

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER

LIST OF TERMS IN RELATION TO 196 PRODUCTS

Prepared by the Ministry of Trade and Industry (“MTI”), the Ministry of Law (“MinLaw”) and the Intellectual Property Office of Singapore (“IPOS”)
21 January 2013

Introduction

1. Singapore recently concluded negotiations with the European Union (“EU”) on a bilateral free trade agreement (the EU-Singapore FTA; or “EUSFTA”). As part of its commitments under the EUSFTA, Singapore needs to enhance its existing regime for the protection of geographical indications (“GIs”). This consultation paper seeks to obtain views on a list of terms in relation to 196 products (contained in Annex A) that the EU has submitted to Singapore.

Background

2. A GI is an indication that is used on a good, and identifies that good as possessing a particular quality, reputation or some other characteristic due to its geographical origin. Many GIs consist of the name of the town, region or country where the goods originate from. An example of a GI is “Champagne”, denoting a wine that originates from the Champagne region in France.

3. Singapore is a signatory to the World Trade Organisation’s (“WTO”) 1994 Agreement on Trade-Related Aspects of Intellectual Property (“TRIPS”). Under the TRIPS Agreement, two levels of protection for GIs are provided. All GIs enjoy the level of protection afforded under TRIPS Article 22¹, whereas wines and spirits GIs are afforded a higher level of protection, under a combination of TRIPS Articles 22 and 23².

4. Singapore implements its TRIPS GI obligations in its Geographical Indications Act (Cap. 117B) (“GI Act”). The GI Act: (a) does not require GIs to be registered to enjoy the protection afforded under TRIPS in Singapore; and (b) allows interested parties (producers and traders of the relevant goods, and associations of such producers and traders) to pursue civil actions to stop third parties from using their GIs.

5. Apart from the GI Act, it is also possible to obtain protection for a GI as a certification or collective mark under Singapore’s Trade Marks Act (Cap. 332).

¹ TRIPS Art. 22 provides protection for GIs against, among other things, the use of the GI in the designation or presentation of a good that indicates or suggests that the good originates in a geographical area other than the true place of origin in a manner which misleads the public as to the true origin of the good.

² TRIPS Art. 23 prevents the use of GIs that identify wines or spirits for those that do not originate from the place indicated by the GI in question, even when the true origin of the product is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style” or “imitation” or the like.

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER

MTI, MinLaw, IPOS

21 January 2013

Intended enhancement of Singapore GI protection regime

6. As part of Singapore's commitments under the EUSFTA, Singapore will need to provide for an enhanced GI protection regime.

7. It is anticipated that the enhanced regime will have, amongst other things, the following features:

- a. **A Registry of GIs**: A GI registry, residing within IPOS, will be established. It will commence receiving applications for the registration of GIs after the EUSFTA is ratified by the European Parliament.

The registry will accept applications for GI registration in respect of: (i) wines and spirits GIs; and (ii) GIs for selected categories³ of agricultural products and foodstuffs.

- b. **A clear, three-stage GI application process**: All applications for GI registration will undergo a three-stage process similar to trade mark applications: (i) application; (ii) examination; and (iii) publication/pre-grant opposition⁴. If no opposition is received in respect of a GI application before the end of the publication/pre-grant opposition period, that GI will proceed to registration.

As for a GI application that is opposed within the publication/pre-grant opposition period, if the relevant parties are not able to resolve their dispute amongst themselves within a certain period, an opposition hearing will be held, and registration of the GI will depend on the outcome of that opposition hearing.

- c. **Enhanced GI Protection for Registered GIs**: Registered GIs for agricultural products and foodstuff will enjoy a higher level of protection than the TRIPS Article 22 level that is presently found in our existing GI Act. Registered GIs for wines and spirits will continue to enjoy the same level of protection as they currently do under our GI Act (i.e., a combination of TRIPS Articles 22 and 23). Owners of Registered GIs will also be allowed access to improved border enforcement measures.

The enhanced GI protection that Singapore will provide in the event of successful GI registration will be to the entire GI as claimed in the

³ The selected categories of agricultural products and foodstuffs are presently under consideration by government agencies.

⁴ After an application has undergone examination by GI examiners at IPOS, it will be published for a certain period (the publication period), providing an opportunity for third persons to oppose the application under certain specified grounds. The grounds of opposition are presently under consideration by government agencies.

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER

MTI, MinLaw, IPOS

21 January 2013

application. Where a GI contains a term considered to be generic in Singapore (i.e., a term that is used as the common name for the relevant good in Singapore), the generic term will still be available for use by third parties. This is explained in more detail in paragraph 10 below.

The effects of GI registration described above will commence after the EUSFTA comes into legal effect.

Owners of GIs can still choose not to register their GIs. Such unregistered GIs will still continue to enjoy the existing TRIPS levels of protection under the GI Act.

More detailed information on the effects of GI registration will be available when we consult the public, in due course, on the revised GI legislation.

Consultation on a list of terms in relation to 196 products

8. The EU has submitted a list of terms in relation to 196 products (contained in Annex A).

9. MTI, MinLaw and IPOS seek your responses to the following questions with respect to the terms on this list. Your responses should pertain to the use of such terms **in Singapore**.

- a. Do you, your company or your suppliers hold the view that the term is **generic** (i.e., it is customary **in Singapore** as the common name for a particular good)?

If **YES**, and if you are currently importing and/or selling any **product** in Singapore bearing the term, and the product is produced or manufactured in a country ***other than*** the EU Member State listed beside the term in Annex A, please provide the following information:

- (i) specific reasons why you hold the view that the term is generic in Singapore (i.e. customary in Singapore as the common name for the particular good);
- (ii) a description of the product (including information on how the term is used on the product packaging);
- (iii) the country of production/manufacture of the product;
- (iv) the date you or your company started importing and/or selling the product in Singapore; ***and***

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER

MTI, MinLaw, IPOS

21 January 2013

- (v) information on the volume and value of imports and/or sales of the product in Singapore.

For a better understanding, please refer to the hypothetical example below.

Hypothetical Example 1

“Queso Manchego” is listed in Annex A as a cheese from Spain.

ABC Pte Ltd holds the view that “Queso Manchego” is generic in Singapore (i.e. that it is customary in Singapore as the common name for a particular type of cheese). ABC Pte Ltd currently imports a cheese product into Singapore bearing the term “Queso Manchego”, and the country of production/manufacture of this cheese product is not Spain.

ABC Pte Ltd should provide the following information:

- (i) the specific reasons why it holds the view that the term “Queso Manchego” is generic in Singapore (i.e. the common name in Singapore for a particular type of cheese);*
- (ii) a description of the cheese product that it is importing into Singapore that bears the term “Queso Manchego” (including information on how the term “Queso Manchego” is used on the product packaging);*
- (iii) information on the country of production/manufacture of the product;*
- (iv) the date ABC Pte Ltd started importing and/or selling the cheese product in Singapore; **and***
- (v) information on the volume and value of the cheese product that is imported into Singapore (bearing the term “Queso Manchego” produced/manufactured in the country that is not Spain).*

- b. If a term is found within an existing trademark registered in Singapore in respect of a particular good, and you are aware that the proprietor of the Singapore registered trademark has not given consent for any third party to use the trademark in Singapore as a GI in connection with the same or similar goods, please: (i) let us know the registration number of the Singapore registered trademark; *and* (ii) provide us with more information on how consent has not been given for any third party to use the trademark in Singapore as a GI.

For a better understanding, please refer to the hypothetical example below.

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER

MTI, MinLaw, IPOS

21 January 2013

Hypothetical Example 2

If the term “Vinohradnícka oblast’ Tokaj” is found within a Singapore registered trademark for wines, and you are aware that the proprietor of the Singapore registered trademark has not given consent for any third party to use the trademark in Singapore as a GI on wines, please:

- (i) let us know the registration number of the Singapore registered trademark; **and***
- (ii) provide us with more information on how consent has not been given for any third party to use the trademark in Singapore as GI for wines (for example, you could inform us that the trademark proprietor was approached by an importer and the trademark proprietor had refused consent, or the trademark proprietor was never approached by any third party for the consent in the first place).*

- c. If a term is found within a trademark (whether registered or not) that is well known in Singapore for a particular good, and you are aware that the trademark proprietor has not given consent for any third party to use the trademark in Singapore as a GI in connection with same or similar goods, please provide us with information on: (i) how this trademark has been used in Singapore in relation to goods and/or services and how it has become well known in Singapore, *and* (ii) how consent has not been given for this well known trademark to be used in Singapore in connection with the GI.

For a better understanding, please refer to the hypothetical example below.

Hypothetical Example 3

If the term “Utiel-requena” is found within a trademark that is well known in Singapore for wines, and you are aware that the trademark proprietor has not given consent for any third party to use the trademark in Singapore as a GI in connection with wines, please provide us with information on:

- (i) how this trademark has been used in Singapore in relation to wines, and how it has become well known in Singapore, **and***
- (ii) how consent has not been given for any third party to use this well known trademark in Singapore as a GI in connection with wines (for example, you could inform us that the trademark proprietor was approached by an importer and the trademark proprietor had refused consent, or the trademark proprietor was never approached by any third party for the consent in the first place).*

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER

MTI, MinLaw, IPOS

21 January 2013

10. As you study all the GI terms listed in Annex A, please bear in mind that the enhanced GI protection under our revised GI regime will only be provided (in the event of successful GI registration) to the entire GI as claimed in the application. Where a GI contains a term considered to be generic in Singapore (i.e., **the term is the same as the common name for the relevant good in Singapore**), **that generic term will still be available for use by third parties**. So, for example, in the event “Mozzarella di Bufala Campana” is successfully registered as a GI under the new registration regime, the improved GI protection will extend to the entire GI as claimed (i.e., third parties cannot use “Mozzarella di Bufala Campana”). However, “Mozzarella” on its own, which is considered to be generic, will be available for use by other traders who import and/or sell mozzarella cheese in Singapore.

11. Your views are important and will help us in designing our future GI regime in a way that takes into account the interests of all stakeholders. You may submit your responses to the questions in paragraph 9 above either electronically, or via mail. We would again like to highlight that your responses should pertain to the use of such terms **in Singapore**.

Via email (to any of the following):

Ms Tan Yan Ru (tan_yan_ru@mti.gov.sg)

Ms Janice Cai (janice_cai@mti.gov.sg)

Ms Alice Yeo (alice_yeo@mlaw.gov.sg)

Via mail

Ms Tan Yan Ru

c/o North America and Europe Division

Ministry of Trade and Industry

100 High Street #09-01

The Treasury

Singapore 179434

If you (or your organisation) represent the interests of a group of producers or traders that is located in a country other than Singapore (e.g., an association of dairy farmers in a third country), we ask that you work with your respective diplomatic mission in Singapore to convey your inputs and views.

12. When providing your responses, please also include your name, contact number and e-mail address, so that we may contact you in the event we have any follow-up questions.

13. Should you or your company have any queries, please direct them to any of the individuals named in paragraph 11 above.

14. Please submit your inputs by **5 pm, Thursday, 21 March 2013**. Thank you.

* * * * *

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

WINES	
EU Member State	EU GI term
Cyprus	Κουμανδαρία Commandaria
Germany	<u>Mittelrhein</u>
Germany	<u>Rheinhessen</u>
Germany	<u>Rheingau</u>
Germany	<u>Mosel</u>
Germany	<u>Franken</u>
Greece	<u>Ρετσίνα Αττικής</u> (Retsina of Attiki)
Greece	<u>Σάμος</u> (Samos)
Spain	<u>Málaga</u>
Spain	<u>Rioja</u>
Spain	<u>Jerez – Xérès – Sherry</u> <u>Jerez</u> <u>Xérès</u> <u>Sherry</u>
Spain	<u>Manzanilla Sanlúcar de Barrameda</u>
Spain	<u>La Mancha</u>
Spain	<u>Cava</u>
Spain	<u>Navarra</u>
Spain	<u>Valencia</u>
Spain	<u>Somontano</u>
Spain	<u>Ribera del Duero</u>
Spain	<u>Penedés</u>
Spain	<u>Bierzo</u>
Spain	<u>Empordà</u>
Spain	<u>Priorat</u>

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

WINES	
EU Member State	EU GI term
Spain	<u>Rueda</u>
Spain	<u>Rías Baixas</u>
Spain	<u>Jumilla</u>
Spain	<u>Toro</u>
Spain	<u>Valdepeñas</u>
Spain	<u>Cataluña</u>
Spain	<u>Alicante</u>
Spain	<u>Utiel-requena</u>
France	<u>Beaujolais</u>
France	<u>Bordeaux</u>
France	<u>Bourgogne</u>
France	<u>Chablis</u>
France	<u>Champagne</u>
France	<u>Graves</u> (Graves de Vayres)
France	<u>Médoc</u>
France	<u>Moselle</u>
France	<u>Saint-Emilion</u>
France	<u>Sauternes</u>
France	<u>Haut-Médoc</u>
France	<u>Alsace</u>
France	Côtes du <u>Rhône</u>
France	<u>Languedoc</u> (coteaux du <u>Languedoc</u>)
France	Côtes du <u>Roussillon</u>
France	<u>Châteauneuf-du-Pape</u>
France	Côtes de <u>Provence</u>
France	<u>Margaux</u>
France	<u>Touraine</u>
France	<u>Anjou</u>
France	<u>Oc</u>

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

WINES	
EU Member State	EU GI term
France	Val de <u>Loire</u>
Italy	<u>Chianti</u>
Italy	<u>Marsala</u>
Italy	<u>Asti</u>
Italy	<u>Barbaresco</u>
Italy	<u>Bardolino (superiore)</u>
Italy	<u>Barolo</u>
Italy	<u>Brachetto d'Acqui</u>
Italy	Brunello di <u>Montalcino</u>
Italy	<u>Vino nobile di Montepulciano</u>
Italy	<u>Bolgheri Sassicaia</u>
Italy	Dolcetto d' <u>Alba</u>
Italy	<u>Franciacorta</u>
Italy	<u>Lambrusco di Sorbara</u>
Italy	<u>Lambrusco Grasparossa di Castelvetro</u>
Italy	<u>Montepulciano d'Abruzzo</u>
Italy	<u>Soave</u>
Italy	<u>Campania</u>
Italy	<u>Sicilia</u>
Italy	<u>Toscana</u>
	<u>Toscana</u>
Italy	<u>Veneto</u>
Italy	<u>Conegliano- Valdobbiadene- Prosecco</u>
Hungary	<u>Tokaj</u>
Portugal	<u>Madeira</u>
	<u>Madère</u>
	<u>Madera</u>
Portugal	<u>Porto</u>
	<u>Port</u>

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

WINES	
EU Member State	EU GI term
	<u>Oporto</u>
Portugal	<u>Douro</u>
Portugal	<u>Dão</u>
Portugal	<u>Bairrada</u>
Portugal	<u>Vinho Verde</u>
Portugal	<u>Alentejo</u>
Romania	<u>Dealul Mare</u>
Romania	<u>Murfatlar</u>
Romania	<u>Cotnari</u>
Romania	<u>Cotești</u>
Romania	<u>Panciu</u>
Romania	<u>Recaș</u>
Romania	<u>Odobești</u>
Romania	<u>Târnave</u>
Slovakia	Vinohradnícka oblasť <u>Tokaj</u>

SPIRITS	
EU Member State	EU GI term
Cyprus	<i>Zıbavía</i> <i>Tçiβavía</i> <i>Zıbáva</i> <i>Zivania</i>
Germany, Austria, Belgium (German-speaking Community)	<u>Korn</u> <u>Kornbrand</u>
Ireland	<u>Irish</u> whiskey <u>Irish</u> whisky

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

SPIRITS	
EU Member State	EU GI term
	Uisce Beatha Eireannach
Ireland	<u>Irish</u> cream
Greece Cyprus	<u>Oúzo</u> <u>Ouzo</u>
Spain	Brandy de <u>Jerez</u>
Spain	<u>Pacharán Navarro</u>
France	<u>Cognac</u>
France	<u>Armagnac</u>
France	<u>Calvados</u>
Italy	<u>Grappa</u>
Hungary	<u>Törkölypálinka</u>
Hungary	<u>Pálinka</u>
Austria	<u>Jägertee</u> <u>Jagertee</u> <u>Jagatee</u>
Austria	<u>Inländerrum</u>
Poland	<u>Polska</u> Wódka <u>Polish</u> Vodka
Poland	Wódka ziołowa z <u>Niziny Północnopodlaskiej</u> aromatyzowana ekstraktem z trawy żubrowej Herbal vodka from the <u>North Podlasie Lowland</u> aromatised with an extract of bison grass
Poland	<u>Polish</u> Cherry
Finland	<u>Suomalainen</u> Vodka <u>Finsk</u> Vodka Vodka of <u>Finland</u>
Finland	Finnish berry liqueur

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

SPIRITS	
EU Member State	EU GI term
	<u>Finnish</u> fruit liqueur
Sweden	<u>Svensk</u> Vodka
	<u>Swedish</u> Vodka
UK	<u>Scotch</u> Whisky

Beer	
EU Member State	EU GI term
Czech Republic	<u>České</u> pivo
Czech Republic	<u>Budějovické</u> pivo
Czech Republic	<u>Budějovický</u> měšt'anský var
Czech Republic	<u>Českobudějovické</u> pivo
Germany	<u>Bayerisches</u> Bier
Germany	<u>Münchener</u> Bier

Cheese	
EU Member State	EU GI term
Denmark	<u>Danablu</u>
Greece	<u>Φέτα</u>
	(Feta)
Spain	<u>Mahón-Menorca</u>
Spain	Queso <u>Manchego</u>
France	<u>Comté</u>
France	<u>Reblochon</u>
	<u>Reblochon de Savoie</u>
France	<u>Roquefort</u>
France	Camembert de <u>Normandie</u>
France	Brie de <u>Meaux</u>
France	Emmental de <u>Savoie</u>
Italy	Provolone <u>Valpadana</u>
Italy	<u>Taleggio</u>

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

Cheese	
EU Member State	EU GI term
Italy	<u>Asiago</u>
Italy	<u>Fontina</u>
Italy	<u>Gorgonzola</u>
Italy	Grana <u>Padano</u>
Italy	Mozzarella di Bufala <u>Campana</u>
Italy	<u>Parmigiano Reggiano</u>
Italy	Pecorino <u>Romano</u>
Italy	Pecorino <u>Sardo</u>
Italy	Pecorino <u>Toscano</u>
Portugal	Queijo <u>S. Jorge</u>

Ham and Meat Products	
EU Member State	EU GI term
Germany	<u>Schwarzwälder</u> Schinken
Italy	Cotechino <u>Modena</u>
Italy	Zampone <u>Modena</u>
Italy	Bresaola della <u>Valtellina</u>
Italy	Mortadella <u>Bologna</u>
Hungary	<u>Szegedi</u> téliszalámi <u>Szegedi</u> szalámi
France	Canards à foie gras du <u>Sud-Ouest</u> (Chalosse, Gascogne, Gers, Landes, Périgord, Quercy)
Spain	<u>Guijuelo</u>
Spain	Jamón de <u>Huelva</u>
Spain	Jamón de <u>Teruel</u>
France	Jambon de <u>Bayonne</u>
Italy	Prosciutto di <u>Parma</u>
Italy	Prosciutto di <u>S. Daniele</u>
Italy	Prosciutto <u>Toscano</u>
Austria	<u>Tiroler</u> Speck
Germany	<u>Nürnberger</u> Bratwürste

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

Ham and Meat Products	
EU Member State	EU GI term
	<u>Nürnberger</u> Rostbratwürste
Spain	Salchichón de <u>Vic</u> Llonganissa de <u>Vic</u>

Oils	
EU Member State	EU GI term
France	Huile essentielle de lavande de <u>Haute-Provence</u>
Spain	<u>Baena</u>
Spain	Sierra <u>Mágina</u>
Spain	Aceite del <u>Baix Ebre-Montsià</u> Oli del <u>Baix Ebre-Montsià</u>
Spain	Aceite del <u>Bajo Aragón</u>
Spain	<u>Antequera</u>
Spain	<u>Priego de Córdoba</u>
Spain	Sierra de <u>Cádiz</u>
Spain	Sierra de <u>Segura</u>
Spain	Sierra de <u>Cazorla</u>
Spain	<u>Siurana</u>
Spain	Aceite de <u>Terra Alta</u> Oli de <u>Terra Alta</u>
Spain	Les <u>Garrigues</u>
Spain	<u>Estepa</u>
France	Huile d'olive de <u>Haute-Provence</u>

Other Products	
EU Member State	EU GI term
Czech Republic	<u>Žatecký</u> chmel
Germany	Hopfen aus der <u>Hallertau</u>
Spain	Azafrán de <u>la Mancha</u>

GEOGRAPHICAL INDICATIONS CONSULTATION PAPER
LIST OF TERMS IN RELATION TO 196 PRODUCTS

Annex A

Other Products	
EU Member State	EU GI term
Italy	Aceto balsamico Tradizionale di <u>Modena</u>
Italy	Aceto balsamico di <u>Modena</u>
France	Huîtres <u>Marennes-Oléron</u>
Italy	Arancia Rossa di <u>Sicilia</u>
Italy	Cappero di <u>Pantelleria</u>
Italy	Kiwi <u>Latina</u>
Italy	Lenticchia di <u>Castelluccio di Norcia</u>
Italy	Mela <u>Alto Adige</u> <u>Südtiroler apfel</u>
Italy	Pesca e nettarina di <u>Romagna</u>
Italy	Pomodoro di <u>Pachino</u>
Austria	<u>Steirischer</u> Kren
Spain	Cítricos <u>Valencianos</u> Cítricos <u>Valencians</u>
France	Pruneaux d' <u>Agen</u> – Pruneaux d' <u>Agen</u> mi-cuits
Greece	<u>Ελιά Καλαμάτας</u> (<u>Elia Kalamatas</u>)
Spain	Turrón de <u>Alicante</u>
Germany	<u>Aachener</u> Printen
Germany	<u>Nürnberger</u> Lebkuchen
Germany	<u>Lübecker</u> Marzipan
Germany	<u>Bremer</u> Klaben
Spain	<u>Jijona</u>
Greece	<u>Μαστίχα Χίου</u> (<u>Masticha Chiou</u>)
