

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**INTELLECTUAL PROPERTY (AMENDMENT) ACT, No. 8 OF 2022**

**[Certified on 16th of March, 2022]**

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 1 |

[Certified on 16th of March, 2022]

L.D.–O. 8/2020

AN ACTTOAMENDTHE INTELLECTUAL PROPERTY   
ACT, NO. 36 OF 2003

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

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| **1.**  This Act may be cited as the Intellectual Property (Amendment) Act, No. 8 of 2022.  **2.**  Section 2 of the Intellectual Property Act, No.36 of 2003 (hereinafter referred to as the “principal enactment”) is hereby amended in paragraph (*a*) of subsection (2), by the substitution for the words “administration of Industrial Designs, Patents, Marks and of any other matter” of the words“administration of Industrial Designs, Patents, Marks, Geographical Indications and of any other matter”.  **3.**  Section 4 of the principal enactment is hereby amended as follows:-  (1) in subsection (1), by the substitution for the words“Industrial designs, patents, marks and any other matter” of the words “Industrial designs, patents, marks, geographical indications and any other matter”; | Short title  Amendment of section 2 of  Act, No.36 of 2003  Amendment of section 4 of the principal  enactment |

(2) in subsection (2), by the substitution for the words  
“industrial designs, patents, marks and any other   
matter” of the words “industrial designs, patents,   
marks, geographical indications and any other   
matter”;

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| **4.**  Section 101 of the principal enactment is hereby  amended by the repeal of the definition of the phrase  “geographical indication”. | Amendment of section 101 of the principal  enactment |

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| Amendment of section 160 of the principal  enactment | 2 | *Intellectual Property (Amendment)* |
| *Act, No. 8 of 2022*  **5.**  Section 160 of the principal enactment is hereby amended as follows:-  (1) in paragraph (*b*) of subsection (1), by the substitution for the words “protecting inventions, industrial designs, marks, trade names,” of the words“protecting inventions, industrial designs, marks, trade names, geographical indications,”; | |

(2) by the repeal of subparagraph (iv) of paragraph (*b*)   
of subsection (4) and the substitution therefor of   
the following:-

“(iv) the geographical indication of any goods   
including production process of products   
or goods or services;”.

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| Insertion of new section 160A in the principal  enactment | **6.**  The following new section is hereby inserted immediately after the heading “GEOGRAPHICAL INDICATIONS” in PART IX of the principal enactment and shall have effect as section 160A of that enactment:- | |
| “Definitions | 160A. For the purposes of this Part, unless the context otherwise requires– |

“authorized user” means a user of a   
geographical indication registered under   
this Part of this Act;

“control plan” means the method as to how   
the verification of compliance with   
product specification is carried out;

“geographical indication” means an   
indication which identifies any goods as   
originating in the territory of a country,   
or a region or locality in that territory,   
where a given quality, reputation or other   
characteristic of the good is essentially   
attributable to its geographical origin;

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 3 |

“goods” means any manufactured or naturally   
available agricultural products, food,   
wines, spirits or any item of handicraft or   
industry;

“producer” in relation to goods, means any   
 person who–

(*a*) if such goods are agricultural   
products, wines or spirits, produces   
such goods or processes or   
packages such goods;

(*b*) if such goods are natural goods,   
 exploits such goods; or

(*c*) if such goods are handicrafts or   
industrial goods, makes or   
manufactures such goods; and

“specification” means a document to be   
submitted with the application for   
registration of a geographical indication   
which provides technical details of the   
characteristics of the goods or products,   
the method of production, the   
geographical area and the link between   
the characteristics, quality or reputation   
of the goods or product and its   
geographical origin.”.

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| **7.** | Section 161 of the principal enactment is hereby | Amendment of section 161 of the principal  enactment |
| amended by the repeal of subsections (4A) and (5) thereof. | |

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| Insertion of new sections 161A,  161B, 161c,  161D and 161E  in the principal enactment | 4 | *Intellectual Property (Amendment)* |
| *Act, No. 8 of 2022*  **8.** The following new sections are hereby inserted immediately after section 161 of the principal enactment and shall have effect as section 161A, 161B, 161C, 161D and 161E of that enactment:- | |
| “Admissibility of  geographical indications  for  registration | 161A. Where, any geographical indication–  (*a*) that does not comply with the definition of geographical indication as specified in section 160A; |

(*b*) the use of which is contrary to law,   
morality, religion, accepted customs   
or public order;

(*c*) that is not or that ceases to be   
protected in the country of origin as   
a geographical indication, or which   
has fallen into disuse in such country;

(*d*) that is identical with the term   
customary in common language as   
the common name of the relevant   
good;

(*e*) that misleads or deceives the public   
as to the characteristics, nature,   
quality, place of origin and   
production process of the good or its   
use; or

(*f*) which constitutes the name of a plant   
 variety or an animal breed,

shall not be registered under this Act.

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| Application  to register  geographical  indications | 161B. (1) Any association of persons or producers or any organization or authority established by any law for the time being |

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 5 |

representing the interests of the producers of   
any relevant good (hereinafter referred to as   
the “applicant”) may make an application to   
the Director-General for the registration of such   
good as a geographical indication in such   
manner and form and accompanied by such   
documents and processing fee as shall be   
prescribed.

(2) Upon receipt of an application, the   
Director-General shall examine such   
application in the manner as shall be   
prescribed .

(3) Where the geographical indication   
intended to be registered is not admissible for   
registration in terms of section 161A, the   
Director-General shall refuse to register such   
geographical indication and the reasons   
therefore shall be informed to the applicant:

Provided that, where there is any defect in   
any application submitted to the Director-  
General under this section, the Director-General   
shall within three months from the date of   
application, notify that to the applicant and   
shall afford the applicant an opportunity to   
rectify any such defect within three months   
from the date of such notification. The date on   
which the applicant resubmits the rectified   
application to the Director-General, shall be   
deemed to be the date of receipt of such   
application for registration.

(4) Any applicant whose application has   
been refused under subsection (3), may if not   
satisfied with the reasons specified by the   
Director-General for such refusal, make to the   
Director-General, within three months from the

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| 6 | *Intellectual Property (Amendment) Act, No. 8 of 2022* |

date on which the refusal was informed to the   
applicant, his submissions in writing against   
the refusal.

(5) The Director-General may, upon receipt   
of such submissions, if he considers a hearing   
is necessary, inform the applicant of a date,   
time and place for the hearing of the matter   
relating to such submissions.

(6) The Director-General may, after such   
hearingrefuse to register such application or   
register the application as it is or subject to   
such conditions, amendments or limitations as   
to the mode or place of use of such geographical   
indication as the Director-General may consider   
appropriate.

(7) Where the Director-General refuses to   
register any application or register an   
application subject to any conditions as   
specified in subsection (6), the Director-  
General shall if the applicant requests so,   
furnish the reasons for such refusal or   
conditional acceptance for registration.

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| Publication  of the  application | 161C. (1) Where the Director-General is of the opinion that the geographical indication sought to be registered is admissible under section 161A, he shall upon receipt of the fee as shall be prescribed for the publication of the application publish such application in the *Gazette,* within a period of two months from the date of receipt of such application by the Director-General. Where the applicant fails to pay such fee within such specified time period, |

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 7 |

the Director-General shall refuse to register the   
geographical indication.

(2) The Director-General shall when   
publishing the application under subsection   
(1) set out the following:-

(*a*) the name and address of the applicant;

(*b*) the date of application;

(*c*) the representation of the geographical   
 indication;

(*d*) the goods for which the geographical   
indication sought to be registered;

(*e*) the summary of the specification and   
the map of the geographical area; and

(*f*) if the applicant is resident outside   
Sri Lanka, a postal address for service   
in Sri Lanka.

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| Opposition  to  registration | 161D. (1) Where any person considers the geographical indication published under section 161C is inadmissible in terms of section |

161A, such person may within a period of three   
months from the date of such publication send   
notice of opposition to the registration of the   
geographical indication so published, by post   
or by hand delivery to the Director-General in   
the prescribed form together with the prescribed   
fee. The person who gives the notice of   
opposition shall also specify the grounds on   
which such notice of opposition is made and

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shall submit necessary information and   
evidence to substantiate such grounds.

(2) If any notice of opposition has not been   
received by the Director-General within the   
period as specified in subsection (1), the   
Director-General shall register the   
geographical indication sought to be registered   
under section 161B.

(3) Where any notice of opposition has been   
received by the Director-General in the   
prescribed form together with the prescribed   
fee and accompanied by the evidence or   
information to substantiate the grounds   
specified in such notice, within one month from   
the date of such notice, the Director-General   
shall serve a copy of such notice on the   
applicant and require him to make his   
observations on such grounds accompanied by   
evidence or information to support his   
application within three months from the date   
of receipt of such notice.

(4) Upon receipt of the observation of the   
applicant, the Director-General shall after   
hearing the parties if he considers such hearing   
necessary, decide as expeditious as possible   
whether such geographical indication shall be   
registered or not. If the Director-General decides   
that it shall be registered, then the Director-  
General shall –

(*a*) where no appeal is preferred under   
section 173 against his decision, upon   
the expiry of the period within which an

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 9 |

appeal may be preferred against his   
decision; or

(*b*) where an appeal is preferred under

section 173 against his decision, upon

the dismissal of such appeal,

as the case may be, register such geographical   
indication subject to any conditions,   
requirements or to such amendments or   
modifications.

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| Renewal of  registration  of  geographical indications | 161E. (1) The registration of any geographical indication, unless it is cancelled earlier shall be valid for ten years from the date of application. |

(2) The registration of any geographical   
indication may be renewed by the owner of   
such geographical indication for consecutive   
periods of ten years each on making an   
application together with the prescribed fee   
for such renewal to the Director-General within   
six months prior to its expiration:

Provided that, the Director-General may   
afford to the applicant a grace period of six   
months after the date of such expiration to   
renew the registration upon payment of a   
surcharge as shall be prescribed.

(3) Renewal of registration shall not be   
subject to any further examination of the   
geographical indication by the Director-  
General or to opposition by any person.

(4) The Director-General shall record in the   
register of the renewal of such geographical

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indication and cause it to be published in the   
*Gazette.*

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| Insertion of new Chapters  XXXIIIA,  XXXIIIB,  XXXIIIC,  XXXIIID and  XXXIIIE in the principal  enactment | (5) Where an application has not been sent for renewal along with the renewal fee by the applicant as specified in subsection (2), the | | | |
| Director-General | shall | remove | the |
| geographical indication from the register of geographical indications.”.  **9.** The following new Chapters are hereby inserted immediately after section 161E in the principal enactment and shall have effect as Chapters XXXIIIA, XXXIIIB, XXXIIIC, XXXIIID and XXXIIIE of that enactment:- | | | |

“CHAPTER XXXIIIA

ISSUEOFCERTIFICATEOFREGISTARTIONANDTHE

REGISTEROFGEOGRAPHICALINDICATION

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| Issue of  certificate of  registration | 161F. If any application has duly been registered by the Director-General under this Part, he shall upon receipt of the prescribed fee |

for the certificate, issue a certificate of   
registration to the applicant who shall be the   
owner of the geographical indication   
(hereinafter referred to as the “registered   
owner”) in the prescribed form.

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| Register of  Geographical  Indication | 161G. (1) The Director-General shall keep and maintain a register in the Office called the“Register of Geographical Indications” in |

which all registered geographical indications

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 11 |

shall be recorded in the order of their   
registration.

(2) The following particulars shall be   
included in the Register of Geographical   
Indications:-

(*a*) the geographical indication;

(*b*) number of registration;

(*c*) the name and address of the registered   
owner and if the registered owner is   
outside Sri Lanka, a postal address for   
service in Sri Lanka;

(*d*) the date of application and registration;

(*e*) the list of goods in respect of which the   
registration of geographical indication   
has been granted;

(*f*) the summary of the specification;

(*g*) the map of the geographical area; and

(*h*) specifications and associated control   
 plan.

(3) Any person may examine the Register of   
Geographical Indications and obtain certified   
extracts thereof on payment of the prescribed   
fee.

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| 12 | *Intellectual Property (Amendment) Act, No. 8 of 2022* |

CHAPTER XXXIIIB

RIGHTSOFAREGISTEREDOWNERAND

ADMINISTRATIONOFREGISTEROFGEOGRAPHICAL

INDICATIONS

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| Rights of a  registered  owner | 161H. The registered owner of a geographical indication shall be entitled to prevent - |

(*a*) in respect of goods of the same kind as   
those to which the geographical   
indication applies –

(i) any direct or indirect use , misuse,   
 imitation or evocation of a   
 geographical indication   
 identifying goods including an   
 agricultural product, food, wine or   
 spirit or handicraft manufactured   
 and natural goods not originating   
 in the place indicated by the   
 geographical indication in question   
 or not complying with any other   
 applicable requirement for using the   
 geographical indication, even   
 where the true origin of the goods is   
 indicated or the geographical   
 indication is used in translated form   
 or accompanied by expression  
 “style”, “kind”, “type”, “make”,  
 “imitation”, “method”, “as   
 produced in”, “like”, “similar” or   
 such similar expression; or

(ii) any direct or indirect use, misuse,   
imitation or evocation of a

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 13 |

geographical indication which   
constitutes an act of unfair   
competition within the meaning of   
section 160 of the Act; or

(iii) any other practice likely to mislead   
consumers as to the true origin,   
provenance or nature of the goods   
including an agricultural product,   
food, wine or spirit or handicraft   
manufactured and natural goods;

(*b*) for goods that are not of the same kind as   
those to which the geographical   
indication applies –

(i) any direct use, misuse, imitation or   
evocation of the geographical   
indication in respect of goods that   
are not of the same kind as those to   
which the geographical indication   
applies including an agricultural   
product, food, wine or spirit or   
handicraft manufactured, and   
natural goods in question, if such   
use would indicate or suggest a   
connection between those goods,   
and the owners of the geographical   
indication and would be likely to   
damage their interests, or where   
applicable because of the reputation   
of the geographical indication such   
use would be likely to impair or   
dilute in an unfair manner, or take   
unfair advantage of that reputation;

(ii) any direct use, misuse, imitation or   
evocation of the geographical   
indication in respect of goods that

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| 14 | *Intellectual Property (Amendment) Act, No. 8 of 2022*  are not of the same kind as those to which the geographical indication applies including an agricultural product, food, wine or spirit or handicraft manufactured, and | | | | | |
| natural | goods | | in | question | |
| amounting to its imitation, even if the true origin of the goods is indicated, or if the geographical indication is used in translated form or is accompanied by expression“style”, “kind”, “type”, “make”, | | | | | |
| “imitation”, | | “method”, | | | “as |
| produced in”, “like”, “similar” or such similar expression; or | | | | | |

(iii) any other practice likely to mislead   
consumers as to the true origin,   
provenance or nature of the goods.

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| Registered  geographical  indication  not to  become  generic | 161I. Any geographical indication registered under this Act shall not become generic which refers to the name that is generally known as the common designation of the good registered as a geographical indication. |

CHAPTER XXXIIIC

CANCELLATIONOFREGISTRATIONOFGEOGRAPHICAL   
INDICATIONS

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| Cancellation  of  registration  of  geographical  indications | 161J. The Director-General may cancel the registration of any geographical indication in the case of –  (*a*) any goods registered as geographical indications lose their special characteristic as geographical indication goods; |

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| *Intellectual Property (Amendment) Act, No. 8 of 2022* | 15 |

(*b*) the registered owner fails to comply with   
the conditions and requirements, if any,   
subject to which such geographical   
indication is registered;

(*c*) the registered owner of such   
 geographical indication requests the   
 Director-General in writing for   
 cancellation of registration of such   
 geographical indication; or

(*d*) the registered owner fails to renew the   
registration of a geographical indication   
as specified in section 161E.

CHAPTER XXXIIID

FOREIGNGEOGRAPHICALINDICATIONS

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| Foreign  geographical indications | 161K. Any foreign geographical indication may be registered in Sri Lanka as long as such geographical indication is protected in its country of origin as a geographical indication or a certification mark, as the case may be. The provisions relating to registration of geographical indications in this Act, shall be applicable to such foreign geographical indication. |

CHAPTER XXXIIIE

MISCELLANEOUS

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| Alterations to registered  geographical indications | 161L. The registered owner of a geographical indication may if he intends to amend the specifications and associated control plan due to the development of technologies, sciences and the delimitation of the geographical area, |

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| 16 | *Intellectual Property (Amendment) Act, No. 8 of 2022* |

make a request to the Director-General to   
that effect along with the fees as shall be   
prescribed:

Provided that, any substantial amendment   
to a registered geographical indication which   
affects the identity of such geographical   
indication shall not be accepted by the   
Director-General.

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| Amendment of section 162 of the principal  enactment | Geographical Indications  registered as a  Certification Mark under  this Act | 161M.Any person who has registered a geographical indication as a Certification Mark under section 142 of this Act, may if he so wishes, apply to register such Mark as a geographical indication under section 161B.”. |
| **10.** Section 162 of the principal enactment is hereby amended as follows:-  (1) in subsection (1), by the substitution for the words“Industrial Designs, Marks, Patents and Unfair Competition” of the words “Industrial Designs, Marks, Patents, Geographical Indications and Unfair Competition”; | |

(2) in subsection (8) -

(*a*) by the substitution, in paragraph (*a*) for the   
words “Trade Marks, Patents and Unfair   
Competition” of the words “Trade Marks,   
Patents, Geographical Indications and   
Unfair Competition”;

(*b*) by the substitution, in paragraph (*b*) for the   
words “Trade Marks, Patents and Unfair   
Competition” of the words “Trade Marks,   
Patents, Geographical Indications and   
Unfair Competition”;

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| *Intellectual Property (Amendment)* | 17 | Amendment of section 168 of the principal  enactment |
| *Act, No. 8 of 2022*   **11.** Section 168 of the principal enactment is hereby amended by the substitution for the words “Patent or Mark or” of the words “Patent, Mark or Geographical | |

Indication or ”.

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| **12.** Section 170 of the principal enactment is hereby amended in subsection (2), by the substitution for the words“Patent, Mark or any other registration” of the words “Patent, Mark, Geographical Indication or any other registration”. **13.** Section 172 of the principal enactment is hereby amended as follows:-  (1) in subsection (1), by the substitution for the words | Amendment of section 170 of the principal  enactment  Amendment of section 172 of the principal  enactment |

“Industrial Design, Patent or Mark or” wherever   
such words appear in that subsection, of the words  
“Industrial Design, Patent, Mark, Geographical   
Indication or”;

(2) in subsection (2), by the substitution for the words  
“(2) The registered owner of the Industrial Design,   
Patent or Mark or any other register” of the words  
“(2) The registered owner of the Industrial Design,   
Patent or Mark, Geographical Indication or any   
other register”;

(3) in subsection (3), by the substitution for the words  
“Industrial Design, Patent or Mark or any other   
matter” of the words “Industrial Design, Patent,   
Mark, Geographical Indication or any other matter”.

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| **14.** The following new section is hereby inserted immediately after section 186 of the principal enactment and shall have effect as section 186A of that enactment:- | Insertion of new section 186A in the principal  enactment |

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| Amendment of section 212 of the principal  enactment  Sinhala text to  prevail in case  of inconsistency | 18 | *Intellectual Property (Amendment)* |
| *Act, No. 8 of 2022* | |
| “Offences  relating to  geographical indications | 186A. The provisions relating to offences and penalties in respect of Marks as specified in this Part shall *mutatismutandis* apply in respect of geographical indications.”. |
| **15.** Section 212 of the principal enactment is hereby amended in the definition of the term “Convention”, by the substitution for the words “Patents, Marks and any other matter” of the words “Patents, Marks, Geographical Indications or any other matter”.  **16.** In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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