



Protection and Development of Geographical Indication in China

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I. An Overview of China's Intellectual Property Protection

Reform and opening
up in 1978

Acceded to WTO in 2001

Joined WIPO in 1980

National Intellectual Property
Strategy promulgated in 2008

Applications for patent/trademark,

Granted patents/trademarks **1**

PCT applications **2**

Madrid trademark applications **3**



CNIPA

• **16500** Staff


• **12000** patent and
trademark examiners

I. An Overview of China's Intellectual Property Protection

Building An Innovative Country

- ◆ National Intellectual Property Strategy was promulgated in 2008
- ◆ Innovation Driven Development Strategy was launched in 2012
- ◆ R&D investment exceeded 1760 billion RMB, 2.13% of China's GDP in 2017

Global Innovation Index



17 th in 2018
25th in 2017

1. Intellectual Property Legislation

IP
legislation

1982 Trademark Law

1984 Patent Law

1990 Copyright Law

1993 Anti-Unfair Competition Law

1997 Regulations on the Protection of New Varieties of
Plants

2005 Measures on the Protection of Geographical
Indication Products

2017 General Principles of Civil Law

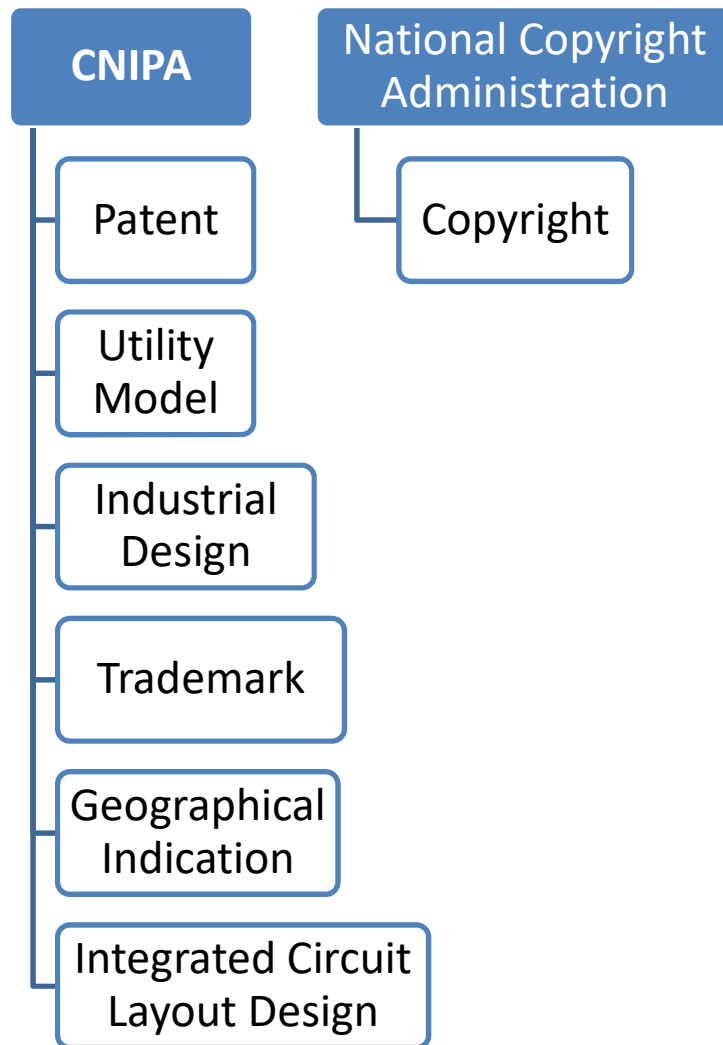
The law entered
into force on 1
April 1985

Regulates the
protection of GI
products

Clarifies IP subjects
include patent,
trademark, copyright,
and GI, etc.

2. Intellectual Property Administration

Central Level:



Responsibilities of CNIPA:

- Implementation of National IP Strategy
- Protection of IP
- Promotion of IP Utilization
- Examination, Registration and Administrative Adjudication of Patents and Trademarks
- Construction of IP Public Service System
- Overall Coordination of Foreign-related IP Affairs

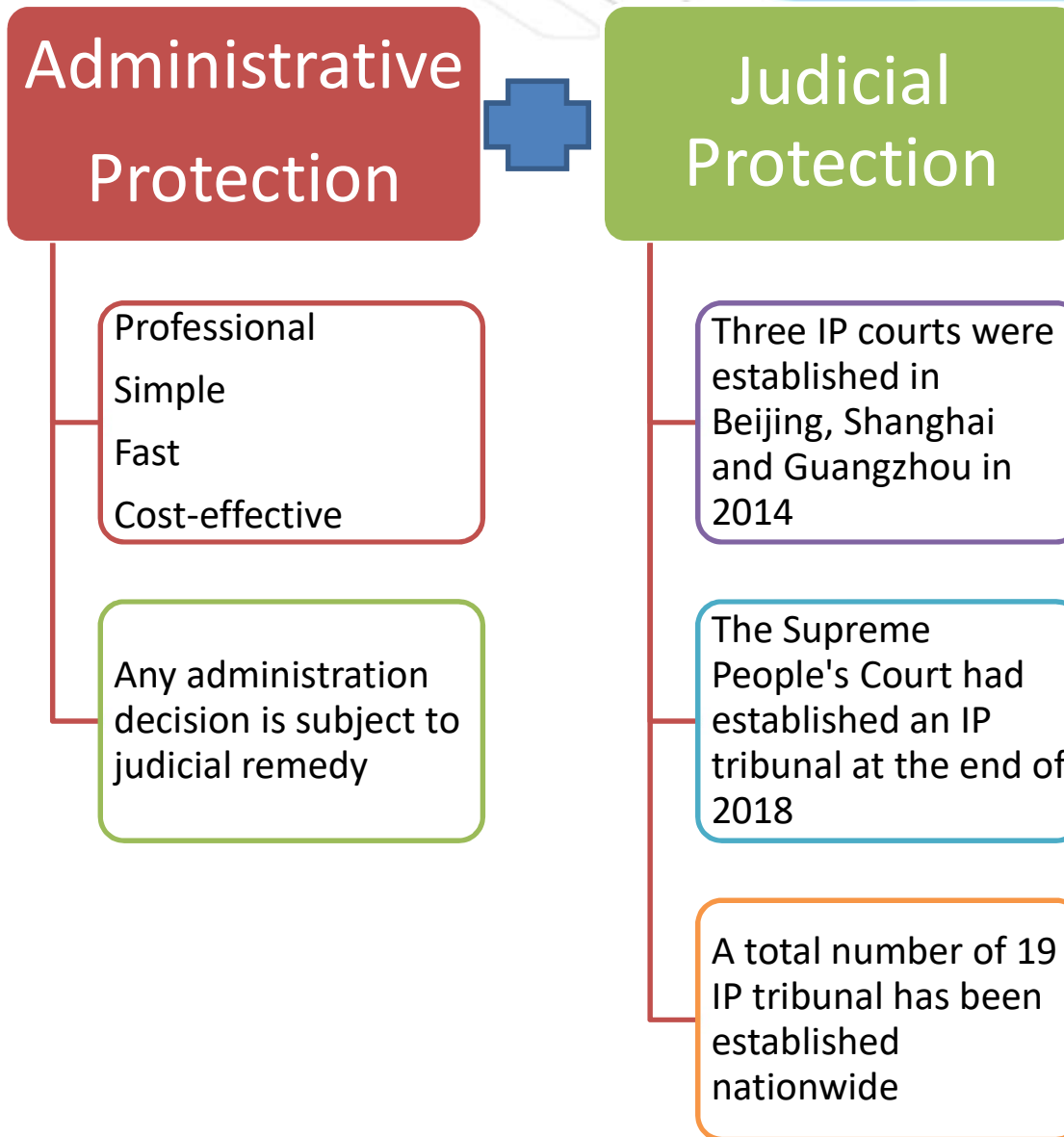
2. Intellectual Property Administration

Local Level:

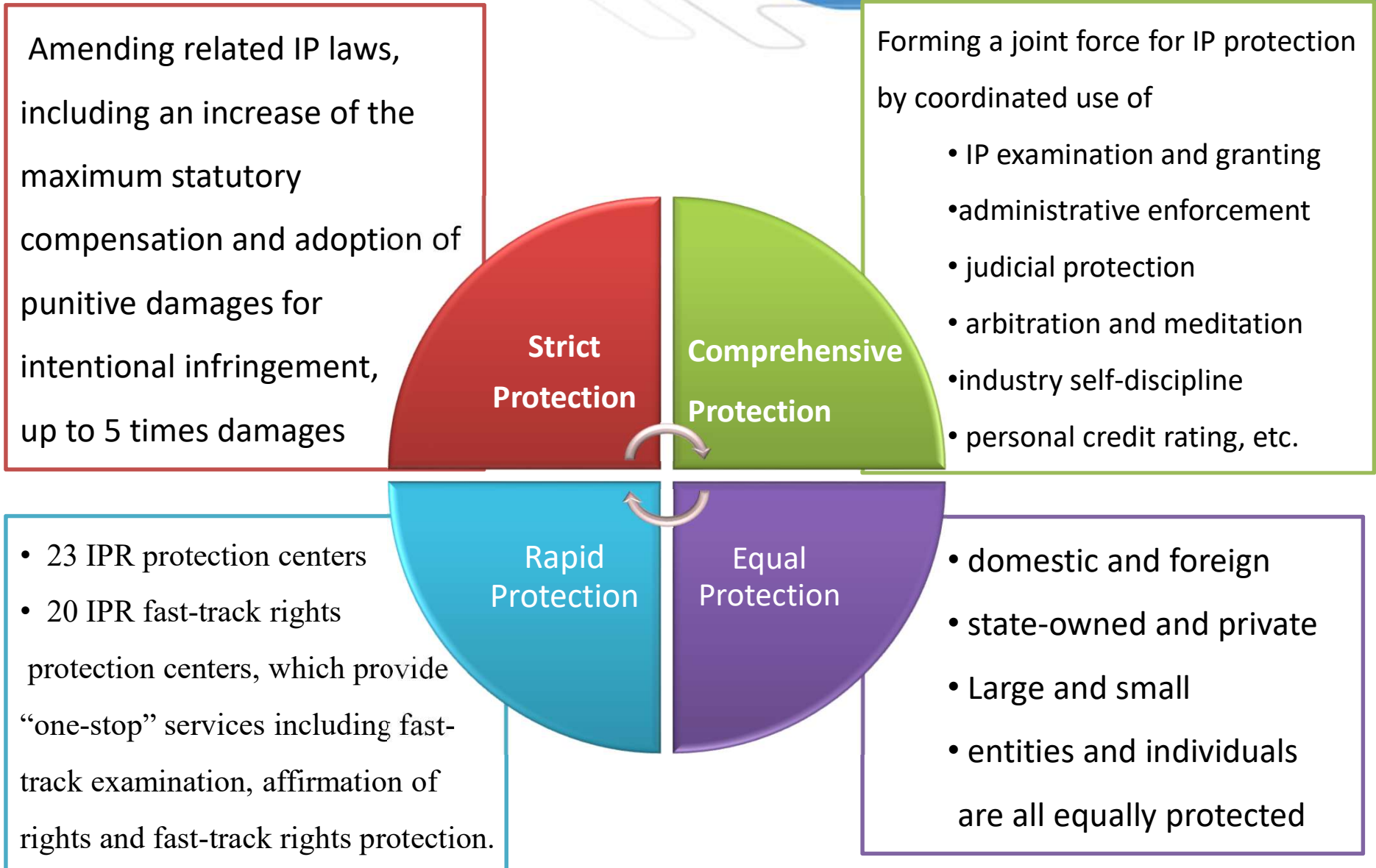
Governments at the provincial and municipal levels have established IP administrative authorities which have the following responsibilities:

- ◆ Drafting local IP regulations and policies
- ◆ Administrative law enforcement of IP rights
- ◆ Providing IP services to the public
- ◆ Promoting public awareness of IP

3. Intellectual Property Protection



3. Intellectual Property Protection



4. Intellectual Property Utilization

- ◆ IP transactions are increasingly active
 - The number of patent transfer and licensing has increased from **54,000 in 2009 to 230,000 in 2018**
 - The number of recorded trademark transfer and licensing has increased **from 85,000 in 2009 to 452,000 in 2018**
- ◆ Innovative utilization of intellectual property
 - IP financing including IP pledge, IP insurance, equity investment
 - Other practices such as IP auctions, IP trusteeship
 - In 2018, the amount of trademark, patent, and copyright pledge financing was respectively **33.9 billion RMB, 88.5 billion RMB, and 16.33 billion RMB**
- ◆ Building a national public service platform for IP operation

II. Protection and Development of Geographical Indication



II. Protection and Development of Geographical Indication

- 1. China's GI Protection System**
- 2. Utilization of GI in China**
- 3. Prospect for Future Development of GI**

1. China's GI Protection System

Protection of Geographical Indication under Trademark System

- ◆ Related Laws and regulations
 - Trademark Law
 - Implementing Regulations of the Trademark Law
 - Registration and Administration Measures for Certification and Collective Trademarks
- ◆ GI is registered as certification trademark or collective trademark

1. China's GI Protection System

Protection of Geographical Indication under Trademark System

As to Foreign Applicants

Where a foreigner or a foreign enterprise applies for the registration of a geographical indication as a collective trademark or certification trademark, the applicant should provide proof that the GI is legally protected in its original country.

1. China's GI Protection System

Protection of Geographical Indication under Trademark System

- ◆ The application and registration procedures for GI trademarks are the same as ordinary trademarks
 - Substantive examination,
 - Preliminary announcement
 - Registration after the opposition period
- ◆ The period of protection is 10 years and can be renewed upon expiration
- ◆ The holder of a GI trademark is responsible for the management and supervision of the use of this trademark.
- ◆ The trademark owner has the exclusive right of the trademark and may request the infringer to stop using it, and claim for damages.

1. China's GI Protection System

Sui Generis GI Protection System

Related Regulations and Rules

- ◆ Measures for Protection of Geographical Indication Products (2005)
- ◆ Implementing Rules of the Measures on the Protection of Geographical Indication Products (2009)
- ◆ Measures for Protection of Geographical Indication Products of Foreign Countries (2016)

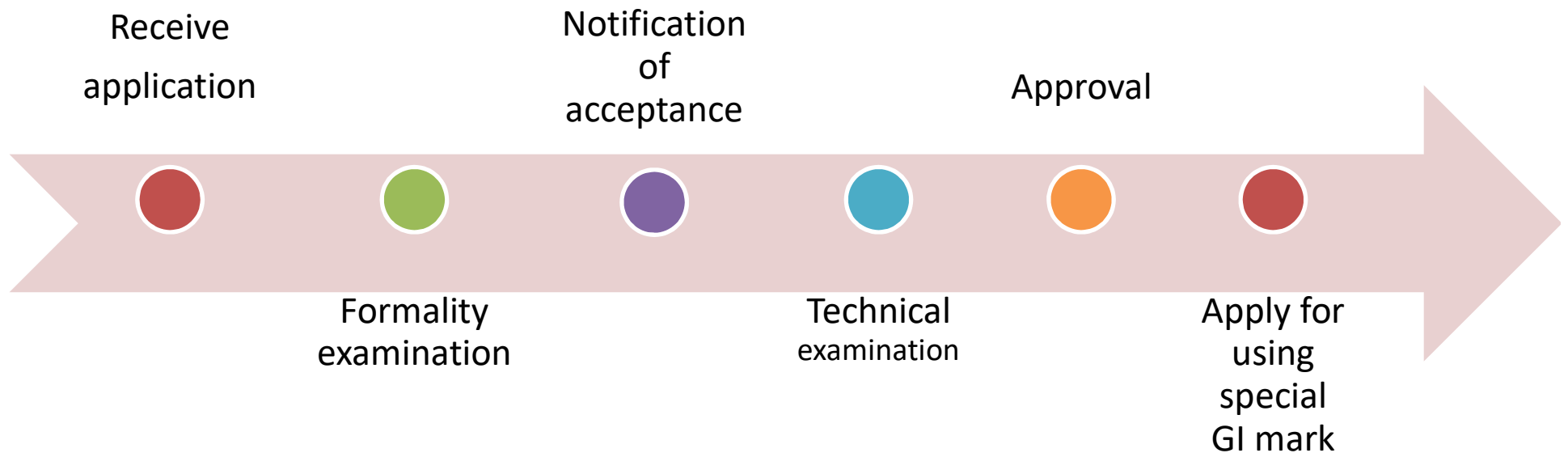
GI products include

- Planting and cultivation products from the region
- Products produced and processed in accordance with specific technique of production in the region, and its raw materials are all from the region or partially from other regions

1. China's GI Protection System

Sui Generis GI Protection System

Application and Approval Procedures



- ◆ Applicants: producers, associations or enterprises accredited by the local government



1. China's GI Protection System

Sui Generis GI Protection system

Measures for Protection of Geographical Indication Products of Foreign Countries (amendment under way)

Foreign geographical indication products seeking protection in China should be applied by the original applicants whose geographical indication are protected by the country of origin or region of the products to CNIPA, with recommendation by the competent authority of the country of origin or region

1. China's GI Protection System

Sui Generis GI Protection System

- ◆ Free of charge
- ◆ No limit of protection period
- ◆ The local market supervision authorities are responsible for supervising and protecting the GI products

As to foreign GI products protected in China

- ◆ Applicants of foreign GI products protected in China must fulfill corresponding management responsibilities
- ◆ Applicants shall report to CNIPA before the end of March each year about the management measures of the year and the implementation of the previous year.

1. China's GI Protection System

Statistics on GI

In 2018

- ◆ 961 GI trademarks registered
- ◆ 12 applications for protection of GI products accepted (including 2 foreign ones),
- ◆ 67 GI products approved

By End of May 2019

- ◆ An accumulated number of 5,041 GI trademarks registered (including 187 foreign ones)
- ◆ Totally 2,380 GI products approved since 2005 and,
- ◆ 8,295 enterprises approved for using special signs on GI products.

2. Utilization of GI in China

Improve the GI protection system, support development of GI products, and promote conversion of the advantages in the natural and human factors with local characteristics into real productivity.”

————— *The National Intellectual Property Strategy (2008)*

“Give full play to the role of trademarks and geographical indications for agricultural products in the process of agricultural industrialization, and carry out a number of elite projects for poverty alleviation by using IP.”

————— *Thirteenth National Five-Year Plan for Intellectual Property Protection and Utilization (2017)*

2. Utilization of GI in China

- ◆ **Strengthen the Top-level Design for Promoting the Use of GI**
 - Formulation of a working plan and launching the project for promoting GI utilization
 - Preparations for setting up the sub-technical committee on protection of GI products under the National IP Management Standardization Technical Committee
- ◆ **Give Full Play to the Role of GI in Alleviating Poverty and Realizing Prosperity**
 - Support enterprises with geographical indication products
 - Provide guidance to SMEs on how to achieve business development via promotion of marketing and brand-building for their GI products
 - Publicize GI knowledge, cases and experiences at grassroots level

2. Utilization of GI in China

- ◆ Increase the Popularization, Exchanges and Promotion of GI
 - International Forum on Brand Building
 - Public election of “Top Ten Typical Cases of Trademark Enriching Farmers and GI Used for Accurate Poverty Alleviation”
 - “National Competition on GI trademark Photography”
- ◆ Promote Setting up of More Sales Channels for GI products
 - Encourage E-commerce companies to be engaged in promoting GI brands
 - Ali village Taobao
 - JD online “market for local special products”

2. Utilization of GI in China

In 2014, a special study on GI Trademarks and Regional Economic Development was conducted, with the following findings:

- ◆ The price of goods after the registration of GI trademark rose by an average of 50.11%.
- ◆ GI has obvious enrichment effect, and the sales of GI products are the main income of local farmers in some regions.
- ◆ GI is a driving force for development of related industries and regional economic growth. In some regions, GI products are the pillar industries for local development.



2. Utilization of GI in China

In 2017, the output value of China's GI products exceeded 1 trillion RMB, which strongly supported the characteristic industries and accurate poverty alleviation. It has become one of the important ways for many local governments to develop regional economic characteristics and implement poverty alleviation



3. Prospect for Future Development of GI

Further Improvement of GI System

- ◆ Explore the feasibility of drafting administrative regulations for the protection of GI products
- ◆ Amend the Measures on Protection of GI Products
- ◆ Formulate examination guidelines and working rules for GI products
- ◆ Improve the standardization system for protection of GI products

3. Prospect for Future Development of GI

Improve the Level of Protection

- ◆ Strengthen the protection of some key GI products.
- ◆ Intensify the supervision and administration of GI products, so as to provide more strict protection of GI products.
- ◆ Carry out the construction of GI protection demonstration zones, and build a platform for electronic application of GI products.

3. Prospect for Future Development of GI

Enhance International Cooperation

- ◆ Deepen cooperation with WIPO and WTO in the field of GI
- ◆ Carry out consultations on GI issues in the process of negotiating FTAs with relevant economies
- ◆ Carry out cooperation with relevant countries or regions on mutual recognition and mutual protection of GI products, as well as strengthen communication and cooperation with the Belt and Road countries on GI.

Thank you for your attention !

