

Provisions for the Protection of Products of Geographical Indication
**Promulgated by the General Administration of Quality Supervision, Inspection and
Quarantine of the People's Republic of China on May 16 2005**

Chapter I General Provisions

Article 1 With a view to effectively protecting the products of geographical indication, regulating the use of the names and exclusive indications of the products of geographical indication, and ensuring the quality and special characteristics of the products, these Provisions are hereby formulated pursuant to the relevant provisions of the Law of the People's Republic of China on Product Quality, the Standardization Law of the People's Republic of China, and the Law of the People's Republic of China on Inspection of Import and Export Commodities.

Article 2 The products of geographical indication mentioned in these Provisions shall refer to products that originate from a particular geographical region with the quality, reputation or other characteristics substantially attributable to the natural and human factors of the region, and denominated with the name of the region upon examination and approval. The products of geographical indication include:

- (1) those grown or cultivated in the region; and
- (2) those made, wholly or partially, of the raw materials from the region and produced or processed with the particular techniques in the region;

Article 3 These Provisions shall apply to the acceptance, examination, and approval of the applications in respect of the products of geographical indication, and to the registration, supervision and administration of the exclusive indications of geographical indications.

Article 4 The General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the AQSIQ) shall exercise the nationwide, uniform administration of the work relating to the protection of the products of geographical indication. The entry and exit inspection and quarantine bureaus and the quality and technical supervision bureaus of the various localities (hereinafter referred to as the local quality inspection departments) shall engage ex officio in the protection of the products of geographical indication.

Article 5 Applications for the protection of the products of geographical indication shall be examined and approved pursuant to these Provisions. The exclusive indication of products of a geographical indication shall be registered for use pursuant to these Provisions and the use shall be subject to supervision and administration.

Article 6 The principle shall be observed of voluntary application for the protection of products of geographical indications, and that of publicity followed in acceptance and

approval of the applications.

Article 7 The products in respect of which an application is filed for protection of a geographical indication shall meet the requirements of safety, hygiene and environmental protection. Where a product jeopardizes the environment, ecology, or resources, application for the protection thereof shall be refused.

Chapter II Application and Acceptance

Article 8 An application for the protection of products of a geographical indication shall be filed by an organization designated for the application for the protection of the products of the geographical indication by the people's government at or above the county level or by an association or enterprise appointed by the people's government (hereinafter referred to as the applicant) upon consultation with the departments concerned.

Article 9 Where a product in respect of which an application for protection is filed are within the limits of a county, the people's government at the county level proposes the limits of the place of origin of the products. Where a product is across counties within the limits of a prefecture/city, the people's government at the prefecture/city level proposes the limits of the place of origin. Where a product is across prefectures/cities, the people's government at the provincial level proposes the limits of the place of origin.

Article 10 The applicant shall submit the following:

- (1) local government's proposal for the defined the limits of the place of origin of the product of a geographical indication;
- (2) local government's document establishing the application organisation or designating an association or enterprise as an applicant;
- (3) documentary material proving the product of geographical indication, including:
 - a. an application for the protection of the product of geographical indication;
 - b. description of the name, class, limits of the place of origin and geographical characteristics of the product;
 - c. description of the physical, chemical or sensory characteristics of the product and their relationship with the natural and human factors of the place of origin;
 - d. technical specifications for the production of the product (including the product processing techniques, safety and hygiene requirements, technical requirements of the processing equipment); and
 - e. description of the popularity, production, sales and history of the product;

(4) the technical standards of the product of geographical indication in respect of which an application for protection is to be filed.

Article 11 An export enterprise's application for the protection of products of a geographical indication shall be filed with the local entry and exit inspection and quarantine department of the administrative area in which the enterprise is domiciled; applications for the protection of products of geographical indications according to a local area, and applications for the protection of other products of geographical indications shall be filed with the local quality and technical supervision departments (at or above the county level).

Article 12 The provincial quality and technical supervision bureaus and the entry and exit inspection and quarantine bureaus directly under the leadership of the AQSIQ shall, according to their division of responsibility, offer opinions on preliminary examination of the applications to be filed for the protection of the products of geographical indication, and submit the relevant documents and materials to the AQSIQ.

Chapter III Examination and Approval

Article 13 The AQSIQ shall conduct the formality examination of the applications received. Where an application meets the formality requirements, the AQSIQ shall publish a notice of acceptance in the AQSIQ Gazette and/or on the government website. Where an application fails to meet the formality requirements, the AQSIQ shall notify the applicant in writing.

Article 14 An entity or individual concerned may, within two months from the date of publication, raise opposition to an application with the AQSIQ.

Article 15 The AQSIQ shall appoint an expert examination panel according to the various characteristics of the products of a geographical indication to be responsible for the technical examination of the application for the protection of the products of geographical indication.

Article 16 The expert examination panel appointed by the AQSIQ shall technically examine the applications to which no opposition is raised or those to which opposition is raised, but rejected. If the application meets the requirements, the AQSIQ shall publish a notice of approval of protection of the products of geographical indication.

Chapter IV Standards Formulation and Use of Exclusive Indications

Article 17 Separate and corresponding national and/or regional standards or administrative regulations shall be formulated for the protection of the products of geographical indications according to the class, geographical area, popularity, production and sales of the products.

Article 18 The State competent standardization administrative authorities are responsible for the drafting and issuing of the national standards for the products of geographical indication under protection; the local standardization administrative authorities under the people's governments at the provincial level are responsible for the drafting and issuing of the regional standards for the products of geographical indication under protection.

Article 19 Quality inspection of the protected products of geographical indication shall be conducted by the inspection organization designated by the provincial quality and technical supervision department or the entry and exit inspection and quarantine department directly under the leadership of the AQSIQ. Where necessary, the AQSIQ may conduct re-inspection.

Article 20 A manufacturer using the exclusive indication of the product of geographical indication within the limits of its place of origin shall file an application with the local quality and technical supervision bureau or entry and exit inspection and quarantine bureau, and submit the following documents:

- (1) an application for use of the exclusive indication of the products of geographical indication;
- (2) a certificate issued by the competent authorities of the local government proving that the products concerned originates from the particular area; and
- (3) an inspection report issued by the relevant product quality inspection department;

Where the above application is examined by the provincial quality and technical supervision bureau or an entry and exit inspection and quarantine bureau directly under the leadership of the AQSIQ, reviewed by the AQSIQ, and approved for registration, recorded accordingly, and published in the gazette, a manufacturer may use the exclusive indication of the geographical indication on its products and obtain protection for the products of geographical indication.

Chapter V Protection and Supervision

Article 21 The quality inspection departments of the various localities shall accord protection of the products of geographical indication according to law. The quality and technical supervision department and entry and exit inspection and quarantine department shall investigate and handle, in accordance with law, acts of unauthorized use or forging of geographical indications and exclusive indications, use of names of products of geographical indication in violation of the standards of the products of geographical indications and the requirements of the administrative regulations, and use of names or indications that are similar to the exclusive indications and likely to cause misidentification, and use of words or logos that are likely to lead consumers to mistake products for those of geographical indication under protection. All social organizations, enterprises and individuals may keep a watch, and report, on such acts.

Article 22 The quality inspection departments of the various localities shall carry out the regular supervision and administration of the limits of the place of origin, name, raw materials, production techniques, quality characteristics, classification of quality, quantity, package and labels of the products of geographical indication, and the regular supervision and administration of the printing, distribution, quantity and use of the exclusive indications of the products, manufacturing environment, production equipment, and conformity of the standards of the product.

Article 23 Where a manufacturer permitted to use the exclusive indication of the products of a geographical indication fails to observe the relevant standards and administrative regulations in production, or fails to use the exclusive indication on its protected products of geographical indication for two consecutive years, the AQSIQ shall remove the registration of its use of the exclusive indication of the products of geographical indication, stop its use of the geographical indication, and make publication to this effect.

Article 24 Administrative penalty shall be imposed on any act of violation of these Provisions by the quality and technical supervision departments and the entry and exit inspection quarantine departments pursuant to the Law of the People's Republic of China on Product Quality, the Standardization Law of the People's Republic of China, and the Law of the People's Republic of China on the Inspection of Import and Export Commodities.

Article 25 Functionaries engaged in the protection of the products of geographical indication shall be committed to their duties and act with impartiality. They shall not abuse their power for personal gains, or divulge any confidential technological information. Any person who violates the above provisions shall be subject to administrative disciplinary measures; where the circumstances are so serious as to constitute a crime, he shall be prosecuted, according to law, for criminal liability.

Chapter VI Supplementary Provisions

Article 26 The AQSIQ shall accept the applications for registration of foreign geographical indications in the People's Republic of China, and accord the protection thereto. Specific provisions to this effect shall be separately formulated.

Article 27 The AQSIQ shall be responsible for the interpretation of these Provisions.

Article 28 These Provisions shall enter into force on 15 July 2005. The former Regulations for the Protection of Products from Place of Origin issued by the Quality and Technology Supervision Administration shall be simultaneously abrogated. Where discrepancies should arise in connection with geographical indications between the former Provisions on Administration of the Name of Origin and the Implementing Measures thereof issued by the State Administration of Entry and Exit Inspection and Quarantine and these Regulations, these Regulations shall prevail.