

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

NINETEENTH CONGRESS
Second Regular Session

House Bill No. **8657**



Introduced by **Rep. MARIO VITTORIO “MARVEY” A. MARIÑO**
5th District, Batangas

EXPLANATORY NOTE

Our country prides itself on goods and products that are uniquely characterized to be part of our Filipino culture and heritage. In the international marketplace, these products should ideally represent our people’s creativity and innovativeness. These products should hallmark the Filipino brand of quality to its global and local consumers. Nonetheless, this framework finds difficulty in application largely because of our country’s weak regulation and lack of protection of our product’s identity or geographical indication.

Ultimately, this proposed bill would not only safeguard our local producers' superior quality of manufacturing and craftsmanship, but would also protect consumers from disingenuous and substandard products that pose to be truly “Filipino-made.”

Through this measure, not only do we want to ensure that products sold in the market were indeed produced, grown, or manufactured in the places they were said to have been produced, grown, or manufactured. We also want to ensure that products that bear any mark of having come from anywhere in the Philippines, are in fact things that all Filipinos can be proud of and showcase around the world.

This bill serves as the House’s counterpart measure to the bill filed by Senator Sonny Angara in the Senate.

In view of the foregoing, the early passage of this bill is earnestly requested.


MARIO VITTORIO “MARVEY” A. MARIÑO

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AN ACT
PROVIDING FOR THE PROTECTION OF GEOGRAPHICAL
INDICATIONS FOR AGRICULTURAL OR NATURAL (UNPROCESSED
OR WILD) PRODUCTS, PROCESSED PRODUCTS, WINES AND
SPIRITS, OR ANY PRODUCTS OF HANDICRAFT OR INDUSTRY

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Article I

General Provisions

Section 1. *Short Title.* – This Act shall be known as the “*Protected Geographical Indications Act.*”

Sec. 2. *Declaration of Policies.* – The State recognizes the importance of geographical indications in agricultural, economic, and cultural development. It increases the competitive advantage of agricultural and industrial products with unique quality, reputation or characteristics that are essentially attributable to their geographical origin, thereby facilitating local and foreign market access and recognition. Further, rural socio-economic development is bolstered by the consequent creation of job opportunities from production, processing, and distribution.

Towards this end, the State shall endeavor to protect and promote these industries by helping producers communicate the product characteristics and their attributes to buyers and consumers to ensure:

- a) Fair competition of producers;

- b) Availability of reliable information to consumers;
- c) Respect for intellectual property rights; and
- d) Integrity of the market.

Sec. 3. Definition of Terms. – For purposes of this Act, the following terms are hereunder defined accordingly:

- a) *Bureau* refers to the Bureau of Trademarks;
- b) *Control System* refers to the verification of the compliance of goods with the Manual of Specifications, either by internal or external authorities;
- c) *Director General* refers to the Director General of the IPOPHL;
- d) *E-Gazette* refers to the IPOPHL's own publication where all matters required to be published under the IP Code shall be published;
- e) *Evocation of a geographical indication* refers to a term, sign, or other labelling or packaging device that presents a direct and clear link with the product covered by a protected geographical indication in the mind of the reasonably intelligent consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name;
- f) *Fees* refer to costs imposed on direct recipients of public goods and services provided and performed by the IPOPHL in the exercise of its functions; they also include charges and other costs;
- g) *Geographical indication* (GI) refers to indications which identify a good or product as originating in a territory, region, or locality, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin and/or human factors;
- h) *Goods/Products* refer to any agricultural or natural (unprocessed or wild) products, processed products, including foodstuff and alcoholic beverages, or any products of handicraft or industry;
- i) *Homonymous geographical indication* refers to a geographical indication that, in part or in whole, has the same spelling as, or

sounds alike as, another geographical indication but identifies goods having a different geographical origin;

- j) *Indigenous Cultural Communities/Indigenous Peoples (ICC/IPs)* refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized communities on communally bounded and defined territories, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos. ICC/IPs shall likewise include peoples who are regarded as indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the time of inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains;
- k) *Indication* refers to a sign which is used to identify a good, either a geographical name (name of a territory, region, or locality, or under exceptional circumstances, the name of a country), a non-geographical name, an emblem or any other distinctive symbol;
- l) *IP Code* refers to Republic Act No. 8293 otherwise known as the Intellectual Property Code of the Philippines;
- m) *IPOPHL* refers to the Intellectual Property Office of the Philippines;
- n) *Manual of Specifications* refers to a document that contains the name to be protected as a geographical indication, description of the goods, the delimited geographical area where the goods are produced, and an explanation of the link between the said area and its quality, reputation, or characteristics; description of its production

processes; control system and quality standards; labeling rules, among others;

- o) *Paris Convention* refers to the Convention for the Protection of Industrial Property signed at Paris on 20 March 1883, and any revision or amendment thereto which has become into force in the Philippines;
- p) *Person* refers to any juridical person, organization, association or duly constituted government unit, body, or agency;
- q) *Producer* refers to:
 - i. any producer of agricultural product or natural products;
 - ii. any processor of natural or agricultural or agri-food products;
 - iii. any industry or manufacturer of products of handicraft; and
 - iv. any trader dealing in the products mentioned in paragraphs (i), (ii), and (iii);
- r) *Registrar* refers to the Registrar of Geographical Indications;
- s) *Rules* refers to the Rules and Regulations on Geographical Indications;
- t) *Use of geographical indication* refers to offer for sale, production, sale, export or import of geographical indication goods as well as any promotion and communication material in relation to the geographical indication goods and other preparatory steps necessary to carry out the sale or export of goods protected as geographical indications.

Article II

Protected Geographical Indications

Sec. 4. Objectives. – A scheme for protected geographical indications is established in order to help producers of products linked to a geographical area by:

- a) Securing fair returns for the qualities of their products;
- b) Ensuring uniform protection of the product's geographical indication as an intellectual property right;

- c) Providing clear information on the value-adding attributes of the product to the consumers;
- d) Regulating or managing the procedure related to the registration of GIs;
- e) Protecting GI, including in the unfair competition procedures;
- f) Promoting the GI rights and products; and
- g) Protecting producers from anti-competitive practices in the registration and use of GI.

Sec. 5. *Generic nature, conflicts with names of plant varieties and animal breeds, with homonyms and trademarks.* – Generic terms shall not be registered as protected geographical indications. A name may not be registered as a geographical indication where it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.

A name proposed for registration that is wholly or partially homonymous with a name already entered in the register may not be registered, unless, after comparing the homonym sought to be registered and the name already entered in the register, there is sufficient distinction in practice between the conditions of their local and traditional usage and presentation, taking into consideration the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

Sec. 6. *Names, Symbols, and Indications.* – Protected geographical indications may be used by any operator marketing a product which conforms to its corresponding specifications.

A national logo designed to publicize protected geographical indications shall be established. The Bureau shall constitute a National Logo to certify all registered geographical indication goods in the Philippines.

Sec. 7. *Acquisition of Rights.* – The enhanced protection afforded under this Act to any indication constituting a geographical indication shall be obtained through valid registration and a certificate issued to that effect by the Bureau.

Sec. 8. *Rights of Registrants.* – Registered Geographical Indications shall be protected against:

- a) Any direct or indirect commercial use of a registered name with respect to products not covered by the registration where those products are comparable to the products registered or where using the name exploits the reputation of the protected name, including when those products are used as an ingredient;
- b) Any misuse, imitation, or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar, including when those products are used as an ingredient;
- c) Any other false or misleading indication as to the provenance, origin, nature, or essential qualities of the product that is used on the inner or outer packaging, advertising material, or documents relating to the product concerned, and the packing of the product in a container tending to convey a false impression as to its origin;
- d) Any use of a geographical indication which constitutes an act of unfair competition within the meaning of Article 10^{bis} of the Paris Convention; and
- e) Any other practice that tends to mislead the consumer as to the true origin of the product.

Where a protected geographical indication contains within it the name of a product which is considered to be generic, the use of that generic name shall not be considered to be contrary to sub-paragraphs (a) and (b) of the preceding paragraph.

Protected geographical indications shall not become generic.

Article III

Powers and Authority of the IPOPHL

Sec. 9. *Geographical Indications Registrar.* – The Director of the Bureau of Trademarks shall act as the Registrar of Geographical Indications

who has the authority to examine and register applications for the registration of geographical indications, and implement the provisions of this Act.

Sec. 10. *Register of protected Geographical Indications.* – The Registrar shall keep and maintain a register to be known as the Register of Protected Geographical Indications which shall contain all the recorded particulars as the Registrar deems appropriate.

The Register shall be open to the inspection of the public during business hours, and accessible/searchable online, subject to certain conditions as the Registrar may prescribe. A certified true copy or extract of any entry in the Register shall be provided to any person requiring the copy or extract upon payment of the prescribed fee.

The Registrar, as soon as practicable, shall make applications for registration available and allow for the filing of observation or objections online or in electronic form.

Sec. 11. *Powers of the Bureau of Legal Affairs.* – The Bureau of Legal Affairs (BLA) of the IPOPHL shall have the authority to adjudicate on oppositions to the application for geographical indication and cancellations of registered geographical indications. The BLA shall also exercise original and exclusive jurisdiction in administrative complaints for GI infringement and other violations of this Act.

The BLA shall also have the power to resolve disputes other than the aforementioned through alternative modes of dispute resolution.

Sec. 12. *Roles of Relevant Government Agencies.* – Pursuant to their respective mandates, the IPOPHL, the Department of Agriculture (DA), the Department of Trade and Industry (DTI), the Department of Science and Technology (DOST), the Department of Environment and Natural Resources (DENR), the National Commission for Culture and the Arts (NCCA), the National Commission on Indigenous Peoples (NCIP), the Cooperative Development Authority (CDA), and such other agencies and local government units as may be appropriate, shall collaborate to support and encourage the development of domestic products with origin-linked quality, characteristics, or reputation to be granted GI protection under the provisions of this Act.

The IPOPHL, DA, DTI, DOST, DENR, NCCA, NCIP, CDA, or such other relevant agencies as may be appropriate, shall conduct capacity-building and research and development activities and/or projects for potential GI producers and stakeholders, such as but not limited to the formulation of a manual of specifications, branding, packaging, and marketing of the GI protected product. The agencies shall assist these potential GI producers and stakeholders in ascertaining, validating, and certifying, as needed, the link of the quality, characteristics, or reputation of the goods to the territory, and shall provide such other services to support their needs.

The agencies shall allocate the necessary appropriations of their respective annual budget to implement these mandates subject to existing budgeting, accounting, and auditing laws, rules, and regulations.

Article IV

Registration

Sec. 13. *Applicants.* – The following may make an application to the Registrar for the registration of a geographical indication:

- a) Producers referred in Section 3(q) or producers' organization or association representing stakeholders directly involved in the extraction, production manufacture and trade of the goods covered by the geographical indication;
- b) Government agencies or local government units having area of responsibility covering the geographical origin of the goods, as well as representatives of foreign governments, relative to the geographical indication of its nationals, whose laws afford the same rights and protection to Philippine nationals; and
- c) Organizations or associations or indigenous cultural communities/indigenous peoples which are specifically entrusted with the task of regulating and/or protecting geographical indication by paragraphs (a) or (b).

Sec. 14. *Representation; Address for Service.* – If the applicant is not domiciled nor has no real and effective commercial establishment in the Philippines, it shall designate by a written document filed in the IPOPHL, the

name and address of a Philippine resident or representative from the Embassy, Consulate or Chamber of Commerce in the Philippines of the country where the goods originated, who may be served notices or process in proceedings affecting the geographical indication. Such notices or services may be served upon the person so designated by leaving a copy thereof at the address specified in the last designation filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Registrar.

Sec. 15. *Additional Qualifications for Non-Filipino Applicants.* –

The applicant, as defined in Section 13, who is neither a domestic corporation or organization/association nor a local government unit, body or agency and intends to apply for registration of a geographical indication of a foreign country must also have any of the following qualifications:

- a) a juridical entity incorporated or organized in a country which is a party to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Right or to other international convention or agreement concerning the protection of geographical indication, to which the Philippines is also a party; or
- b) domiciled or has a real and effective industrial or commercial establishment in the Philippines or in a country which is a party to an international convention or agreement concerning the protection of geographical indications, to which Philippines is also a party.

Sec. 16. *Requirements of Application.* – The application for the registration of the geographical indication shall be in the prescribed form, may be in Filipino or in English and, shall be filed before the Registrar, containing the following details:

- a) name and address of the applicant;
- b) name of the State of which the applicant is a juridical entity or the law under which it is organized and existing; or name of the State in which the applicant has domicile or has a real and effective industrial or commercial establishment;
- c) name of the geographical indication sought to be registered;

- d) the goods to which the geographical indication applies;
- e) description of the geographical area to which the geographical indication applies, including its territorial limitations or boundaries;
- f) description of the specific 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 geographical origin and/or human factors;
- g) copy of the Manual of Specifications duly formulated and adopted by the stakeholders or its governing board or council;
- h) certification from the concerned government agency or equivalent independent body:
 - i. validating the causal link between specific quality, reputation or other characteristic of the goods and the geographical area where it originated or produced as described in paragraph f; and
 - ii. the technical information pertaining to the product specifications in the Manual of Specifications.

The Registrar may require the submission of other details as may be necessary.

Sec. 17. *Proof of GI Protection from Foreign Authorities.* – Foreign applicants shall also submit within a reasonable period as may be determined by the IPOPHL, proof issued by competent agency of the government or any private certifying entity, showing that the subject of the application is a registered or protected geographical indication. Other analogous legal documents or proof may also be accepted.

Sec. 18. *Filing Date.* – The filing date of an application shall be the date on which the Registrar received a fully accomplished application form, containing all the details set forth under Section 16 of this Act, together with the proof of payment of the required fee.

Article V

Examination

Sec. 19. *Examination; Deficiencies.* – The Registrar shall examine the applications for registration of geographical indication in accordance with this Act or in accordance with an international treaty to which the Philippines is a party, according to procedures approved thereunder. Should there be any deficiency in the application, the applicant shall be notified by the Registrar to remedy the same, and if deemed necessary, shall be requested to submit additional information or documents within two (2) months from mailing date of the notice. The period to respond may be extended upon written request by the applicant and payment of the required fee for an additional period of one (1) month each but not to exceed the total of four (4) months from mailing date of the official action. Any request for such extension must be filed on or before the day on which the response of the applicant is due.

In case the deficiencies are not remedied or if the applicant failed to submit the additional information or documents within the prescribed period, the application shall be considered withdrawn without prejudice to the right of the applicant to re-file the same application subject to the requirements set forth under this Act.

Sec. 20. *Disclaimer.* – A generic or customary term or common name component of a geographical indication should be disclaimed. In general, a name or term is considered generic, customary or common if it is understood by the general public in the Philippines or the relevant consumers of the goods covered by the geographical indication to be the product itself or the name and denomination used to refer to the goods themselves.

Sec. 21. *Withdrawal of Application.* – The application may be withdrawn at any time by filing with the Registrar a written declaration of withdrawal signed by the applicant or its authorized representative or agent and upon payment of the prescribed fee.

Article VI

Homonymous Geographical Indications

Sec. 22. *Protection for Homonymous Geographical Indications.*
– In the case of homonymous geographical indications for goods as defined in Section 3(i), the protection shall be accorded to each indication.

Sec. 23. *Differentiation of Homonymous Geographical Indications.* – The Registrar, in cases of bona fide concurrent use of homonymous geographical indications, shall determine the practical conditions under which the homonymous geographical indications in question will be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that the public are not misled.

Article VII

Refusal of the Application

Sec. 24. *Grounds for Refusal.* – The following names shall not be registered as geographical indication and shall be refused:

- a) Those which are contrary to laws and regulations, public order, public policy or morality;
- b) Geographical indications of a foreign country which are not or have ceased to be protected in their country or territory of origin;
- c) Those which mislead or deceive the public as to the characteristic, nature, quality, place of origin, production process of the good and/or its use;
- d) Those which consist exclusively of, or identical with, a generic, common or customary name of the goods in the Philippines and the geographical indication sought to be registered will be applied for the same goods;
- e) Those which are identical with or confusingly similar to the name of a plant variety or animal breed and is likely to mislead the consumer as to the true origin of the goods;
- f) Those which do not fall within the prescribed definition of geographical indication; and
- g) Those which are identical with, or confusingly similar to, or an evocation of, an earlier filed or registered geographical indication in the Philippines or in a treaty or international agreement of which the Philippines is a member in respect of the same goods or closely related goods as to cause confusion.

Sec. 25. *Order of Refusal.* – Upon proper notification, an Order of Refusal shall be issued by the Registrar to the applicant who may appeal the same to the Director General in accordance with the Uniform Rules on Appeal. No motion for reconsideration of the Registrar’s decision is allowed.

Article VIII

Publication

Sec. 26. *Publication.* – When the Registrar finds that the requirements prescribed by this Act are satisfied, it shall, upon payment of the prescribed fee, forthwith cause the application to be published in the e-Gazette for a period of one (1) month. The publication shall include the following:

- a) Application number;
- b) Filing date;
- c) All the details set forth under Section 16; and
- d) Other matters which the Registrar may deem necessary.

Article IX

Opposition to the Registration of Geographical Indication

Sec. 27. *Opposition.* – a) Within one (1) month from the publication of the application of the geographical indication and upon payment of the prescribed fee, any interested person who may be damaged by its registration may file a notice to oppose the registrability of the geographical indication before the Bureau of Legal Affairs (BLA) of the IPOPHL. The interested party may, in lieu of a notice, file a written request for extension of one (1) month for good cause and upon payment of the required fee.

b) Within one (1) month from receipt by the BLA of such notice or request for extension, a verified and written opposition, including supporting documents, must also be submitted, without need of any notification from the BLA. Failure to comply within the prescribed period will result to the dismissal of the Opposition. In no case shall the filing of the verified opposition exceed two (2) months from the publication date of the application.

(c) A copy of the opposition shall be furnished by the BLA to the applicant who may comment on it within one (1) month from receipt of the order. The

opposition will be taken into consideration by the BLA in deciding whether to grant or refuse protection to the geographical indication being applied for.

Article X

Term of Protection

Sec. 28. *Finality of Decision; Registration and Term of Protection.* – If no opposition is filed within the prescribed period, the geographical indication shall be granted protection on the day immediately after the last day of publication and entered in the Register of Protected Geographical Indications. In case there is an opposition, the protection shall be reckoned from the finality of the decision that the geographical indication is entitled to registration and protection. The registered geographical indication is protected for an unlimited term until or unless revoked with finality.

Article XI

Amendment

Sec. 29. *Amendment of an Application or Registration.* – The application for registration or the registration of a geographical indication may be amended, at the request of the applicant or registrant, to correct the formalities in the application or registration and the details in the Manual of Specifications.

Article XII

Cancellation of Registration; Dispute Resolution

Sec. 30. *Cancellation of Registration.* – At any time, upon payment of the prescribed fee and upon a verified petition by any interested person that the protection of geographical indication accorded under Section 7 is no longer warranted, due notice and opportunity to be heard shall be given to the registrant. If the same petition is found to be meritorious, the BLA shall cancel the registration based on any of the following grounds:

- a) The conditions for protection specified under Section 3(g) have not been fulfilled;
- b) There has been a change in the geographical origin of the goods including the natural and human factors, which are determinative of the quality, reputation or characteristics of the goods bearing a

geographical indication and such change results to the disqualification;

- c) Based on the ruling or decision of the court or tribunal, the applicant-registrant referred to under Section 13 has no effective control over the use of the geographical indication, standards of production of the goods and other product specifications;
- d) The registration of the geographical indication was obtained through false statements and documents during the course of the application; and
- e) The registered or protected geographical indication has been proven to be generic or a common or customary name of the goods covered thereby in the Philippines prior to the grant of protection.

Sec. 31. *Notice of Verified Petition.* – The BLA shall notify and furnish a copy of the verified petition to the concerned registrant of the geographical indication who may comment to it within one (1) month from receipt of the order.

The period to file the comment may be extended for another one (1) month upon written request of the registrant for good and sufficient cause and upon payment of the required fee. Thereafter, the petition shall be submitted for decision of the Director of the BLA. In no case shall the filing of the comment exceed two (2) months from the date of receipt of the notice to comment.

Sec. 32. *Appeal.* – The decision of the BLA shall be final and executory unless appealed to the office of the Director General as provided under the uniform rules on appeal. No motion for reconsideration of the BLA Director's decision is allowed.

Sec. 33. *Dispute Resolution.* – Notwithstanding any contrary provision in the Manual of Specifications, if the approval of the association cannot be obtained as regards the formulation and/or implementation of any of the provisions and requirements in the Manual, including control processes and standards, and labeling rules, the same shall also be referred to the BLA for mediation, and as provided under the implementing rules.

In case of any internal dispute, or any issue on the use and/or misuse of the GI on the products specified in the registration by members of the applicant/registrant or authorized users thereof, or those involving conflicts and issues in the admission of stakeholders to the association and/or in imposing prohibitions on use of the registered GI, these may be referred to the BLA for mediation as governed by the relevant implementing rules and regulations.

If the settlement agreement involves the implementation of the Manual of Specifications, the same is subject to review by the Registrar and/or any certifying government agency if the issue relates to the causal link of the products with the geographical area or any technical information on the product specification embodied in the Manual of Specifications. Upon clearance by the Registrar and/or certifying government agency, the settlement agreement shall be deemed final and will be incorporated in the Manual of Specifications.

In the event mediation proceedings fail, the parties may be referred to the BLA for arbitration as provided in the rules and regulations.

Article XIII

Exceptions

Sec. 34. Prior Users of Geographical Indications and Trademarks. –

1) Nothing in this Act shall prevent the continued or similar use of a particular geographical indication of another country identifying goods in connection with goods or services by any national or domiciliary of Philippines or any national with real or effective commercial establishment in, or doing business in the Philippines, who have used said geographical indication in a continuous manner with regard to the same or related goods or services in the Philippines either -

- a) For at least 10 years before April 15, 1994; or
- b) In good faith before April 15, 1994.

2) Where the trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith either –

- a) Before the effectivity of this Act; or

- b) Before the geographical indication is protected in its country of origin.

Measures adopted to implement this Act shall not prejudice the eligibility for, or the validity of the registration of the trademark, or the right to use a trademark, on the basis that such trademark is identical with or similar to, a geographical indication.

Article XIV

Indigenous Cultural Communities/Indigenous Peoples

Sec. 35. *Additional mechanism.* – Considering the rights accorded to the indigenous cultural communities/indigenous peoples under the pertinent laws and international instruments, this Act shall serve as an additional mechanism towards recognition of the full ownership and control and protection of their cultural and intellectual rights.

Sec. 36. *Filing and compliance assistance.* – Recognizing the importance and benefits of protecting, promoting and preserving traditional knowledge and traditional cultural expressions through geographical indications, the IPOPHL shall endeavor to capacitate and assist the indigenous cultural communities/indigenous peoples in the filing of their applications and compliance of the prescribed requirements.

Sec. 37. *Waiver of fees.* – The Director General is authorized to grant partial or total waiver of fees for applications filed by recognized indigenous cultural communities/indigenous peoples prescribed by the Bureau relevant to the GI registration.

Sec. 38. *Non-diminution of rights.* – Nothing in this Act may be construed as diminishing or extinguishing the rights that indigenous cultural communities/indigenous peoples have or may acquire in the future.

Article XV

Infringement of Geographical Indications, Sanctions and Penalties

Sec. 39. *Infringement of Geographical Indications.* – Any willful use of registered geographical indications in a manner prescribed under Section

8, without the consent or authorization from the registrant, is considered as an infringement and offense against the economic interest of the State. The State can motu proprio take administrative or legal measures to enforce protection of geographical indication against the geographical indications' infringers.

Sec. 40. *Penalties.* – Independent of the civil and administrative sanctions imposed by law, a criminal penalty of imprisonment from two (2) years to five (5) years and a fine ranging from five hundred thousand pesos (P500,000.00) to one million pesos (P1,000,000.00), shall be imposed on any person who is found guilty of committing infringement of geographical indications.

Article XVI

Final Provisions

Sec. 41. *Appropriations.* – The amount necessary for the conduct of activities and projects in relation to capacity-building, research and development, and assistance to potential and registered GI producers shall be sourced from the budgets of the different government agencies tasked to implement the same.

Sec. 42. *Implementing Rules and Regulations.* – Within ninety days (90) after the effectivity of this Act, the IPOPHL, in consultation with the relevant stakeholders, shall formulate the implementing rules and regulations (IRR) necessary to carry out the provisions of this Act.

Sec. 43. *Transitory Provision.* – Geographical indications registered by the IPOPHL under Republic Act No. 8293 and its regulations prior to the effectivity of this Act shall remain valid and effective. They shall automatically be transferred to, and form part of, the register created under this Act.

Sec. 44. *Repealing Clause.* – All laws, acts, presidential decrees or proclamations, issuances, executive orders, letters of instruction, administrative orders, rules and regulations, or parts thereof inconsistent with any of the provisions of this Act are hereby repealed, amended, or modified accordingly.

Sec. 45. *Separability Clause.* – If any provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in full force and effect.

Sec. 46. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,