

## Recent Amendments to Geographical Indications Act 2014 and Geographical Indications Rules 2019

### Introduction

“Geographical indications” are indications used in trade to identify products, many of which are food or drink, as originating from a particular geographical origin which has given the products their unique qualities, characteristics and reputation. In Singapore, the Geographical Indications Act 2014 (the “**GI Act**”) came into force on 1 April 2019, repealing the then-existing Geographical Indications Act (Chapter 117B). Under the GI Act, a Registry of Geographical Indications (the “**GI Registry**”) along with a new system of registration were established aimed at enhancing the protection of geographical indications in Singapore.

The Geographical Indications (Amendment) Act 2020, which was passed by the Parliament on 3 February 2020, came into operation recently on 15 August 2020 along with the Geographical Indications (Amendment No. 2) Rules 2020. The key amendments to the GI Act are discussed below.

### Clarification on variants

Section 2 of the GI Act has been amended to now provide for a definition of “variant”. In this regard, “variant” is defined as a variant of the indication constituting the geographical indication, and includes any translation, transliteration or other variation of the indication.

It has been clarified that an application for registration may contain two or more variants constituting the same geographical indications. Further, after an application for registration is accepted and published, third parties who oppose the application may oppose the registration of one or more of the variants in the application, instead of all of the variants.

In addition, a refusal of registration of any variant constituting a geographical indication does not prevent the registration of any other variant constituting the geographical indication, if that other variant satisfies the requirements of the GI Act. In the same vein, a cancellation of the registration of any variant constituting a geographical indication does not affect the registration of any other variant constituting the geographical indication.

The relevant rules of the Geographical Indications Rules 2019 have accordingly been amended by the Geographical Indications (Amendment No. 2) Rules 2020 to take into account the clarification on variants provided by the Geographical Indications (Amendment) Act 2020.

## Requirements for filing of qualification of rights

A request for qualification of rights is typically filed by a third party and is concerned with whether a name contained in a geographical indication, or a term which may be a possible translation of the geographical indication, may be available for use by a third party.

The amended GI Act now provides that a qualification of rights may not be requested if it is for a qualification of all the rights conferred in respect of a registered geographical indication.

The above amendment ensures that the qualification of rights process would allow for clarification of the scope of protection conferred by the registration, without negating all the rights conferred by the registration altogether. Accordingly, an applicant seeking to negate the rights conferred under the GI Act in respect of a registered geographical indication or a variant thereof will not be able to use a qualification of right request as a substitute for opposition or cancellation proceedings.

## Removal of post-registration qualification of rights and introduction of a new limitation of scope regime

The GI Act 2014 has been amended to remove the post-registration qualification of rights process. Instead, it is now provided that any application for a limitation of the scope of any rights conferred in respect of a registered geographical indication shall be filed with and heard by the High Court. Pre-registration qualification of rights requests may continue to be filed with the GI Registry.

## Concluding remarks

Overall, the amendments introduced by the Geographical Indications (Amendment) Act 2020 and the Geographical Indications (Amendment No. 2) Rules 2020 aim to address the issues that have arisen in the course of running of the GI Registry. The amendments provide clarity for traders and producers, and help ensure the continued smooth operations of the GI Registry.

*Should you have any queries as to how this update may affect you or your organisation or require further information, please do not hesitate to email us.*



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*This article is intended to discuss the recent amendments to the Geographical Indications Act 2014 and the Geographical Indications Rules 2019, and it is not intended to be comprehensive nor should it be construed as legal advice. This article is updated as of 18 August 2020.*