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**Report Highlights:**

On September 18, 2023, the China National Intellectual Property Administration (CNIPA) published draft Provisions on the Protection of Geographic Indication (GI) Products for public comment. These provisions regulate the application of GI products, opposition procedures, GI protection system, and supervision of the use of GI product names, labels, and penalties. The draft regulation, which will replace the 2005 version, has not been notified to the WTO. Comments can be sent to [tiaofasi@cnipagov.cn](mailto:tiaofasi@cnipagov.cn) before November 2, 2023. This report contains an unofficial translation of the draft and a table comparison of the modifications.

## **Background:**

On September 18, 2023, the China National Intellectual Property Administration (CNIPA) published draft Provisions on the Protection of Geographic Indication (GI) Products for public comment. These provisions regulate the application of GI products, opposition procedures, GI protection system, and supervision of the use of GI product names, labels, and penalties. The draft regulation, which will replace the 2005 version, has not been notified to the WTO.

CNIPA published its first-ever Five-Year Plan for Geographic Indications on January 21, 2022. An unofficial translation of that report is available in [GAIN CH2022-0032](#), dated March 14, 2022. U.S. stakeholders following the development of the PRC's GI system are welcomed to contact [AgBeijing@usda.gov](mailto:AgBeijing@usda.gov) and can be put in touch with subject matter experts at other U.S. Government agencies.

This report contains an unofficial translation of the draft and a table comparison of the modifications conducted in partnership with the U.S. Embassy's attaches reporting to the U.S. Patent and Trademark Organization and the Office of the U.S. Trade Representative. A link to the draft Regulation in Chinese: [https://www.cnipa.gov.cn/art/2023/9/18/art\\_75\\_187625.html](https://www.cnipa.gov.cn/art/2023/9/18/art_75_187625.html)

BEGIN UNOFFICIAL TRANSLATION

## **Provisions on the Protection of Geographical Indication Products**

(Draft for comments)

### **Chapter 1 General Provisions**

**Article 1** In order to effectively protect China's geographical indication products, regulate the use of geographical indication product names and geographical indication special signs, and ensure the quality and characteristics of geographical indication products, in accordance with the "Civil Code of the People's Republic of China", "Trademark Law of the People's Republic of China" and " These regulations are formulated in accordance with the Product Quality Law of the People's Republic of China, the Standardization Law of the People's Republic of China, the Anti-Unfair Competition Law of the People's Republic of China, and other relevant regulations.

**Article 2** Geographical indication products as mentioned in these regulations refer to products produced in a specific region and whose quality, reputation or other characteristics essentially depend on the natural and human factors of the place of origin. Geographical indication products include:

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AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT POLICY

1) Planting and breeding products from this region.

2) Products whose raw materials all come from this region or partially come from other regions and are produced and processed in this region according to specific techniques.

**Article 3** Geographical indication products should have authenticity, regionality, specificity and relevance.

Authenticity means that the name of a geographical indication product has been used continuously for a long time and has a reputation that is generally recognized by the public. Regionality means that all or the main production links of geographical indication products should occur within a limited geographical scope. Specificity means that the product has obvious quality features, specific reputation or other characteristics. Relevance means that the specificity and reputation of a product are determined by the natural and human factors of a specific region.

**Article 4** These regulations apply to the protection application, review and recognition, cancellation and change of geographical indication products, as well as the use and management of special marks.

**Article 5** The State Intellectual Property Office is responsible for the management and protection of geographical indication products and special signs nationwide; it uniformly accepts and examines applications for the protection of geographical indication products and identifies geographical indication products in accordance with the law.

Local intellectual property management departments are responsible for the management and protection of geographical indication products and special signs within their respective administrative regions.

**Article 6** The protection of geographical indication products follows the principles of voluntary application, acceptance and approval disclosure.

The principle of good faith shall be followed when applying for geographical indication product protection and using geographical indication product names and special marks.

**Article 7** If a geographical indication product is protected, the geographical indication product name and special mark shall be used in a standardized manner.

The name of a geographical indication product can be a combination of a name with a geographical indication function and a common name that reflects the true attributes of the product, or it can be a conventional name with a long history of use.

**Article 8** In any of the following circumstances, geographical indication product protection will not be granted:

- 1) The product or product name violates the law, violates public order and good customs, or harms public interests;
- 2) The product name is only the common name of the product;
- 3) The product name is a registered trademark or an unregistered well-known trademark of others, misleading the public;
- 4) The product name is the same as the name of a product that has been protected by a geographical indication, causing the public to misunderstand the geographical origin of the product;
- 5) The product name is the same as the nationally approved plant variety or animal breeding name, causing the public to misunderstand the geographical origin of the product;
- 6) Products that violate safety, health, and environmental protection requirements and may cause harm to the environment, ecology, and resources.

## **Chapter 2 Application and Acceptance**

**Article 9** Applications for the protection of geographical indication products shall be submitted by the local people's government at or above the county level, or the representative social groups and protection application agencies designated by them (hereinafter referred to as the applicants).

**Article 10** If the origin of the product applied for protection is within the county area, the people's government at or above the county level shall propose the scope of the origin; if it crosses the county area, the common superior local people's government shall put forward the suggestion on the scope of the origin; if it crosses the scope of prefectures and cities, , the relevant provincial people's governments will propose suggestions on the scope of production areas.

**Article 11** Applications for the protection of geographical indication products shall be submitted to the local intellectual property management department at or above the county level.

**Article 12** The provincial intellectual property management department is responsible for providing preliminary review opinions on the application for protection of geographical indication products to be declared, and reporting relevant documents and materials to the State Intellectual Property Office.

**Article 13** Applicants should submit the following information:

- 1) Relevant local people's governments' suggestions on delimiting the origin range of geographical indication products;
- 2) Documents concerning the establishment of application and protection mechanisms by local people's governments;
- 3) Application materials for geographical indication products, including:
  - a. Application form for geographical indication product protection;
  - b. Geographical indication product protection requirements, including product name, product category; applicant organization information; scope of origin; product description; quality requirements, including physical, chemical, sensory and other quality characteristics of the product, specific production steps of the product within the scope of origin, and other aspects of the product Characteristics; description of the geographical characteristics of the place of origin and their correlation with product quality characteristics, including the physical, chemical, sensory and other quality characteristics of the product and their relationship with the natural and human factors of the place of origin; local intellectual property management as a management agency for the use of special marks Department information; testing agency information;
  - c. Technical standards for the geographical indication products to be applied for protection;
  - d. Product inspection report;
- 4) Preliminary review opinions issued by the provincial intellectual property management department;
- 5) Other documents that the State Intellectual Property Office deems should be submitted.

### **Chapter 3 Review and Approval**

**Article 14** The State Intellectual Property Office shall conduct formal examination of the applications received. If the application passes the examination, the State Intellectual Property Office shall issue an acceptance announcement; if the application fails the examination, the applicant shall be notified in writing.

**Article 15** The State Intellectual Property Office shall establish a geographical indication product expert review committee to be responsible for the technical review of applications for geographical indication product protection.

**Article 16** If relevant units and individuals have objections to the application, they may submit a request to the State Intellectual Property Office within 2 months after the announcement, stating the reasons and attaching relevant evidence and materials.

**Article 17** After receiving the objection request, the State Intellectual Property Office shall promptly notify the applicant and submit relevant materials. Objections shall be resolved through negotiation between the two parties; or the State Intellectual Property Office shall organize the parties to negotiate and resolve the objection. If the negotiation fails, the State Intellectual Property Office shall organize an expert committee on geographical indication products to make a decision after deliberation.

If the objection is established, the application for protection of the geographical indication product shall be rejected, and the opponent and the applicant shall be notified in writing; if the objection is not established, the objection request shall be rejected, and the opponent and the applicant shall be notified in writing.

**Article 18** The Expert Review Committee for Geographical Indication Products of the State Intellectual Property Office shall conduct a technical review of applications that have no objections or have objections but the objections are not established. The technical review includes meeting review and necessary origin verification, and the applicant shall cooperate.

During the review process, if the State Intellectual Property Office believes that the content of the application for geographical indication product protection needs explanation or correction, it may require the applicant to make explanations or corrections.

If the application passes the review, the State Intellectual Property Office will issue a recognition announcement; if the review fails, the application for protection of the geographical indication product will be rejected and the applicant will be notified in writing.

**Article 19** If the applicant is dissatisfied with the decision to reject the protection application, he may request a review from the State Intellectual Property Office within thirty days from the date of receipt of the notice. The State Intellectual Property Office will make a decision within two months from the date of receipt of the reexamination application and notify the applicant in writing.

If the applicant is dissatisfied with the review decision, he may file a lawsuit with the People's Court within six months from the date of receipt of the notice.

#### **Chapter 4 Geographical Indication Protection System and Use of Special Indications**

**Article 20** The construction of protection systems such as the standard system, testing system and quality assurance system for geographical indication products shall be planned and implemented by the local people's government.

**Article 21** After a geographical indication product is protected, the applicant shall cooperate in formulating the corresponding national standards, local standards, and group standards for geographical indication products based on factors such as the range of origin, category, and popularity of the product, and develop national standard samples.

Standards shall not change the mandatory provisions such as name, product type, origin range, quality characteristics, etc. in the protection requirements.

**Article 22** The quality characteristics inspection agency for geographical indication products shall be determined by the provincial intellectual property management department and reported to the State Intellectual Property Office for filing. The State Intellectual Property Office will organize re-inspection when necessary.

**Article 23** Producers within the origin of geographical indication products who use special marks shall apply to the intellectual property management department of the origin and submit the following information:

- 1) Application form for use of special geographical indication marks;
- 2) Verification report issued by the intellectual property management department of the place of origin.

After the above-mentioned application is reviewed and registered by the local provincial intellectual property management department, an announcement will be issued, and the producer can use the special mark of geographical indication on its products. The announcement shall be submitted to the State Intellectual Property Office for filing.

**Article 24** Legal users of special signs for geographical indications shall download basic pattern vectors from the official website of the State Intellectual Property Office. The vector graphics of the special signs for geographical indications can be scaled according to the proportion, and the annotations should be clear and legible. The pattern shape, composition, text font, picture and text ratio, color value, etc. of the special signs must not be changed.

**Article 25** Producers within the scope of production areas shall organize production in accordance with corresponding standards. Other units or individuals may not use protected geographical indication product names or special signs without authorization.

After a geographical indication product is protected, the applicant shall take measures to manage the use of geographical indication product names and special marks, product characteristics and quality, etc.

An annual reporting system is implemented for the protection of geographical indication products. Before the end of March each year, applicants must report to the State Intellectual Property Office the status of geographical indication product protection in the previous year.

**Article 26** Local intellectual property management departments are responsible for the daily supervision of the origin, name, quality characteristics, standard compliance, and use of special signs of protected geographical indication products within their respective administrative regions.



Provincial intellectual property management departments should regularly submit regulatory information on geographical indication products and special signs to the State Intellectual Property Office. Supervisory information should include the output value of geographical indication products, coverage of the use of special signs for geographical indications, various standards involving geographical indication products, inspection and testing institutions, etc.

**Article 27** The use of geographical indication product names or special signs as mentioned in these regulations refers to the use of geographical indication product names or special signs on products, product packaging or containers, and product transaction documents, or the use of geographical indication product names or special signs. Special marks are used in advertising, exhibitions and other commercial activities to identify the origin of products or protected geographical indication products.

**Article 28** The intellectual property management department shall actively guide and promote the use of geographical indication products to serve local economic development.

## **Chapter 5 Changes and Cancellations**

**Article 29** If the protection requirements for geographical indication products change, a change application shall be submitted to the State Intellectual Property Office.

1) If the protection requirements are updated and improved, but the quality characteristics and product form are not changed, and the modification of the product name or origin range is not involved, the State Intellectual Property Office shall organize the development of geographical indications after receiving the preliminary review opinions of the provincial intellectual property management department. The application for change in product protection requirements will be reviewed, and if the review is successful, a change announcement will be issued; if the review fails, the State Intellectual Property Office shall notify the applicant in writing and clearly point out the existing problems.

2) If the main contents such as the name, origin range, quality characteristics and product form of a geographical indication product are modified, the State Intellectual Property Office shall organize a geographical indication product expert review committee to conduct a technical review after receiving the preliminary review opinions from the provincial intellectual property management department. If the application passes the review, a preliminary change announcement will be issued. If there is no objection after the announcement period of 2 months, the State Intellectual Property Office shall issue a change announcement; if the application fails the review, the State Intellectual Property Office shall notify the applicant in writing and clearly point out the existing problems.

**Article 30** From the date when the State Intellectual Property Office issues a recognition announcement, any unit or individual may request the State Intellectual Property Office to revoke it and provide relevant evidence and materials:

- 1) It is a common name in my country or has evolved into a common name;
- 2) The product name violates the law, violates public order and good customs, or harms public interests;
- 3) Products that violate safety, health, and environmental protection requirements and may cause harm to the environment, ecology, and resources;
- 4) Obtaining protection by deception or other unfair means.

**Article 31** If the revocation request does not specify the reasons for revocation, the State Intellectual Property Office will not accept it and notify the requester in writing.

**Article 32** The State Intellectual Property Office shall examine the revocation request, make a decision and notify the parties in writing.

If the State Intellectual Property Office decides to revoke the protection of geographical indication products, it will issue a revocation announcement.

If the party concerned is dissatisfied with the decision to revoke the decision, he may file a lawsuit with the People's Court within six months from the date of receipt of the notice.

## **Chapter 6 Protection and Supervision**

**Article 33** Anyone who commits the following acts shall be ordered by the department responsible for the law enforcement of geographical indications to immediately stop the illegal activities. If there is an illegal business amount, the illegal business amount shall be confiscated. If the circumstances are serious, a fine of not more than five times the illegal business amount and no more than ten years may be imposed. A fine of 10,000 yuan; if there is no illegal business volume or the illegal business volume is less than 50,000 yuan, a fine of less than 50,000 yuan may be imposed:

- 1) Using the name of a geographical indication product without authorization;

- 2) Using the name of the geographical indication product without complying with the requirements of geographical indication product standards and management regulations;
- 3) Using or forging special signs without authorization;
- 4) Use the protected geographical indication product name on the same or similar product that is not produced in this region, even if the true place of origin has been indicated, or a translated name is used, or it is accompanied by words such as "species", "type", "style" and "type" "Style" and other expressions;
- 5) Using names or logos that are similar to special marks and are easily misleading, as well as text or pattern marks that may mislead consumers, causing consumers to mistake the product for a geographical indication product;
- 6) Selling the above products.

If the product sold is unknown to one of items 1 to 5 of the preceding paragraph and the legal source and provider of the product can be explained, the department responsible for the enforcement of geographical indications shall order it to stop selling, confiscate and destroy the product.

**Article 34** If a producer approved to use the special mark of a geographical indication fails to organize production according to corresponding standards, or fails to use the special mark on a protected geographical indication product within 2 years, the State Intellectual Property Office will cancel its geographical indication. The use of special signs shall be registered, and the use of special signs of geographical indications shall be stopped and announced to the public.

**Article 35** Producers of geographical indication products who violate relevant product quality and standards regulations shall be subject to administrative penalties in accordance with the Product Quality Law of the People's Republic of China, the Standardization Law of the People's Republic of China and other relevant laws.

**Article 36** Persons engaged in the management and protection of geographical indication products and other personnel who perform public duties in accordance with the law have neglected their duties, abused their power, engaged in malpractice for personal gain, committed fraud, violated laws and disciplines in handling matters concerning the management and protection of geographical indication products, accepted property from the parties, and made improper gains. If there is any interest, sanctions shall be imposed in accordance with the law and disciplines; if a crime is constituted, criminal liability shall be investigated in accordance with the law.

## **Chapter 7 Supplementary Provisions**

**Article 37** Special matters concerning the application, review, use of special marks, supervision and management of foreign geographical indication products in the People's Republic of China shall be separately stipulated by the State Intellectual Property Office.

**Article 38** If a protected geographical indication product is used as a trade name in a company name , misleading the public and constituting an act of unfair competition, it shall be dealt with in accordance with the Anti-Unfair Competition Law of the People's Republic of China.

**Article 39** These regulations shall come into effect on the day of the year. The "Regulations on the Protection of Geographical Indication Products" issued by the former General Administration of Quality Supervision, Inspection and Quarantine on July 15, 2005 No. 78 was abolished at the same time.

## Provisions on the Protection of Geographical Indication Products

(Modification comparison table)

Current regulations	Draft for comments
Chapter 1 General Provisions	Chapter 1 General Provisions
<p data-bbox="191 764 302 795">Article 1</p> <p data-bbox="126 848 737 1583">In order to effectively protect China's geographical indication products, standardize the use of geographical indication product names and special signs, and ensure the quality and characteristics of geographical indication products, in accordance with the "Product Quality Law of the People's Republic of China", "Standardization Law of the People's Republic of China", "People's Republic of China" <del>China</del> These regulations are formulated in accordance with <del>the Republic of China's Import and Export Commodity Inspection Law and other relevant regulations.</del></p>	<p data-bbox="824 764 935 795">Article 1</p> <p data-bbox="760 848 1399 1646">In order to effectively protect China's geographical indication products, regulate the use of geographical indication product names and geographical indication special signs, and ensure the quality and characteristics of geographical indication products, in accordance with the Civil Code of the People's Republic of China, the Trademark Law of the People's Republic of China and the These regulations are formulated in accordance with relevant regulations such as the Product Quality Law, the Standardization Law of the People's Republic of China, the Anti-Unfair Competition Law of the People's Republic of China, and other relevant regulations.</p>

Current regulations	Draft for comments
<p data-bbox="191 327 305 359">Article 2</p> <p data-bbox="126 415 737 793">products produced in a specific region, whose quality, reputation, or other characteristics essentially depend on the natural and human factors of the place of origin, and which are named with geographical names after review and approval.-Geographical indication products include:</p> <p data-bbox="126 848 704 940">(1) Planting and breeding products from this region.</p> <p data-bbox="126 995 737 1199">(2) Products whose raw materials all come from this region or partially come from other regions and are produced and processed in this region according to specific techniques.</p>	<p data-bbox="824 327 938 359">Article 2</p> <p data-bbox="760 415 1386 793">Geographical indication products as mentioned in these regulations refer to products produced in a specific region and whose quality, reputation or other characteristics essentially depend on the natural and human factors of the place of origin. Geographical indication products include:</p> <p data-bbox="760 848 1386 940">(1) Planting and breeding products from this region.</p> <p data-bbox="760 995 1370 1199">(2) Products whose raw materials all come from this region or partially come from other regions and are produced and processed in this region according to specific techniques.</p>
<p data-bbox="126 1541 185 1572">New</p>	<p data-bbox="824 1262 938 1293">Article 3</p> <p data-bbox="760 1350 1338 1493">Geographical indication products should have authenticity, regionality, specificity and relevance.</p> <p data-bbox="760 1547 1386 1757">Authenticity means that the name of a geographical indication product has been used continuously for a long time and has a reputation that is generally recognized by the public.</p> <p data-bbox="760 1778 1386 1871">Regionality means that all or the main production links of geographical indication products should</p>

Current regulations	Draft for comments
	<p>occur within a limited geographical scope. Specificity means that the product has obvious quality features, specific reputation, or other characteristics. Relevance means that the specificity and reputation of a product are determined by the natural and human factors of a specific region.</p>
<p>Article 3</p> <p>These regulations apply to the application acceptance, review and approval, registration, and supervision of geographical indication products.</p>	<p>Article 4</p> <p>These regulations apply to the protection application, review and recognition, cancellation and change of geographical indication products, as well as the use and management of special marks.</p>
<p>Article 4</p> <p>The General Administration of Quality Supervision, Inspection and Quarantine (hereinafter referred to as the “General Administration of Quality Supervision, Inspection and Quarantine”) uniformly manages the protection of geographical indication products nationwide. The local entry-exit inspection and quarantine bureaus and quality and technical supervision bureaus (hereinafter referred to as local quality inspection agencies) carry out the protection of</p>	<p>The fifth</p> <p>The State Intellectual Property Office is responsible for the management and protection of geographical indication products and special signs nationwide; it uniformly accepts and examines applications for the protection of geographical indication products and identifies geographical indication products in accordance with the law.</p> <p>protection of geographical indication products and special signs within their respective</p>

Current regulations	Draft for comments
<p>geographical indication products in accordance with their functions.</p>	<p>administrative regions.</p>
<p><del>The fifth</del></p> <p><del>Applications for geographical indication product protection shall be reviewed and approved in accordance with these regulations.</del></p> <p><del>The use of special marks for geographical indication products must be registered in accordance with these regulations and subject to supervision and management.</del></p>	<p>delete</p>
<p>Article 6</p> <p>The protection of geographical indication products follows the principles of voluntary application, acceptance, and approval disclosure.</p>	<p>Article 6</p> <p>The protection of geographical indication products follows the principles of voluntary application, acceptance, and approval disclosure.</p> <p>The principle of good faith shall be followed when applying for geographical indication product protection and using geographical indication product names and special marks.</p>
<p>New</p>	<p>Article 7</p> <p>If a geographical indication product is protected, the geographical indication product</p>



Current regulations	Draft for comments
	<p>name and special mark shall be used in a standardized manner.</p> <p>The name of a geographical indication product can be a combination of a name with a geographical indication function and a common name that reflects the true attributes of the product, or it can be a conventional name with a long history of use.</p>
<p>Article 7</p> <p>Products applying for geographical indication protection should meet the requirements of safety, hygiene, and environmental protection. Products that may cause harm to the environment, ecology, and resources will not be accepted and protected.</p>	<p>eighth</p> <p>In any of the following circumstances, geographical indication product protection will not be granted:</p> <p>(1) The product or product name violates the law, violates public order and good customs, or harms public interests.</p> <p>(2) The product name is only the common name of the product.</p> <p>(3) The product name is a registered trademark or an unregistered well-known trademark of others, misleading the public.</p> <p>(4) The product name is the same as the name of a product that has been protected by a geographical indication, causing the public to misunderstand the geographical origin of the</p>

Current regulations	Draft for comments
	<p>product.</p> <p>(5) The product name is the same as the nationally approved plant variety or animal breeding name, causing the public to misunderstand the geographical origin of the product.</p> <p>(6) Products that violate safety, health, and environmental protection requirements and may cause harm to the environment, ecology, and resources.</p>
Chapter 2 Application and Acceptance	Chapter 2 Application and Acceptance
<p>eighth</p> <p>Applications for geographical indication product protection shall be submitted by the geographical indication product protection application agency designated by the local people's government at or above the county level or the associations and enterprises recognized by the people's government (hereinafter referred to as the applicant), and opinions from relevant departments shall be solicited.</p>	<p>Article 9</p> <p>Applications for the protection of geographical indication products shall be submitted by the local people's government at or above the county level, or the representative social groups and protection application agencies designated by them (hereinafter referred to as the applicants).</p>
Article 9	Article 10

Current regulations	Draft for comments
<p>If the product applied for protection is within the scope of the county, the county-level people's government shall propose the scope of production; if it crosses the county-level, the prefecture-level people's government shall propose the scope of production; if it crosses the scope of the prefecture-level city, the provincial-level people's government shall propose Suggestions on origin range.</p>	<p>the origin of the product applied for protection is within the county scope, the people's government at or above the county level shall propose the scope of the origin; if it crosses the county scope, the common superior local people's government shall propose the scope of the origin; if it crosses the scope of the prefecture-level city, the proposal of the scope of the origin shall be made by Relevant provincial people's governments put forward suggestions on the scope of production areas.</p>
<p>Article 11</p> <p><del>Applications for the protection of geographical indication products by export enterprises shall be submitted to the entry exit inspection and quarantine department within the jurisdiction; applications for the protection of geographical indication products and applications for the protection of other geographical indication products submitted by region shall be submitted to the local (county level or above)-quality and technology proposed by the supervisory authority.</del></p>	<p>Article 11</p> <p>Applications for the protection of geographical indication products should be submitted to the local intellectual property management department at or above the county level.</p>
<p>Article 12</p> <p>The provincial quality and technical</p>	<p>Article 12</p> <p>Provincial intellectual property management</p>

Current regulations	Draft for comments
<p>supervision bureaus and the directly affiliated entry-exit inspection and quarantine bureaus, according to the division of labor, are respectively responsible for providing preliminary review opinions on the protection applications for geographical indication products to be declared and reporting relevant documents and materials to the General Administration of Quality Supervision, Inspection and Quarantine.</p>	<p>departments are responsible for providing preliminary opinions on the protection applications for geographical indication products to be declared and reporting relevant documents and materials to the State Intellectual Property Office.</p>
<p>Article 10</p> <p>Applicants should submit the following information:</p> <p>(1) Suggestions from relevant local governments on delineating the origin range of geographical indication products.</p> <p><del>(2) Documents regarding local governments establishing application organizations or identifying associations and enterprises as applicants.</del></p> <p>(3) Certification materials for geographical indication products, including:</p> <ol style="list-style-type: none"> <li>1. Application form for geographical indication product protection.</li> </ol>	<p>Article 13</p> <p>Applicants should submit the following information:</p> <p>(1) Relevant local people’s governments’ suggestions on delimiting the origin range of geographical indication products.</p> <p>(2) Documents concerning the establishment of application and protection mechanisms by local people’s governments.</p> <p>Application materials for geographical indication products, including:</p> <ol style="list-style-type: none"> <li>1. Application form for geographical indication product protection.</li> <li>2. Geographical indication product</li> </ol>

Current regulations	Draft for comments
<p>2. Description of product name, category, origin range and geographical characteristics.</p> <p>3. An explanation of the physical, chemical, sensory, and other quality characteristics of the product and its relationship with the natural and human factors of the place of origin.</p> <p><del>4. Product production technical specifications (including product processing technology, safety and health requirements, technical requirements for processing equipment, etc.).</del></p> <p><del>5. Product popularity, description of product production, sales, and historical origins.</del></p> <p>(4) Technical standards for the geographical indication products to be applied for.</p>	<p>protection requirements, including product name, product category; applicant organization information; scope of origin; product description ; quality requirements, including physical, chemical, sensory and other quality characteristics of the product, specific production steps of the product within the scope of origin, and other aspects of the product Characteristics; description of the geographical characteristics of the place of origin and their correlation with product quality characteristics, including the physical, chemical, sensory and other quality characteristics of the product and their relationship with the natural and human factors of the place of origin; local intellectual property management as a management agency for the use of special marks Department information; testing agency information;</p> <p>Technical standards for the geographical indication products to be applied for protection.</p> <p>4. Product inspection report.</p> <p>(4) Preliminary review opinions issued by the provincial intellectual property management department.</p> <p>(5) Other documents that the State</p>

Current regulations	Draft for comments
	Intellectual Property Office deems should be submitted.
Chapter 3 Review and Approval	Chapter 3 Review and Approval
<p>Article 13</p> <p>The AQSIQ conducts a formal review of the applications received. If the application passes the review, the General Administration of Quality Supervision, Inspection and Quarantine shall issue an acceptance announcement <del>to the public in the AQSIQ Gazette, government websites and other media;</del> if the application fails the review, the applicant shall be informed in writing.</p>	<p>Article 14</p> <p>The State Intellectual Property Office conducts formal examination of the applications received. If the application passes the examination, the State Intellectual Property Office shall issue an acceptance announcement; if the application fails the examination, the applicant shall be notified in writing.</p>
<p>Article 15</p> <p>The General Administration of Quality Supervision, Inspection and Quarantine has established <del>corresponding</del> expert review committees <del>based on the characteristics of geographical indication products to be responsible for the technical review of applications for geographical indication product protection.</del></p>	<p>Article 15</p> <p>The State Intellectual Property Office has established a Geographical Indication Products Expert Review Committee to be responsible for the technical review of applications for geographical indication product protection.</p>
<p>Article 14</p> <p>If relevant units and individuals have</p>	<p>Article 16</p> <p>submit a request to the State Intellectual</p>

Current regulations	Draft for comments
objections to the application, they may submit them to the General Administration of Quality Supervision, Inspection and Quarantine within 2 months after the announcement.	Property Office within 2 months after the announcement, stating the reasons and attaching relevant evidence materials.
New	<p style="text-align: center;">Article 17</p> <p>After receiving the objection request, the State Intellectual Property Office will promptly notify the applicant and submit relevant materials. Objections shall be resolved through negotiation between the two parties; or the State Intellectual Property Office shall organize the parties to negotiate and resolve the objection. If the negotiation fails, the State Intellectual Property Office shall organize an expert committee on geographical indication products to make a decision after deliberation.</p> <p>If the objection is established, the application for protection of the geographical indication product shall be rejected, and the opponent and the applicant shall be notified in writing; if the objection is not established, the objection request shall be rejected, and the opponent and the applicant shall be notified in writing.</p>

Current regulations	Draft for comments
<p data-bbox="191 331 321 363">Article 16</p> <p data-bbox="126 415 722 1031">The General Administration of Quality Supervision, Inspection and Quarantine organizes an expert review committee to conduct a technical review of applications that have no objections or have objections but are rejected. If the application passes the review, the General Administration of Quality Supervision, Inspection and Quarantine will issue an announcement approving the product to obtain geographical indication product protection.</p>	<p data-bbox="824 331 954 363">Article 18</p> <p data-bbox="760 415 1390 856">Expert Review Committee for Geographical Indication Products of the State Intellectual Property Office conducts a technical review of applications that have no objections or have objections, but the objections are not established. The technical review includes meeting review and necessary origin verification, and the applicant shall cooperate.</p> <p data-bbox="760 909 1401 1234">During the review process, if the State Intellectual Property Office believes that the content of the application for geographical indication product protection needs explanation or correction, it may require the applicant to make explanations or corrections.</p> <p data-bbox="760 1287 1401 1612">If the application passes the review, the State Intellectual Property Office will issue a recognition announcement; if the review fails, the application for protection of the geographical indication product will be rejected and the applicant will be notified in writing.</p>
<p data-bbox="126 1759 188 1791">New</p>	<p data-bbox="824 1675 954 1707">Article 19</p> <p data-bbox="760 1759 1390 1898">is dissatisfied with the decision to reject the protection application, he may request a review from the State Intellectual Property Office within</p>



Current regulations	Draft for comments
	<p>thirty days from the date of receipt of the notice. The State Intellectual Property Office will make a decision within two months from the date of receipt of the reexamination application and notify the applicant in writing.</p> <p>If the applicant is dissatisfied with the review decision, he may file a lawsuit with the People's Court within six months from the date of receipt of the notice.</p>
Chapter 4 Standard Development and Use of Special Marks	Chapter 4 <b>Geographical Indication Protection System</b> and Use of Special Indications
New	<p>Article 20</p> <p>The construction of protection systems such as the standard system, testing system and quality assurance system for geographical indication products shall be planned and implemented by the local people's government.</p>
<p>Article 17</p> <p><del>geographical indication products to be protected, corresponding national standards, local standards or management regulations should be formulated based on factors such as the product category, scope, popularity, production, and sales of the product, etc.</del></p>	<p>Article 21</p> <p>geographical indication product is protected, the applicant shall cooperate in formulating the corresponding national standards, local standards, and group standards for geographical indication products based on factors such as the product's origin, category, and popularity, and develop national standard samples.</p>

Current regulations	Draft for comments
	<p>Standards shall not change the mandatory provisions such as name, product type, origin range, quality characteristics, etc. in the protection requirements.</p>
<p><b>Article 18</b></p> <p><del>The national administrative department for standardization organizes the drafting and issuance of national standards for products protected by geographical indications; the administrative departments for standardization of provincial local people's governments organize the drafting and issuance of local standards for products protected by geographical indications.</del></p>	<p>delete</p>
<p><b>Article 19</b></p> <p><del>geographical indication protected products shall be undertaken by inspection agencies designated by the provincial quality and technical supervision department and the entry-exit inspection and quarantine department directly under the jurisdiction. If necessary, the General Administration of Quality Supervision, Inspection and Quarantine will organize re - inspection.</del></p>	<p><b>Article 22</b></p> <p>characteristics inspection agency for geographical indication products shall be determined by the provincial intellectual property management department and reported to the State Intellectual Property Office for filing. The State Intellectual Property Office will organize re-inspection when necessary.</p>

Current regulations	Draft for comments
<p data-bbox="191 327 321 359">Article 20</p> <p data-bbox="126 415 737 793">To use the special mark for geographical indication products, producers within the origin of <del>geographical indication products</del> should apply to the local Quality and Technical Supervision Bureau or Entry-Exit Inspection and Quarantine Bureau and submit the following information:</p> <p data-bbox="126 848 737 940">(1) Application form for the use of special marks for geographical indication <del>products</del>.</p> <p data-bbox="126 995 672 1142"><del>(2) Certificate issued by the local government department that the product is produced in a specific region.</del></p> <p data-bbox="126 1197 704 1289">(3) Inspection reports issued by relevant product quality inspection agencies.</p> <p data-bbox="126 1344 737 1890">the above application has been reviewed by the provincial quality and technical supervision bureau or the directly affiliated entry-exit inspection and quarantine bureau and <del>has been reviewed and registered by the General Administration of Quality Supervision, Inspection and Quarantine, an announcement will be issued. The producer can use the special mark for geographical indication products on his products and obtain the certificate.</del></p>	<p data-bbox="824 327 954 359">Article 23</p> <p data-bbox="760 415 1386 680">Producers within the production area of geographical indication products who use special marks should apply to the intellectual property management department of the place of origin and submit the following information:</p> <p data-bbox="760 735 1321 827">(1) Application form for use of special geographical indication marks.</p> <p data-bbox="760 882 1386 1029">(2) Verification report issued by the intellectual property management department of the place of origin.</p> <p data-bbox="760 1083 1403 1520">the above-mentioned application is reviewed and registered by the local provincial intellectual property management department, an announcement will be issued, and the producer can use the special mark of geographical indication on its products. The announcement shall be submitted to the State Intellectual Property Office for filing.</p>

Current regulations	Draft for comments
<del>Protection of geographical indication products.</del>	
New	<p data-bbox="824 422 954 453">Article 24</p> <p data-bbox="760 506 1398 1062">Legal users of special signs for geographical indications should download basic pattern vectors from the official website of the State Intellectual Property Office. The vector graphics of the special signs for geographical indications can be scaled according to the proportion, and the annotations should be clear and legible. The pattern shape, composition, text font, picture and text ratio, color value, etc. of the special signs must not be changed.</p>
New	<p data-bbox="824 1125 954 1157">Article 25</p> <p data-bbox="760 1209 1398 1535">Producers within the scope of production should organize production in accordance with corresponding standards. Other units or individuals may not use protected geographical indication product names or special signs without authorization.</p> <p data-bbox="760 1587 1357 1850">After a geographical indication product is protected, the applicant shall take measures to manage the use of geographical indication product names and special marks, product characteristics and quality, etc.</p>

Current regulations	Draft for comments
	<p>An annual reporting system is implemented for the protection of geographical indication products. Before the end of March each year, applicants must report to the State Intellectual Property Office the status of geographical indication product protection in the previous year.</p>
New	<p>Article 26</p> <p>Local intellectual property management departments are responsible for daily supervision of the origin, name, quality characteristics, standard compliance, and use of special marks of protected geographical indication products within their respective administrative regions.</p> <p>Provincial intellectual property management departments should regularly submit regulatory information on geographical indication products and special signs to the State Intellectual Property Office. Supervisory information should include the output value of geographical indication products, coverage of the use of special signs for geographical indications, various standards involving geographical indication products, inspection and testing institutions, etc.</p>
New	Article 27

Current regulations	Draft for comments
	<p>The use of geographical indication product names or special signs as mentioned in these regulations refers to the use of geographical indication product names or special signs on products, product packaging or containers, and product transaction documents, or the use of geographical indication product names or special signs in advertisements. Behaviors used to identify the origin of products or protected geographical indication products in publicity, exhibitions and other commercial activities.</p>
New	<p>Article 28</p> <p>Intellectual property management departments should actively guide and promote the use of geographical indication products to serve local economic development.</p>
New	<p>Chapter 5 Changes and Cancellations</p>
New	<p>Article 29</p> <p>If the protection requirements for geographical indication products change, a change application should be submitted to the State Intellectual Property Office.</p> <p>(1) If the protection requirements are updated and improved, but the quality</p>

Current regulations	Draft for comments
	<p>characteristics and product form are not changed, and the modification of the product name or origin range is not involved, the State Intellectual Property Office shall organize the development of geographical indications after receiving the preliminary review opinions of the provincial intellectual property management department. The application for change in product protection requirements will be reviewed, and if the review is successful, a change announcement will be issued; if the review fails, the State Intellectual Property Office shall notify the applicant in writing and clearly point out the existing problems.</p> <p>(2) If the main contents such as the name, origin range, quality characteristics and product form of a geographical indication product are modified, the State Intellectual Property Office shall organize a geographical indication product expert review committee to conduct a technical review after receiving the preliminary review opinions from the provincial intellectual property management department. If the application passes the review, a preliminary change announcement will be issued. If there is no objection after the announcement period of 2 months, the State Intellectual Property Office shall issue a change</p>

Current regulations	Draft for comments
	announcement; if the application fails the review, the State Intellectual Property Office shall notify the applicant in writing and clearly point out the existing problems.
New	<p style="text-align: center;">Article 30</p> <p>From the date when the State Intellectual Property Office issues a recognition announcement, any unit or individual may request the State Intellectual Property Office to revoke it and provide relevant evidence and materials:</p> <p style="padding-left: 40px;">(1) It is a common name in my country or has evolved into a common name.</p> <p style="padding-left: 40px;">(2) The product name violates the law, violates public order and good customs, or harms public interests.</p> <p style="padding-left: 40px;">(3) Products that violate safety, health, and environmental protection requirements and may cause harm to the environment, ecology, and resources.</p> <p style="padding-left: 40px;">(4) Obtaining protection by deception or other unfair means.</p>
New	<p style="text-align: center;">Article 31</p> <p>If the revocation request does not specify the</p>



Current regulations	Draft for comments
	<p>reason for revocation, the State Intellectual Property Office will not accept it and notify the requester in writing.</p>
New	<p style="text-align: center;">Article 32</p> <p style="text-align: center;">The State Intellectual Property Office will examine the revocation request, make a decision and notify the parties in writing.</p> <p style="text-align: center;">If the State Intellectual Property Office decides to revoke the protection of geographical indication products, it will issue a revocation announcement.</p> <p style="text-align: center;">If the party concerned is dissatisfied with the decision to revoke the decision, he may file a lawsuit with the People's Court within six months from the date of receipt of the notice.</p>
Chapter 5 Protection and Supervision	Chapter 6 Protection and Supervision

Current regulations	Draft for comments
<p data-bbox="191 327 318 359">Article 21</p> <p data-bbox="126 415 732 1556">Quality inspection agencies in various regions implement protection of geographical indication protected products in accordance with the law. For those who use or forge the names of geographical indications and special signs without authorization; use the names of geographical indication products that do not meet the requirements of geographical indication product standards and management regulations; or use names or signs that are similar to special signs, are easily misleading, and are likely to mislead If consumers' text or pattern marks cause consumers to mistake the product for a geographical indication protected product, the quality and technical supervision department and the entry-exit inspection and quarantine department will investigate and deal with it in accordance with the law. Social groups, enterprises and individuals can supervise and report.</p>	<p data-bbox="824 327 951 359">Article 33</p> <p data-bbox="760 415 1398 1146">Anyone who commits any of the following acts shall be ordered by the department responsible for the law enforcement of geographical indications to immediately stop the illegal conduct, and if there is any illegal business volume, the illegal business volume shall be confiscated; if the circumstances are serious, a fine of less than five times the illegal business volume and a maximum of not more than 100,000 yuan may be imposed; If there is no illegal business volume or the illegal business volume is less than 50,000 yuan, a fine of less than 50,000 yuan may be imposed:</p> <ol data-bbox="760 1199 1398 1890" style="list-style-type: none"> <li data-bbox="760 1199 1398 1293">(1) Using the name of a geographical indication product without authorization.</li> <li data-bbox="760 1346 1398 1545">(2) Using the name of the geographical indication product without complying with the requirements of geographical indication product standards and management regulations.</li> <li data-bbox="760 1598 1398 1692">(3) Using or forging special signs without authorization.</li> <li data-bbox="760 1745 1398 1890">(4) Use the protected geographical indication product name on the same or similar product that is not produced in this region, even if the true</li> </ol>

Current regulations	Draft for comments
	<p>place of origin has been indicated, or a translated name is used, or it is accompanied by words such as "species", "type", "style" and "type" "Style" and other expressions.</p> <p>(5) Using names or logos that are similar to special marks and are easily misleading, as well as text or pattern marks that may mislead consumers, causing consumers to mistake the product for a geographical indication product.</p> <p>(6) Selling the above products.</p> <p>If the product sold is unknown to one of items 1 to 5 of the preceding paragraph and the legal source and provider of the product can be explained, the department responsible for the enforcement of geographical indications shall order it to stop selling, confiscate and destroy the product.</p>
<p>Article 22</p> <p>Quality inspection agencies in various places monitor the origin range, product name, raw materials, production technology, quality characteristics, quality grade, quantity, packaging, labeling, printing, issuance, quantity and use of product specific marks of geographical indication products, product</p>	<p>delete</p>

Current regulations	Draft for comments
<p><del>production environment, Conduct daily supervision and management of production equipment and product standard compliance.</del></p>	
<p>Article 23</p> <p><del>is approved to use the special mark for geographical indication products fails to organize production according to corresponding standards and management regulations or fails to use the special mark on protected geographical indication products within 2 years, the AQSIQ will cancel its geographical indication. Register the use of special marks for products, stop using the special marks for geographical indication products and make an announcement to the public.</del></p>	<p>Article 34</p> <p>approved to use the special mark of geographical indication fails to organize production according to corresponding standards, or fails to use the special mark on protected geographical indication products within 2 years, the State Intellectual Property Office will cancel its registration for use of the special mark of geographical indication. , stop its use of the special geographical indication mark and announce it to the public.</p>
<p>Article 24</p> <p>Anyone who violates these regulations will be subject to <del>administrative action by the quality and technical supervision administrative department and the entry-exit inspection and quarantine department</del> in accordance with the "Product Quality Law of the People's Republic of China",-the "Standardization Law of the People's Republic of China",-the "Import and</p>	<p>Article 35</p> <p>Producers of geographical indication products who violate regulations on product quality and standards will be subject to administrative penalties in accordance with the Product Quality Law of the People's Republic of China, the Standardization Law of the People's Republic of China, and other relevant laws.</p>

Current regulations	Draft for comments
<p><del>Export Commodity Inspection Law of the People's Republic of China</del>" and other relevant laws. punishment.</p>	
<p>Article 25</p> <p>Personnel engaged in the protection of geographical indication products should be loyal to their duties, act impartially, and must not abuse their power, use it for personal gain, or leak technical secrets. Anyone who violates the above provisions will be subject to administrative disciplinary sanctions; if a crime is constituted, criminal liability will be pursued in accordance with the law.</p>	<p>Article 36</p> <p>Anyone engaged in the management and protection of geographical indication products or other personnel who perform public duties in accordance with the law who neglects their duties, abuses their power, practices favoritism, commits fraud, handles management and protection matters of geographical indication products in violation of laws and disciplines, accepts property from parties, and seeks improper benefits shall be punished in accordance with the law. disciplinary sanctions shall be imposed; if a crime is constituted, criminal liability shall be investigated in accordance with the law.</p>
<p>Chapter 6 Supplementary Provisions</p>	<p>Chapter 7 Supplementary Provisions</p>
<p>Article 26</p> <p><del>The General Administration of Quality Supervision, Inspection and Quarantine</del> accepts the registration and protection of foreign geographical indication products in the People's</p>	<p>Article 37</p> <p>Special matters concerning the application, review, use of special marks, supervision and management of foreign geographical indication products in the People's Republic of China shall</p>

Current regulations	Draft for comments
Republic of China. Specific measures will be stipulated separately.	be separately stipulated by the State Intellectual Property Office.
New	<p>Article 38</p> <p>If a protected geographical indication product is used as a trade name in a company name, misleading the public and constituting an act of unfair competition, it shall be dealt with in accordance with the Anti-Unfair Competition Law of the People's Republic of China.</p>
<p><del>Article 27</del></p> <p><del>The General Administration of Quality Supervision, Inspection and Quarantine is responsible for the interpretation of these regulations.</del></p>	delete
<p>Article 28</p> <p>These regulations will come into effect on July 15, 2005. <del>The "Regulations on the Protection of Products from Regions of Origin" promulgated by the former State Administration of Quality and Technical Supervision will be abolished at the same time. If the content regarding geographical indications in the "Regulations on the Administration of Marks of Origin" and the</del></p>	<p>Article 39</p> <p>These regulations shall come into effect on the day of the year. The "Regulations on the Protection of Geographical Indication Products" issued by the former General Administration of Quality Supervision, Inspection and Quarantine on July 15, 2005, No. 78 was abolished at the same time.</p>

Current regulations	Draft for comments
<p><del>"Measures for the Implementation of the Regulations on the Administration of Marks of Origin" promulgated by the former State Entry-Exit Inspection and Quarantine Bureau are inconsistent with these regulations, these regulations shall prevail.</del></p>	

END TRANSLATION

**Attachments:**

No Attachments.