Registrar* refers to the Registrar of Geographical Indications;
- 13 s) *Rules* refers to the Rules and Regulations on Geographical Indications;
- 14 t) *Use of Geographical Indication* refers to offer for sale, production, sale,
15 export or import of geographical indication goods as well as any promotion
16 and communication material in relation to the geographical indication goods
17 and other preparatory steps necessary to carry out the sale or export of
18 goods protected as geographical indications.

19 **Article II**

20 **Protected Geographical Indications**

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

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

1 g) Protecting producers from anti-competitive practices in the registration and
2 use of geographical indications.

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

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

14 **Sec. 6. Names, Symbols, and Indications.** – Protected geographical
15 indications may be used by any operator marketing a product which conforms to its
16 corresponding specifications.

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

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

23 **Sec. 8. Rights of Registrants.** – Registered Geographical Indications shall
24 be protected against:

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

1 in', 'imitation' or similar, including when those products are used as an
2 ingredient;

3 c) Any other false or misleading indication as to the provenance, origin, nature,
4 or essential qualities of the product that is used on the inner or outer
5 packaging, advertising material, or documents relating to the product
6 concerned, and the packing of the product in a container tending to convey
7 a false impression as to its origin;

8 d) Any use of a geographical indication which constitutes an act of unfair
9 competition within the meaning of Article 10*bis* of the Paris Convention; and

10 e) Any other practice that tends to mislead the consumer as to the true origin
11 of the product.

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

15 Protected geographical indications shall not become generic.

16 **Article III**

17 **Powers and Authority of the IPOPHL**

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

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

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

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

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

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

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

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

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

1 **Article IV**

2 **Registration**

3 **Sec. 13. Applicants.** – The following may make an application to the Registrar
4 for the registration of a geographical indication:

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

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

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

- 31 a) A juridical entity incorporated or organized in a country which is a party to
32 the World Trade Organization Agreement on Trade-Related Aspects of

1 Intellectual Property Right or to other international convention or agreement
2 concerning the protection of geographical indications, to which the
3 Philippines is also a party; or

- 4 b) Domiciled or has a real and effective industrial or commercial establishment
5 in the Philippines or in a country which is a party to an international
6 convention or agreement concerning the protection of geographical
7 indications, to which Philippines is also a party.

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

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

- 1 d) Those which consist exclusively of, or identical with, a generic, common or
2 customary name of the goods in the Philippines and the geographical
3 indication sought to be registered will be applied for the same goods;
4 e) Those which are identical with or confusingly similar to the name of a plant
5 variety or animal breed and is likely to mislead the consumer as to the true
6 origin of the goods;
7 f) Those which do not fall within the prescribed definition of geographical
8 indication; and
9 g) Those which are identical with, or confusingly similar to, or an evocation of,
10 an earlier filed or registered geographical indication in the Philippines or in
11 a treaty or international agreement of which the Philippines is a member in
12 respect of the same goods or closely related goods as to cause confusion.

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

17 **Article VIII**

18 **Publication**

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

- 23 a) Application number;
24 b) Filing date;
25 c) All the details set forth under Section 16 of this Act; and
26 d) Other matters which the Registrar may deem necessary.

27 **Article IX**

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

29 **Sec. 27. Opposition.** – a) Within one (1) month from the publication of the
30 application of the geographical indication and upon payment of the prescribed fee,
31 any interested person who may be damaged by its registration may file a notice to
32 oppose the registrability of the geographical indication before the BLA of the IPOPHL.

1 The interested party may, in lieu of a notice, file a written request for extension of
2 one (1) month for good cause and upon payment of the required fee.

3 b) Within one (1) month from receipt by the BLA of such notice or request for
4 extension, a verified and written opposition, including supporting documents, must
5 also be submitted, without need of any notification from the BLA. Failure to comply
6 within the prescribed period will result in the dismissal of the Opposition. In no case
7 shall the filing of the verified opposition exceed two (2) months from the publication
8 date of the application.

9 (c) A copy of the opposition shall be furnished by the BLA to the applicant who
10 may comment on it within one (1) month from receipt of the order. The opposition
11 will be taken into consideration by the BLA in deciding whether to grant or refuse
12 protection to the geographical indication being applied for.

13 **Article X**

14 **Term of Protection**

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

23 **Article XI**

24 **Amendment**

25 **Sec. 29. Amendment of an Application or Registration.** – The application
26 for registration or the registration of a geographical indication may be amended, at
27 the request of the applicant or registrant, to correct the formalities in the application
28 or registration and the details in the Manual of Specifications.

29 **Article XII**

30 **Cancellation of Registration; Dispute Resolution**

31 **Sec. 30. Cancellation of Registration.** – At any time, upon payment of the
32 prescribed fee and upon a verified petition by any interested person that the protection

1 of geographical indication accorded under Section 7 of this Act is no longer warranted,
2 due notice and opportunity to be heard shall be given to the registrant and if the same
3 petition is found to be meritorious, the BLA shall cancel the registration based on any
4 of the following grounds:

- 5 a) The conditions for protection specified under Section 3(g) of this Act have
6 not been fulfilled;
- 7 b) There has been a change in the geographical origin of the goods including
8 the natural and human factors, which are determinative of the quality,
9 reputation or characteristics of the goods bearing a geographical indication
10 and such change results in the disqualification;
- 11 c) Based on the ruling or decision of the court or tribunal, the applicant-
12 registrant referred to under Section 13 of this Act has no effective control
13 over the use of the geographical indication, standards of production of the
14 goods and other product specifications;
- 15 d) The registration of the geographical indication was obtained through false
16 statements and documents during the course of the application; and
- 17 e) The registered or protected geographical indication has been proven to be
18 generic or a common or customary name of the goods covered thereby in
19 the Philippines prior to the grant of protection.

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

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

28 **Sec. 32. Appeal.** – The decision of the BLA shall be final and executory unless
29 appealed to the office of the Director General as provided under the uniform rules on
30 appeal. No motion for reconsideration of the BLA Director’s decision is allowed.

31 **Sec. 33. Dispute Resolution.** – Notwithstanding any contrary provision in
32 the Manual of Specifications, if the approval of the association cannot be obtained as

1 regards the formulation and/or implementation of any of the provisions and
2 requirements in the Manual, including control processes and standards, and labeling
3 rules, the same shall also be referred to the BLA for mediation as provided under the
4 implementing rules.

5 In case of any internal dispute, or any issue on the use and/or misuse of the
6 geographical indication on the products specified in the registration by members of
7 the applicant/registrant or authorized users thereof, or those involving conflicts and
8 issues in the admission of stakeholders to the association and/or in imposing
9 prohibitions on use of the registered geographical indication, these may be referred
10 to the BLA for mediation as governed by the relevant implementing rules and
11 regulations.

12 If the settlement agreement involves the implementation of the Manual of
13 Specifications, the same is subject to review by the Registrar and/or any certifying
14 government agency if the issue relates to the causal link of the products with the
15 geographical area or any technical information on the product specification embodied
16 in the Manual of Specifications. Upon clearance by the Registrar and/or certifying
17 government agency, the settlement agreement shall be deemed final and will be
18 incorporated in the Manual of Specifications.

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

21 **Article XIII**

22 **Exceptions**

23 ***Sec. 34. Prior Users of Geographical Indications and Trademarks. –***

24 1) Nothing in this Act shall prevent the continued or similar use of a particular
25 geographical indication of another country identifying goods in connection with goods
26 or services by any national or domiciliary of the Philippines or any national with real
27 or effective commercial establishment in, or doing business in the Philippines, who
28 have used said geographical indication in a continuous manner with regard to the
29 same or related goods or services in the Philippines either -

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

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

1 without the consent or authorization from the registrant, is considered as an
2 infringement and offense against the economic interest of the State. The State can
3 *motu proprio* take administrative or legal measures to enforce protection of
4 geographical indication against the geographical indication's infringers.

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

10 **Article XVI**

11 **Final Provisions**

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

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

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

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

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

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

Approved,