

GEOGRAPHICAL INDICATIONS MODEL REGULATIONS

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Legal basis taken into account for the model Regulations:

- TRIPS Agreement
- EPA
- Geneva Act of the Lisbon Agreement
- Draft Intra-CARIFORUM GI Agreement
- Some provisions of GI legal frameworks (CARIFORUM countries, EU, ASEAN countries)

GEOGRAPHICAL INDICATIONS REGULATIONS, YEAR

Authority: These Regulations were made on DATE, by the Minister under section 42 of the *Geographical Indications Act*.

Commencement: DATE

PART I : PRELIMINARY

1. Citation

These Regulations may be cited as the *Geographical Indications Regulations*, DATE.

2. Interpretation

In these Regulations,

"fee" means the fee specified in the XXXX Schedule;

"form" means the forms set out in the XXXXX Schedule;

"Official Gazette" includes such other publication as is approved by the competent authority for the purpose.

3. Language of the documents and translation

Applications shall be in the official national language, and any document forming part of an application or submitted to the competent authority pursuant to the Act or these Regulations, and which is in a language other than official national language, shall be accompanied by a [certified] translation verified by the translator as being to the best of his knowledge complete and faithful.

4. Signatures by partnerships, companies & associations

(1) A document purporting to be signed for or on behalf of a partnership shall contain the names of all the partners in full, and shall be signed

(a) by all the parties, or by any partner qualified to sign stating that he signs on behalf of the partnership; or

(b) by any other person who satisfies the competent authority that he is authorised to sign the document.

(2) A document purporting to be signed for or on behalf of a body corporate shall be signed by a Director or by the Secretary or other principal officer of the body corporate, or by any other person who satisfies the competent authority that he is authorised to sign the document.

(3) A document purporting to be signed for or on behalf of a person or an association may be signed by any person who satisfies the competent authority that he is duly authorised.

5. Representation by attorney-at-law

(1) The appointment of an attorney-at-law shall be made by an authorisation of agent, which shall be signed by the applicant or, if there are more than one, by each applicant.

(2) The authorisation of agent appointing an attorney-at-law may be filed together with the application or within 2 months from its filing date and, if the appointment is not so made or is not in accordance with section 15 (1) of the Act and paragraph (b), any procedural steps taken by the agent, other than the filing of the application, shall be deemed not to have been taken.

PART II REGISTRATION OF GEOGRAPHICAL INDICATIONS

6. Application for registration Form 1

(1) The application for the registration of a geographical indication shall be made in *Form 1* and shall be signed by the applicant or an authorised agent.

(2) The application shall indicate the applicant's name, address, nationality, residence and its legal status. The application shall also mention information in relation to the geographical indication: name of the geographical indication, goods to be covered by the geographical indication, geographical area, process of production, the quality reputation or other characteristics of the goods, the quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic (as the case may be) is essentially attributable to the place from which the goods originate, where the geographical indication for which registration is sought relates to a country other than **COUNTRY**, evidence that the geographical indication has obtained recognition or registration as a geographical indication

in the qualifying country or countries of origin, where applicable, and the reference to the control body and the labelling rules.

(3) For the purposes of this regulation,

(a) "name" means, in the case of an individual, that person's family name and given names and, in the case of a legal entity, its full official designation;

(b) "address" means the full address of an individual or, in the case of a legal entity, the address of its registered office;

(c) "nationality" means, in the case of an individual, the State of which that person is a national and, in the case of a legal entity, the State under whose laws it is constituted;

(d) "residence" means the State in which an individual is resident

(e) "legal status" means, in case of organizations or competent authority, the type of status for which the organization or authority is registered or recognized.

(4) An application submitted pursuant to this regulation, shall be signed by the applicant or the applicant's duly authorized agent.

7. Withdrawal of application

(1) An application may be withdrawn by written declaration submitted to the competent authority and signed by each applicant or an authorised agent.

(2) The application fee shall not be refunded if the application is withdrawn.

8. Marking application

(1) Upon receipt, the competent authority shall mark on each document making up the application, the actual date of receipt and the application number consisting of (insert country way of giving a number) and, where any corrections or other later filed documents are received on different dates, the competent authority shall also mark their actual date of receipt in the appropriate place of the request for registration of the geographical indication.

(2) The application number allotted under paragraph (1) shall be quoted in all subsequent communications concerning the application.

9. Objection to or conditional acceptance of application

(1) Where upon examination in accordance with section 16 of the Act the competent authority objects to the application for registration of a geographical indication, he shall notify the applicant in writing of his objections with all the relevant details, and invite the applicant to amend the application, to submit his observations in writing or to apply for a hearing within 2 months from the date of the notification; and, if the applicant does not comply with the invitation within the set period, he shall be deemed to have withdrawn his application.

(2) Where upon examination in accordance with section 16 of the Act the competent authority decides to accept the application subject to amendments, modifications, conditions or limitations, communication of the decision to the applicant shall be made in writing.

(3) Where the applicant objects to the amendments, modifications, conditions or limitations referred to in paragraph (2), he/she shall, within 2 months from the date of the communication, request a hearing in writing or submit his/her observations in writing.

(4) Where the applicant does not object to the amendments, modifications, conditions or limitations referred to in paragraph (2), he/she shall notify the competent authority in writing and amend his application accordingly.

(5) Where the applicant does not respond within the set period, he shall be deemed to have withdrawn his/her application.

(6) Upon receipt of a request for a hearing, the competent authority shall give the applicant at least two months notice in writing of the date and time when he/she may be heard.

(7) At the reasonable request of the applicant, the competent authority may provide an extension of time in order, for the applicant, to provide its observation.

10. Refusal of application or conditional acceptance to which applicant objects

(1) Where after a hearing or after consideration of the applicant's amendments or observations in writing the competent authority refuses the application or accepts it, subject to any amendments, modifications, conditions or limitations to which the applicant objects, communication of the decision to the applicant shall be made in writing.

(2) The applicant may, within one month from the date of the communication referred to under paragraph , request the competent authority to state in writing the grounds of his decision and the material used by him/her in arriving thereat.

11. Acceptance of application

(1) Where the competent authority accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he/she shall so notify the applicant, requesting to pay the publication fee within one month from the date of the notification.

(2) Where the publication fee referred to in paragraph (1) is paid within the time limit prescribed, the competent authority shall proceed to publish the application setting out

- (a) the geographical indication for which registration is sought;
- (b) the name, address and nationality of the individual or legal entity filing the application, and the capacity in which the applicant is applying for registration;
- (c) the name and address of any agent;

- (d) the address for service if an agent has not been appointed in accordance with section 16 of the Act and regulation 5;
- (e) the demarcation of the geographical area to which the geographical indication applies;
- (f) the goods for which the geographical indication is used;
- (g) the quality, reputation or other characteristic of the goods for which the geographical indication is used, and any conditions under which the indication may be used;
- (h) the filing date and number of the application;
- (i) the geographical indication specifications is annexed.

(3) Where the publication fee referred to in paragraph (1) is not paid within the specified time limit, the competent authority must remind the applicant in writing once. If the applicant does not pay the publication fee within one month from the date of competent authority letter, the application shall be considered withdrawn.

12. Objection to or conditional acceptance of application; hearing

(1) A notice of objection/opposition under section 17(1) of the Act shall be given in Form XXX within 3 months of the date of the publication referred to in regulation 11(2), and shall be accompanied by the specified fee and any supporting evidence.

- (2) A counter-statement referred to in section 17(4) & 17(5) of the Act
- (a) shall be subject to the payment of the specified fee;
 - (b) shall be given within 3 months of the date on which the notice of objection/opposition is sent to the applicant;
 - (c) shall be in writing, stating the grounds specified in section 17(2) upon which the applicant relies for his application; and
 - (d) shall be accompanied by any supporting evidence.

(3) A request for a hearing under section 17(5) of the Act shall be made to the competent authority in writing at any time after the filing of the notice of objection/opposition, but not later than one month after the expiry of the specified period for filing the counter-statement.

(4) The competent authority shall give the parties at least one month's written notice of the date set for the hearing; and each party shall, within that period, pay the specified fee for the hearing.

(5) Where the objector/opponent or the applicant does not reside or carry on business in COUNTRY, the competent authority may require to give security for the costs of the objection/opposition proceedings for such amount as the competent authority thinks fit.

(6) Where the competent authority decides to register the geographical indication under section 18(1) of the Act, any objector/opponent and the applicant will be notified in writing, stating the reasons for the decision and, in the case of the applicant, requesting to pay the registration fee as specified in article 11(3).

(7) Where the competent authority decides to refuse to register the geographical indication under section 18(3) of the Act, the objector/opponent and the applicant will be notified in writing, stating the reasons for his decision.

13. Registration of geographical indication

(1) Subject to the payment of the registration fee within the period specified in regulation 11(3), the competent authority shall register the geographical indication in accordance with section 18 of the Act and this regulation.

(2) The registration of the geographical indication shall include

- (a) the geographical indication registered;
- (b) the demarcation of the geographical area to which the geographical indication applies;
- (c) the name and address of the individual or legal entity in whose name the indication is registered;
- (d) the name and address of any agent;
- (e) the address for service if an agent has not been appointed in accordance with XXXX;
- (f) the goods for which the geographical indication is used;
- (g) the quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used;
- (h) the filing date and number of the application as well as the date of registration;
- (i) in case of foreign geographical indication, the country of origin;
- (j) the geographical indication specification.

(3) The publication of the reference to the registration of a geographical indication shall contain the particulars specified in paragraph (2).

(4) The certificate of registration of the geographical indication shall be issued in **Form xxxxx**.

14. Cancellation or rectification/amendment of geographical indication registration

(1) The publication referred to in section 25 of the Act shall

- (a) identify the geographical indication by setting out the particulars referred to in regulation 13(2) in case of geographical indication registration;
- (b) identify the person who, or the authority which, has applied for the cancellation or rectification/amendment of the registration of the geographical indication by setting out the name and address of the person or authority, and of the representative or any agent; and
- (c) specify the period within which the persons having the right to use the geographical indication under section 30 of the Act may apply to join in the proceedings.

(2) The period to be specified by the Court under section 21 of the Act shall not be less than one month from the date of the notice or publication, as the case may be.

(3) Where the Court notifies the competent authority under section 21(3) of the Act that a decision has been taken to cancel or rectify /amend the registration of the geographical indication, the competent authority shall cancel the registration or rectify/amend it in accordance with and in the manner specified in the Court's decision, as the case may be.

(4) The publication under section 21(4) of the Act of the reference to the cancellation or rectification/amendment of the registration of a geographical indication shall

(a) identify the geographical indication by setting out the particulars referred to in regulation 13(2);

(b) indicate that the registration of the geographical indication has been cancelled or rectified/amended, as the case may be, and, if rectified, specify the manner in which the registration has been so rectified; and

(c) cite the decision of the Court, if any, by which the registration of the geographical indication has been cancelled or rectified/amended.

15. Publication

Particulars of geographical indications and other proceedings under the Act and any other information required to be published under the Act or these Regulations shall be published, in accordance with the directions of the competent authority, in the *Official Gazette/IP Journal/in a newspaper published daily*.

16. Renewal of protection (if integrated in the Act)

The request for geographical indication renewal shall be submitted in the six-month period prior to the expiry of the registration. The basic fee for the renewal and, where appropriate, one or more class fees for each class of goods or services exceeding the first one shall also be paid within this period. Failing this, the request may be submitted and the fees paid within a further period of six months following the expiry of registration, provided that an additional fee for late payment of the renewal fee or late submission of the request for renewal is paid within this further period.

Transfer of GI ownership (if integrated in the Act)

A request under section XXXX of the Act to transfer the ownership of a geographical indication shall be made using *Form XXXX* and shall be subject to the payment of the specified fee.

PART III SPECIAL PROVISIONS CONCERNING TRADE MARKS

17. Refusal or invalidation of registration of misleading mark, form

(1) A request under section 36 of the Act to refuse or to invalidate the registration of a misleading trade mark shall be made using *Form XXXX* and shall be subject to the payment of the specified fee; and the procedure set out in regulation 12 shall apply *mutatis mutandis*.

(2) Where the competent authority on his/her own motion decides to refuse or invalidate the registration of a trade mark pursuant to section 36 of the Act, the competent authority shall, in writing, notify the registered owner of the mark, stating the reasons for the decision and giving at least one /two month(s) to submit a counter-statement and to request a hearing.

(3) Where a hearing is requested, the competent authority shall give the registered owner of the trade mark at least one month's written notice of the date set for the hearing; and the registered owner shall, within that period, pay the specified fee for the hearing.

(4) The competent authority shall notify the registered owner under paragraph (3) in writing of the final decision, stating the reasons therefor.

18. Refusal or invalidation of a mark conflicting with geographical indications, form

(1) A request under section 35(3) of the Act to refuse or to invalidate the registration of a trade mark which conflicts with a geographical indication shall be made using *Form XXXX*, and shall be subject to the payment of the specified fee; and the procedure set out in regulation 12 shall apply *mutatis mutandis*.

(2) Where the competent authority on his own initiative decides to refuse or invalidate the registration of a trademark pursuant to section 35 of the Act, competent authority shall in writing so notify the registered owner of the mark, stating the reasons for the decision and giving at least one/two month(s) to submit a counter-statement and to request a hearing.

(3) Where a hearing is requested, the competent authority shall give the registered owner of a trade mark at least one month's written notice of the date set for the hearing, and the registered owner shall within that period pay the specified fee for the hearing.

(4) The competent authority shall notify the registered owner of the trade mark in writing of the final decision, stating the reasons therefor.

19. Publication of invalidation of registration of mark

(1) The competent authority shall record and publish a reference to the invalidation of the registration of a trade mark pursuant to section 35 or 36 of the Act.

(2) The publication of the reference to the invalidation of the registration of the trade mark pursuant to section 35 or 36 of the Act shall include

(a) the representation of the trade mark;

(b) the registration number of the trade mark;

(c) the name and address of the registered owner;

(d) the date of registration;

(e) the list of goods and services in respect of which the trade mark was registered, with an indication of the corresponding class or classes of the International Classification; and

(f) an indication of the grounds on which the registration of the trade mark has been invalidated.

PART IV GENERAL

20. Address for service

- (1) There shall be furnished to the competent authority,
(a) by every applicant for the registration of a geographical indication, an address for service in COUNTRY for the purpose of his application; and
(b) by every person concerned in any proceedings to which these Regulations relate, including the applicant for, or the owner of a geographical indication, an address for service in COUNTRY;

and the address so furnished or, where another address being an address in COUNTRY has been furnished in place thereof, that address, shall be treated for the purposes of that application or those proceedings as the address of that applicant or of that person, as the case may be.

- (2) Where an agent has been appointed in accordance with section 15 of the Act and regulation 5, the address of the agent shall, for all purposes connected with the Act and these Regulations, be treated as the address to which communications to the person who appointed the agent shall be transmitted.

21. Inspection of Register

Inspection of the Register shall be subject to payment of the specified fee, and requests for certified copies of extracts from the Register or for copies of documents shall be made to the competent authority in writing and shall be subject to payment of the specified fee.

22. Entries of changes in the Register

The competent authority shall cause to be entered in the Register in respect of every geographical indication the information indicated in regulation 13(2), as well as any change with respect to that information, in particular, any change in the name, address or address for service indicated therein.

23. Correction of errors

Corrections of errors referred to in section 22 of the Act

- (a) may be made by the competent authority either upon receipt of a request in writing and subject to such terms as he may consider appropriate or on his own initiative;
(b) shall be communicated in writing to all interested persons; and
(c) where considered necessary, shall be published in the *Official Gazette/IP Journal/Newspaper* by the competent authority.

24. Hearing

- (1) The competent authority shall, before deciding adversely in respect of any person any discretionary power given to him by the Act or these Regulations, notify that person in writing of the opportunity to be heard thereon, and shall indicate a time limit of not less than one month for filing a request for a hearing.

- (2) The request for a hearing shall be in writing and shall be subject to payment of the specified fee.

(3) Upon receiving a request for hearing, the competent authority shall give the person applying and any other interested person at least one month's notice in writing of the date and time of the hearing.

(4) After hearing any party desiring to be heard, the competent authority shall decide the matter and shall notify all parties of his decision and, if any party so desires, shall give his reason for the decision.

25. Direction as to furnishing of documents

At any stage of any proceedings before the competent authority, he may direct that such documents, information or evidence as he may require be furnished within such period of time as he may fix.

26. Dispensation by the competent authority

Where under these Regulations any person is required to do any act or thing or any document or evidence is required to be produced or filed and it is shown to the satisfaction of the competent authority that from any reasonable cause that person is unable to do that act or thing or that that document or evidence cannot be produced or filed, the competent authority may, upon the production of such evidence and subject to such terms as he thinks fit, dispense with the doing of any such act or thing or the production or filing of such document or evidence.

27. Evidence

(1) Evidence under these Regulations may be given by statutory declaration or affidavit.

(2) The competent authority may, if deemed necessary, in any particular case, take oral evidence *in lieu* of or in addition to evidence referred to under paragraph (1), and shall allow any witness to be cross-examined on the affidavit or declaration.

28. Administrative directions

Where no provision is made in the Act or these Regulations in respect of any matter arising in the administration of the Act, the competent authority may give such directions in respect thereof as deemed necessary in the circumstances.

29. Inquiries at the Office

The competent authority may acknowledge inquiries made to the Office, but need not furnish the applicant or any other person with information which would require a search of the public records of the Office, or provide advice on matters concerning the interpretation of the Act or these Regulations or any other question of law.

30. Annexed Schedule to forms

(1) Where any information required to be set out in a form furnished by the competent authority is too lengthy to be set out in the space provided, the person completing the form may, subject to paragraph (2), incorporate the information in the form by setting out in the

space provided in the form the following sentence: "The annexed schedule is incorporated in this form", and by annexing the information to the form as that schedule.

(2) A separate schedule is required in respect of each item that is incorporated in a form by reference pursuant to paragraph (1).

31. Fees

The fees specified in the **XXXX Schedule** are payable in respect of the matters to which they relate.

PART V - GEOGRAPHICAL INDICATION BOARD (OPTIONAL)

32. Creation of the GI Board

(1) The Ministry of XXXX establishes a GI Board with the main purpose of examining applications for geographical indications, promoting the geographical indications system in the **COUNTRY**

OPTION : and dealing with any appeal against the registration of a geographical indication.

(2) The GI Board is located within the XXXX, recognized as the competent authority on Geographical Indication matters by the section 3 of the Act.

(3) Decisions of the GI Board are binding the final decision of the competent authority.

33. Powers and duties of the GI Board

The Geographical Indication Board shall have the following powers and duties:

- to study and to promote potential goods to be registered and protected under Geographical Indication in the **COUNTRY**,
- to consider and to decide any appeal against a decision of the competent authority under the Act and regulations,
- to propose or order rectification/amendment or cancellation of a registered Geographical Indication over the decision of the competent authority,
- to provide advice and recommendations to the competent authority in relation to Geographical Indications matters,
- to consider and to appoint experts from relevant sectors,
- to perform any other instruction in relation to Geographical Indication matters received by the

34. Composition of the GI Board

(1) The GI Board shall be composed of at least 5 members.

(2) The composition of the Geographical Indication Board may consist of: (choose and adapt as necessary)

- The competent authority as a member and President of GI Board Secretariat.
- a Senior Official of the Ministry of XXXX in charge of Intellectual Property as the Board Chairman.
- Representatives of the Ministry of Agriculture, Forestry and Fisheries as a member.
- Representatives of the Ministry of Mines and Energy as a member.
- Representatives of the Ministry of Industry and Handicraft.
- Representatives of the Ministry of Law/Legal Affairs.
- Representatives of authorities or institutions in charge of inspecting and/or controlling the quality of goods.
- Qualified persons from organizations or agencies related to consumers' protection.
- Representatives of private sectors.
- Other qualified expert(s).

(3) The GI Board members are appointed by the XXXX, based on a list of representatives, proposed by the concerned Ministry, authorities, institutions, organizations or agencies. The XXXX shall issue a letter of mission for each member of the GI Board.

(4) Each concerned ministry, authority, institution, organization or agency shall appoint at least 2 representatives to take part in the activities of the GI Board.

35. Duration of the appointment

(1) Members of the Geographical Indication Board as referred to in the section 34 shall be appointed and dismissed by the XXXX for a term of 3 three years. A retiring Member may be reappointed.

(2) Apart from retirement upon expiration of their term, the GI Board Members who are qualified persons shall cease to hold their positions upon the following reasons:

- (a) Death
- (b) Resignation from the concerned member notified by registered letter

(c) Resignation on XXXX request

(d) Being incompetent or quasi-incompetent

(e) Exclusion pronounced by the XXXX for serious reasons, the concerned member has been previously invited by mail, if necessary by registered mail, to provide explanations to the GI Board.

(3) In the event of appointment of a Board Member who is a qualified person in place of a Board Member who leaves his office before the expiration of his term, or in case of appointment of additional Board Member who is a qualified person while the Board Member previously appointed are still holding their positions, such appointed person shall be in office for a period equal to the remaining term of the Board Member previously appointed.

36. Experts' appointment

In implementing its duties and functions as referred to in section 33, the Geographical Indication Board can be assisted by one or several experts. In these circumstances, the GI Board chairman may appoint one or more experts on a proposal of their related organizations to take part, as adviser, to the works of the GI Board.

37. Sub-committees

(1) The Geographical Indication Board is empowered to appoint subcommittee(s) to make consideration or to perform any specific tasks assigned by the Board.

(2) The subcommittees are composed of members of the GI Board and any other relevant expert(s) that could assist in the completion of the task conferred by the GI Board.

(3) The GI Board is empowered to end the subcommittees once the task has been performed.

38. Secretariat of the GI Board

(1) The competent authority shall be assigned as President of the GI Board Secretariat.

(2) The office of the secretariat of the GI Board is located at the Intellectual Property Office. If necessary, the President of the Secretariat of the GI Board shall assign any officials of the Intellectual Property Office as his/her assistants.

(3) Members of the GI Board may, if necessary, assist the Secretariat in the implementation of its tasks.

39. Secretariat's duties

(1) The Secretariat of the GI Board shall ensure the implementation of administrative tasks of the Board as follows sending invitations, drafting minutes of the various meetings of the GI Board and, in general, all writings concerning the operation of the GI Board, except those related to accounting.

(2) The Secretariat is also responsible for the development of the GI Board by participating in meetings, taking operational decisions and overseeing its communication policy.

40. GI Board Meetings

(1) Members of the GI Board and the sub committees shall meet at the invitation of the Board Chairman as often as their duties defined in the section 33 request.

(2) The meeting may be convened by any means, but at least 07 days in advance.

(3) The agenda is defined by the Board President.

(4) The GI Board secretariat shall hold the minutes of the GI Board meetings. The minutes are drawn up without blanks or deletions and signed by the Board President and one other member. They are transcribed in chronological order.

41. Quorum rules

(1) The members of the GI Board shall attend the meeting personally/virtually following the invitation of the Board President.

(2) If a member cannot attend the meeting, he/she can be represented by a colleague from the same institution who has been nominated by its institution, as referred to in section 34.

(3) For the meeting to be held, the quorum shall be more than half of the total number of the GI Board Members.

(4) In case of absence or inability to carry out the duty by the Board President, the present members shall designate a GI Board member to preside over the meeting.

42. Decisions of the GI Board

(1) Decisions of the meetings held by the GI Board shall be adopted by fifty percent plus one vote (50+1). Each Board Member shall have one vote. In the event of a tie, the vote of the Board Chairman shall be predominant.

(2) The provisions set in paragraph (1) shall apply to the meetings of the subcommittees *mutatis mutandis*.

43. Internal rules

The GI Board may, if appropriate, elaborate and adopt internal rules that clarify its functioning.

PART VI - GEOGRAPHICAL INDICATION NATIONAL LOGO

44. Creation of the National Logo

1. As mentioned in section 27 of the Act, a National logo designed to label protected geographical indications is established. This National logo shall be administered by the XXXX.

2. The COUNTRY Geographical Indication Logo shall be illustrated below:

INCLUDE AN ILLUSTRATION OF THE LOGO –
 EXAMPLES:



3. The logo consists of the words “Protected Geographical Indication COUNTRY” written in OFFICIAL LANGUAGE.

45. Condition to use the National Logo

1. Protected geographical indications and the National Logo may be used by any producer or operator producing and/or marketing a product conforming to the corresponding specifications.

2. A person wishing to use the National Geographical Indication Logo as referred to in paragraph (1) and section 45 of the Regulations shall apply either via the Geographical Indication Association or directly to the Intellectual Property Office and receive prior permission from the competent authority.

(OPTION) The Intellectual Property Office is empowered to issue permission to use the National Logo.

3. In the case of products originating in the COUNTRY that are marketed under a protected geographical indication registered in accordance with the procedures laid down in these Regulations, the National Logo associated with it shall appear on the labelling. In addition, the registered name of the product should appear in the same field of vision. The indications

'protected geographical indication' or the corresponding abbreviations or 'PGI' may appear on the labelling.

4. In the case of products originating in third countries marketed under a name entered in the register, the indications referred to in paragraph 2 or the National logo associated with them may appear on the labelling.

46. User of the National Logo

1. Persons having the right to use the National Geographical Indication Logo must have the following qualifications:

a) GI direct users

- being the geographical indication owner/right holder
- being a producer or a member of the geographical indication association;
- complying with the geographical indication specifications.

b) GI indirect users

- being a retailer, trader or any person who places the product on the market and promotes that product.

2. Permission to use the National logo:

- **OPTION 1** : is subject of fees
- **OPTION 2**: is not subject of fees.

3. Users are entitled to produce their own National logo stickers, labels or packaging according to the specifications provided by the Intellectual Property Office.

47. Control of the National Logo

1. The Intellectual Property Office/Registry shall manage and update a list of persons allowed to use the National Geographical Indication Logo. The list of the allowed persons shall remain available for consultation at the Intellectual Property Office/Registry upon request of any interested person / or accessible on the website of the IPO.

2. In case the Intellectual Property Office/Registry later finds the person allowed to use the National Geographical Indication Logo does not comply with the provisions set out previously, the Intellectual Property Office has the right to request the said allowed person to come and provide information or documents or other items as necessary to assist in its deliberations.

The Intellectual Property Office is entitled to take administrative actions and sanctions in case of infringements to the National logo.

3. Entitlement to use the National Geographical Indication Logo shall be revoked in the following circumstances:

a) If any entitled person uses the National Logo in ways other than specified in the present article, the Intellectual Property Office/Registry has the right to revoke the entitlement to use the National Geographical Indication Logo and the person allowed to use the National Geographical Indication Logo must cease to use the said Logo.

b) In case the registration of a geographical indication according to section 20 of the Act has been invalidated or cancelled, it shall be deemed that permission to use the National Geographical Indication Logo is also invalidated or cancelled.

4. When a right to use the National Geographical Indication Logo has been invalidated or cancelled, the entitled person must return the document to the Intellectual Property Office/Registry within 30 days of written notification regarding such decision.

48. Duration of the authorization

The authorization to use the National Geographical Indication Logo lasts as long as the authorized person complies with the rules of the concerned geographical indication.

PART VII – MISCELLANEOUS

49. List of geographical indications

The competent authority shall publish from time to time, in the Official Gazette/IP Journal/Newspaper published daily, a list of the geographical indications registered in accordance with the Act.

ANNEX 1: Fee Schedule (types of fees and amounts to be decided by the states)

Matter or Proceeding	Fee \$
1. Application for registration of geographical indication	
2. Request for hearing	
3. Request to the competent authority to state in writing, grounds of decision to refuse application or to accept it subject to conditions	
4. Publication fee	
5. Notice of objection to registration of geographical indication	
6. Counter-statement to notice of objection .. .	
7. Application for cancellation or rectification/amendment of geographical indication registration	
8. Registration fee	
9. Renewal registration fee	
10. Request to refuse or to invalidate the registration of a misleading trademark.. . . .	
11. Hearing relating to request to refuse or to invalidate the registration of a misleading trademark .. .	
12. Request to refuse or to invalidate the registration of a trademark which conflicts with a geographical indication for wines and spirits	
13. Hearing relating to request to refuse or to invalidate the registration of a trademark which conflicts with a geographical indication for wines and spirits ..	
14. Inspection of Register	
15. Request for certified copies of extracts from Register or for copies of documents (per page)	
14. Request for correction of error	
15. Integration in the list of GI users	
16. Use of the national GI logo	

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