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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2407/04 - 2024 ඔක්තෝබර් මස 22 වැනි අඟහරුවාදා - 2024.10.22
No. 2407/04 - TUESDAY, OCTOBER 22, 2024

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.-B. 1/2005(11)

INTELLECTUAL PROPERTY ACT No. 36 OF 2003

REGULATIONS made by the Minister of Trade, Commerce, Food Security, Co-operative Development, Industry and Entrepreneurship Development under section 204 of the Intellectual Property Act, No.36 of 2003 read with sections 160A, 161B, 161C, 161D, 161E, 161F, 161G, 161I, 161K and 161L of that Act.

HARINI AMARASURIYA,
Minister of Trade, Commerce, Food Security,
Co-operative Development, Industry and
Entrepreneurship Development.

Colombo,
22nd October, 2024.



Regulations

1. These regulations may be cited as the Registration of Geographical Indications Regulations of 2024.

Part I

Application for Registration of Geographical Indications

2. An applicant intending to register a geographical indication under the Act shall make an application for such purpose in the form specified in the First Schedule hereto along with the required documentation specified in the application and the application processing fee specified in the Second Schedule, to the Director General:

Provided however, an applicant intending to register a geographical indication which is a homonymous indication to an already registered geographical indication, shall submit to the Director General along with his application, the material factors differentiating his application from the registered geographical indications and particulars of protective measures adopted by the applicant to ensure the consumers of the goods relating to such registered geographical indication that, the already registered geographical indication is not confused in consequence of such registration.

3. (a) Upon receipt of an application under regulation 2, the Director General shall examine the application to ascertain whether the applicant has fulfilled all the requirements specified in the application set out in the First Schedule hereto.
(b) For the purposes of paragraph (a), the Director General may -
 - (i) if the Director General considers it necessary, seek advice from any expert in the field of geographical indications;
 - (ii) make an observation visit on site in the geographical area concerning the geographical indication sought to be registered; or
 - (iii) direct the applicant to submit any required documents from the experts in the area in support of the application.
(c) The applicant may, prior to the examination of the application by the Director General, make a request to the Director General to amend any particulars specified in the application or supporting documents submitted along with the application.
4. The Director General may, in considering whether a geographical indication sought to be registered under the Act has become generic, take into account, all the factors relating to such geographical indication, including the existing situation of such geographical indication in the region, place or locality from which such geographical indication originates, and the area of consumption of such of the goods concerning such geographical indication.

Part II

Publication of Application and Opposition to Registration

5. Where the Director General is of the opinion that the geographical indication sought to be registered is admissible in terms of section 161A of the Act, the Director General shall upon receipt of the fee specified in the Second Schedule hereto, publish the application in the *Gazette* within a period of two months from the date of receipt of such application by the Director General.

6. (a) Any person who considers that the geographical indication published in the *Gazette* under regulation 5 is inadmissible in terms of section 161A of the Act, shall within three months from the date of such publication, send to the Director General, a notice of opposition to registration of such geographical indication in the form set out in the Third Schedule hereto along with the fee specified in the Second Schedule hereto.
- (b) Unless the Director General otherwise directs, any person giving evidence under subsection (4) of section 161D of the Act at any hearing shall give such evidence in the form of an affidavit, and thereafter, the parties shall file written submissions, if any, on a date as may be determined by the Director General.

Part III

Registration of Geographical Indications

7. (a) The Director General may subject to the provisions of the Act and these regulations either register, register subject to such amendments, conditions or limitations, or for reasons to be informed to the applicant refuse to register such geographical indication.
- (b) The Director General shall, upon receipt of the fee for the certificate as specified in the Second Schedule hereto, issue to every registered owner of a geographical indication, a certificate of registration of geographical indication in such form as specified in the Fourth Schedule.
8. (a) The Director General shall keep and maintain a Register of Geographical Indications which may be amended, from time to time, for the purpose of altering any typographical error appears in such register.
- (b) Any person may examine and obtain certified extracts of the register of geographical indications by payment of the fee specified in the Second Schedule hereto.
9. The Director General shall proceed with the applications for registration of geographical indications in order of their receipt at National Intellectual Property Office, subject to fulfillment of relevant requirements.

Part IV

Alterations to Registered Geographical Indications

10. The registered owner of a geographical indication may, if he intends to amend the specifications and associated control plan for any reason specified in section 161L, shall make a request in writing to the Director General in the form specified in the Fifth Schedule hereto along with the fee specified in the Second Schedule hereto.

Part V

Renewal of Registered Geographical Indications

11. An owner of a geographical indication may, six months prior to the expiry of the registration of such geographical indication make an application in the form specified in the Sixth Schedule hereto along with the fee specified in the Second Schedule hereto, to the Director General for renewal of registration of such geographical indication:

Provided however, the applicant may within a period of six months from the date of expiry of registration, apply for renewal of the registration upon payment of a surcharge specified in the Second Schedule hereto.

Interpretation

For the purposes of these regulations -

“Act” means the Intellectual Property Act, No.36 of 2003;

“Agent” means an Agent registered under section 175 of the Intellectual property Act, No.36 of 2003;

“Applicant” shall have the same meaning assigned to such term by section 161B of the Act;

“Director General” means the Director General of the National Intellectual Property Office of Sri Lanka;

“geographical indication” shall have the same meaning as assigned to that term in the Intellectual Property Act, No.36 of 2003;

“control plan” shall have the same meaning as assigned to that term in the Intellectual Property Act, No.36 of 2003;

“goods” shall have the same meaning as assigned to that term in the Intellectual Property Act, No.36 of 2003;

“Homonymous Geographical Indication” means any geographical indication which is spelled or pronounced alike, but identify products originating in different places, usually in different countries; and “operator” in relation to goods means any person involved in the process of placing such goods in the market *i.e.* trading, purchasing and distributing the goods.

FIRST SCHEDULE

[Regulation 2]

Application for the Registration of Geographical Indication of goods

For Official Use Only	
Date of Receipt of the Application:	
Date of the Payment of Fees:	
Application No.	
1. Details of the Applicant	
1.1 Name:	
1.2 Postal Address:	
Postal Address for Service in Sri Lanka (If the Applicant is Resident Outside Sri Lanka)	
1.3 Telephone No.	1.4 Fax No.
1.5 E-mail Address:	1.6 Nationality:
2. Representation of the Applicant	
If the applicant is an association of persons please attach the following documents: -	
(a) A certified copy of the constitution of the association that shall provide automatic membership to all producers who are eligible to use the geographical indication; and	
(b) A certified copy of the certificate of registration.	

3. The List of Producers who are identified at the time of the Application for Registration of any Good as a Geographical Indication	
4. Specification of the Geographical Indication	
4.1 Name of the Geographical Indication:	
4.2 Type of Goods (a) Agricultural Goods (b) Foodstuffs (c) Handicraft Goods (d) Other Goods	
4.3 Description of the Good (including the raw materials, if appropriate, as well as the physical, chemical, microbiological or organoleptic characteristics of the good)	
4.4 Description of the specific steps of production, processing preparation in the identified geographical area	
4.5 Description of the geographical area with the geographical map	
4.6 A statement as to how a geographical indication serves to designate the goods as originating from the respective geographical area in respect of specific quality, reputation or other characteristic of which are due exclusively or essentially to the geographical environment with its inherent, natural or human factors. (Such details can be related to the history of the production of the good in the geographical area and the specificity of human or natural factors conferring specificity to the good)	
4.7 Where the geographical indication is a homonymous geographical indication to an already registered geographical indication, the applicant shall set out the following: - (a) the material factors differentiating the application from the registered geographical indications; and (b) particulars of protective measures adopted by the applicant to ensure consumers of such goods are not confused or misled as a result of such registration.	
4.8 In case of a foreign geographical indication, an official document from the Government of the respective country, to the effect that the geographical indication has already been registered in the country of origin, or is not fallen into disuse in that country, shall be attached to the application.	
4.9 Any particulars regarding the appearance of the geographical indication as to whether it is comprised of words or figurative elements or both	

4.10 A summary of the specification of maximum five hundred words	
5. Control Plan of the Geographical Indication	
5.1 Procedure for accrediting producers:	
5.2 The list of checkpoints of the method of production and of the product to be controlled:	
5.3 The methods of control at each checkpoint (Inspection of the site of production, documents, laboratory analysis of the product, sensorial analysis of the product, <i>etc.</i>):	
5.4 The producers and operators to be controlled at each checkpoint:	
5.5 The periodicity of the control at each checkpoint:	
5.6 The person in charge of control at each checkpoint:	
5.7 The sanctions in case of non-compliance at each checkpoint:	
6. Proof of Protection of the Geographical Indication in the country of origin (If the Application is for a Foreign Geographical Indication)	
7. Agent, if any (Please attach the power of attorney)	
7.1 Name:	
7.2 Postal Address:	
7.3 Telephone No.	7.4 Fax No.
7.5 E-mail Address:	
8. Declaration	
I hereby apply to register the aforementioned goods as a geographical indication and certify that the information given in this application is true and correct.	
Name	Title
Signature (Authorized signature and the seal if the applicant is an association of persons or an organization or authority)	Date

SECOND SCHEDULE

[Regulations 2,5,6,7,8,10 and 11]

Fees

Section/Regulation	Description	Fee (Rs.)
Section 161B (1) Regulation 2	Application Fee	20, 000.00
Section 161c (1) Regulation 5	Fee for Publication of the Application in the <i>Gazette</i> (Regardless of Work and Size of the Geographical Indication Mark)	8,000.00
Section 161D (1) Regulation 6 (a)	Fee on Notice of Opposition	10,000.00
Section 161F Regulation 7 (b)	Fee for the Certificate of Registration	2,000.00
Section 161G (3) Regulation 8 (b)	Fee on Examination of the Register of Geographical Indications	50.00
	Fee on Obtaining Certified Extracts of the Register of Geographical Indications	A4 size page or part thereof - 150.00 Each additional page or part thereof - 75.00
Section 161L Regulation 10	Fee for Amending the Specifications and Associated Control Plan	5,000.00
Section 161E (2) Regulation 11	Administrative Fee (For Renewal)	15,000.00
Section 161E (2) Regulation 11	Surcharge for Administrative Fee for Renewal	10% of the Administrative fee
Sections 161B (5) and 161D (4)	Fee for Hearing (per day)	5,000.00
Sections 161B (3) and 161B (7)	Furnishing Reasons for Decisions by the Director General	10,000.00

THIRD SCHEDULE

[Regulation 6 (a)]

The Notice of Opposition to Registration of the Geographical Indication

For Official Use Only Date of Receipt of the Application: Date of the Payment of Fees: Receipt No.	
1. Details of the Opponent	
1.1 Name:	
1.2 Postal Address:	
Postal Address for Service in Sri Lanka (If the Opponent is Resident Outside Sri Lanka)	
1.3 Telephone No.	1.4 Fax No.
1.5 E-mail Address:	1.6 Nationality:
2. Details of the Opposed Application	
2.1 Application No.	
2.2 Date and No. of the <i>Gazette</i> Notification:	
2.3 Grounds of Opposition and Required Evidence: (Add extra papers where necessary)	
3. Agent, if any (Please attach the power of attorney)	
3.1 Name:	
3.2 Postal Address:	
3.3 Telephone No.	3.4 Fax No.
3.5 E-mail Address:	
4. Declaration	
I hereby submit the notice of opposition to registration of the aforesaid geographical indication and certify that the information given in this notice is true and correct.	
Name	Title
Signature (Authorized signature and the seal if the opponent is an association of persons or an organization or authority)	Date

FOURTH SCHEDULE

[Regulation 7 (b)]

Democratic Socialist Republic of Sri Lanka



THE CERTIFICATE OF REGISTRATION

The certificate of registration of the geographical indication issued under section 161F of the Intellectual property Act, No.36 of 2003.

Geographical Indication No.

Certificate No.

Certified that the Geographical Indication (of which a representation is annexed hereto) has been registered in the Register of Geographical Indications in the name of of in class under No. as of the date in respect of falling in class in respect of

Sealed at my direction thisday of20..... at Colombo, Sri Lanka.

.....
Director General of Intellectual Property

National Intellectual Property Office of Sri Lanka, 3rd Floor,
'Samagam Madura',
No. 400,
D.R. Wijewardena Mawatha,
Colombo 10,
Sri Lanka.

FIFTH SCHEDULE

[Regulation 10]

REQUEST TO AMEND THE SPECIFICATIONS AND ASSOCIATED CONTROL PLAN

For Official Use Only Date of Receipt of the Request: Date of the Payment of Fees: Receipt No.	
1. Details of the Geographical Indication	
1.1 Geographical Indication No.	1.2 Class:
1.3 Remarks or Details relating to the Request:	
2. Details of the Registered Owner	
2.1 Name:	
2.2 Postal Address:	
Postal Address for Service in Sri Lanka (If the Registered Owner is Resident Outside Sri Lanka)	
2.3 Telephone No.	2.4 Fax No.
2.5 E-mail Address:	2.6 Nationality:
3. Agent, if any (Please attach the power of attorney)	
3.1 Name:	
3.2 Postal Address:	
3.3 Telephone No.	3.4 Fax No.
3.5 E-mail Address:	
4. Declaration	
I hereby request to amend the aforesaid details of the geographical indication and certify that the information given in this request is true and correct.	
Name	Title
Signature (Authorized signature and the seal if the opponent is an association of persons or an organization or authority)	Date

SIXTH SCHEDULE

[Regulation 11]

APPLICATION FOR THE RENEWAL OF REGISTRATION OF A GEOGRAPHICAL INDICATION

For Official Use Only Date of Receipt of the Application: Date of the Payment of Fees: Application No.	
1. Registration No.	
2 Class:	
3. Details of the Registered Owner	
3.1 Name:	
3.2 Postal Address:	
Postal Address for Service in Sri Lanka (If the Registered Owner is Resident Outside Sri Lanka)	
3.3 Telephone No.	3.4 Fax No.
3.5 E-mail Address:	3.6 Nationality:
4. Date of Application for Registration:	
5. Agent, if any (Please attach the power of attorney)	
5.1 Name:	
5.2 Postal Address:	
5.3 Telephone No.	5.4 Fax No.
5.5 E-mail Address:	
6. Fees paid including surcharges, if applicable:	
7. Declaration	
I hereby apply to renew the registration of the aforesaid geographical indication and certify that the information given in this application is true and correct.	
Name	Title
Signature (Authorized signature and the seal if the opponent is an association of persons or an organization or authority)	Date

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