

GEOGRAPHICAL INDICATIONS

Update: Amendments to the GI Act take effect from 15 August 2020

Singapore's Geographical Indications Act 2014 ("**GI Act**") has now been in force for more than a year, with the latest set of provisions having come into force in November 2019. To date, more than 140 geographical indications ("**GI**") have been registered in Singapore.

On 15 August 2020, amendments to the GI Act and the Geographical Indications Rules ("**GI Rules**") will come into force. The key amendments are:

- (i) **New provisions on treatment of GI variants** – at present, there is an informal practice of including variants of a GI, such as translations, in a single application. The amendments now clearly state that it is possible to register variants of a GI, either within the same or in a different application. "Variants" are defined to include translations, transliterations, and other variations of the GI. The amendments also clarify that variants are treated independently from one another; for example, a variant being refused or opposed will not prevent registration of another variant that has not been refused or opposed, and oppositions and cancellations can be made against specific variants only.
- (ii) **Clarification on when a qualification of rights request may be made** – currently, a third party can seek at any time to clarify the scope of protection conferred on a published GI by filing a request for qualification of rights to be entered in the GI register. The amendments now clarify that a request for qualification of rights must be made before the GI is registered. There are certain grounds on which a request for qualification of rights cannot be made; in particular, a request for qualification of rights that will effectively nullify the GI cannot be made (the appropriate action is an opposition instead).
- (iii) **New mechanism for limitation of scope of rights** – in place of a post-registration qualification of rights request, the amendments now make it possible to apply to the High Court for an order that a limitation of the scope of rights be entered in the register against a registered GI. Similarly, an application for limitation of rights that will effectively nullify the GI cannot be made (the appropriate action is a cancellation instead).

These amendments are aimed at improving clarity for proprietors of GIs, and increasing the efficiency of the GI Registry. The assurance that each variant of a GI will be treated independently provides welcome confidence to GI proprietors, and reflects a nuanced understanding of GIs, culture, and language on the part of the authorities. In addition, treating pre-registration and post-registration disputes separately, with pre-registration procedures centred in the Registry, promises to provide greater and earlier certainty on a registration, while providing third parties the latitude to dispute the registration where necessary.



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

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