

USDA Foreign Agricultural Service

GAIN Report

Global Agricultural Information Network

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POLICY

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Draft Proposal on Using GI Marks for Non-Direct Sales

Report Categories:

Policy and Program Announcements

Agricultural Situation

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Report Highlights:

On Monday, May 22, 2017, the Ministry of Agriculture, Forestry and Fisheries of the Government of Japan opened a public comment period on draft guidelines for the use of a geographical indication mark for advertisement, internet commerce, the food service industry and other business. The comment period will close on June 20, 2017.

Keywords: geographical indication, GI, advertising

General Information:

On Monday, May 22, 2017, the Ministry of Agriculture, Forestry and Fishery (MAFF) of the Government of Japan (GOJ) opened a public comment period on draft guidelines for the use of a geographical indication (GI) mark for advertisement, internet commerce, food service industry and other business. The comment period will close on June 20, 2017.

The announcement inviting public comment can be found online at <http://search.e-gov.go.jp/servlet/Public?CLASSNAME=PCMMSTDETAIL&id=550002509&Mode=0> (in Japanese).

The draft guideline can be found online at <http://search.e-gov.go.jp/servlet/PcmFileDownload?seqNo=0000159164> (in Japanese).

The proposal explains its purpose as follows:

- Under the Act on the “Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs” (see http://www.japaneselawtranslation.go.jp/law/detail_main?id=2607, in Japanese and English, hereafter referred to as the GI Act), the regulation of GI mark applications is limited to the business of direct, face-to-face sales and distribution to consumers.
- However, as there is no specific regulation or guideline on the use of a GI mark for other business uses such as, but not limited to, advertisement of GI products, internet commerce, and restaurant businesses. Accordingly, MAFF drafted a guideline on the use of a GI mark for non-direct sales and businesses.
- The proposed draft guideline contains:
 - The purpose of the guideline;
 - The process to have a license agreement for the use of GI mark;
 - An overview of the terms of use;
 - Examples on when the use of a GI mark will be permitted;
 - An overview on the use of a GI mark for advertisement and restaurant menus;
 - A case study on GI mark usage;
 - Examples when permission will not be required for the use of a GI mark;
 - Standards and specifics of a GI mark;
 - General information on the use of a GI mark;
 - Information on the use of a GI mark for advertisement;
 - Information on the use of a GI mark for processed products, including point-of-purchase advertisements;
 - Information on the use of a GI mark for internet commerce; and
 - Information on the use of a GI mark for the food service industry (such as on a menu).

Comments should be sent, in Japanese and via fax, mail or website, to the contact point indicated below:

Intellectual Property Division
Food Industry Affairs Bureau,
Ministry of Agriculture, Forestry and Fisheries
1-2-1 Kasumigaseki, Chiyoda-ku
Tokyo 100-8950
Japan
Tel: +81-3-6738-6319
Fax: +81-3-3502-5301

<http://search.e-gov.go.jp/servlet/Public?CLASSNAME=PCMMSTDETAIL&id=550002509&Mode=0>

Interested U.S. parties are encouraged to share a copy of any submitted comments or concerns on the GI Act with agtokyo@fas.usda.gov.