

Tentative



Geographical Indication Protection System Guidelines for the Use of Geographical Indications

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Intellectual Property Division
Food Industry Affairs Bureau
Ministry of Agriculture, Forestry and Fisheries



Introduction

In 2014, the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (the Geographical Indication (GI) Act) was passed in the 186th regular Diet session. The GI Act entered into force on June 1, 2015.

In Japan, there are many regional products that have attained high quality and reputation as a result of unique production methods that have been forged over years and through natural characteristics such as regional climate and soil conditions. Such products as one may call then as “regional brand products” have been used as important tools for regional revitalization.

The GI Act values the quality of regional brand products and protects their names as intellectual property. Specifically, the GI Act makes the government to regulate the use of GIs on products that do not meet the product standards, as the standards are registered along with the GIs.

The purpose of the GI protection system is to maintain product reputations and improve their property values through protection by the government, while also ensuring consumers’ trust in the products.

This Guidelines is intended for producers, distributors, retailers, and any of those who are involved in using indications on foods, etc. to explain the details of administrative regulations under the GI system.

We hope the guidelines helps understand the purpose of the GI protection system and prepares to improve the brand values of GI products.

Contents

1 Regulation on the use of GIs under the GI Actp2
1-1 When GIs are allowed to be used	
1-2 When GIs are not allowed to be used	
1-2-1 Scope of regulation	
1-2-2 Indications subject to regulation	
1-2-3 Exceptions	
1-3 Regulation on the use of the GI Mark	
1-4 Measures against violation of regulation	
1-5 Check sheet	
2 The GI Mark under the GI Actp12
2-1 Design of the GI Mark	
2-2 Size of the GI Mark	
2-3 Display location of the GI Mark	
2-4 Indication of registration number	
3 Q&Ap17
4 Contactp25

1 Regulation on the use of GIs under the GI Act

If a product is registered as a GI, persons who may use the GI and the registered trademark (hereinafter referred to as the “GI Mark”) on agricultural, forestry and fishery products and foodstuffs (hereinafter referred to as “agricultural products, etc.”) or their package, container, or invoice (hereinafter referred to as “package, etc.”) will be limited.

This chapter explains when GIs are allowed and not allowed to be used by looking at examples using a fictional product named “〇〇りんご” (“〇〇” is the unspecified name of a place, and “りんご” means “apple”), assuming that this name is registered as a GI.



*In this Guidelines, the red apple is referred to as a registered GI product (product that satisfies the registration standards of the registered GI) and green apple indicates the regular (non-GI) product.

1-1 When GIs are allowed to be used

Registered GIs can be used only when the following requirements are met (Article 3(1) of the Act).

(1) Objects to which GIs may be affixed

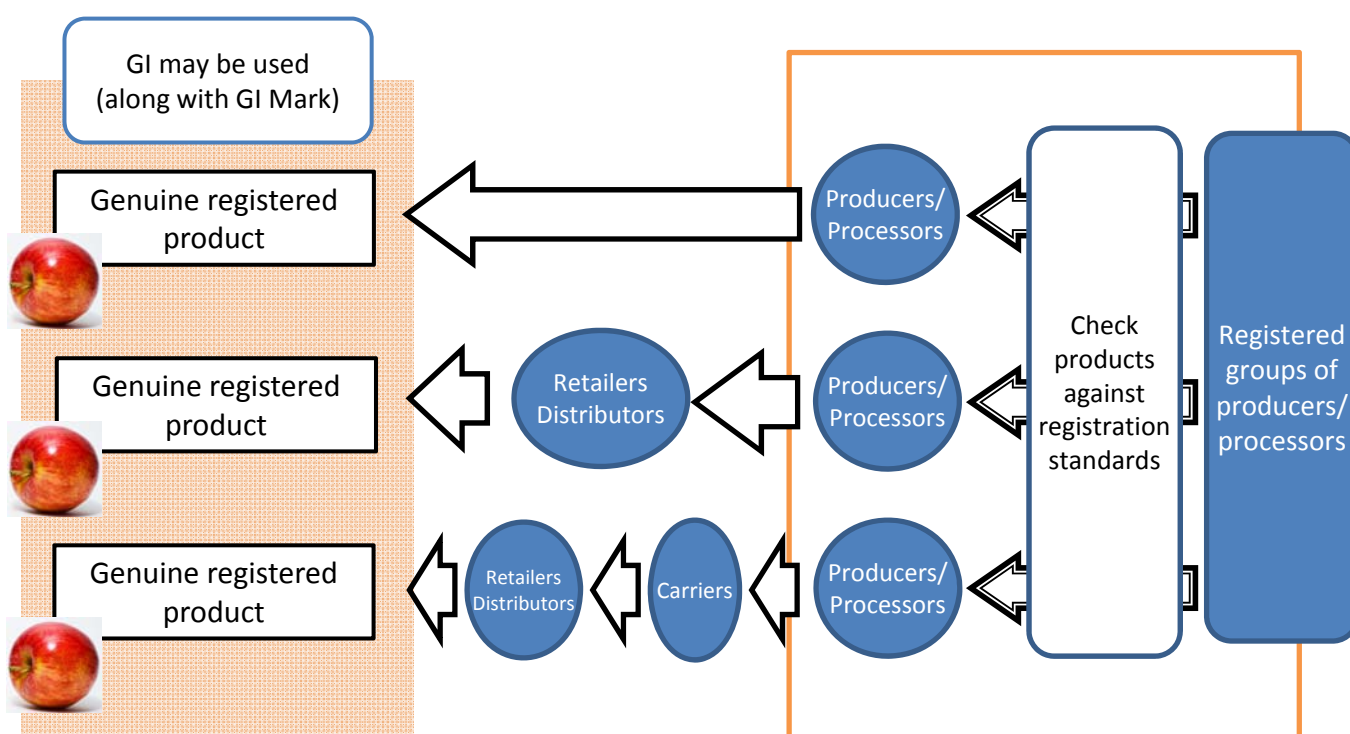
Agricultural products, etc. or their package, etc. that satisfy the following conditions:

- (i) produced by a producer who is a member of the registered group of producers; and
- (ii) meet the registration standards (the production process has been properly managed by the registered group of producers).

(2) Persons who may use GIs

- (i) Producers as described in (1)(i)
- (ii) Persons who received the products directly or indirectly from a producer described in (1)(i) (distributors, retailers, etc.)

When using a GI, the GI Mark must be also affixed to the product along with the GI (this must not be omitted). (→See 1-3) [Related Q&A: Q2 – Q9]





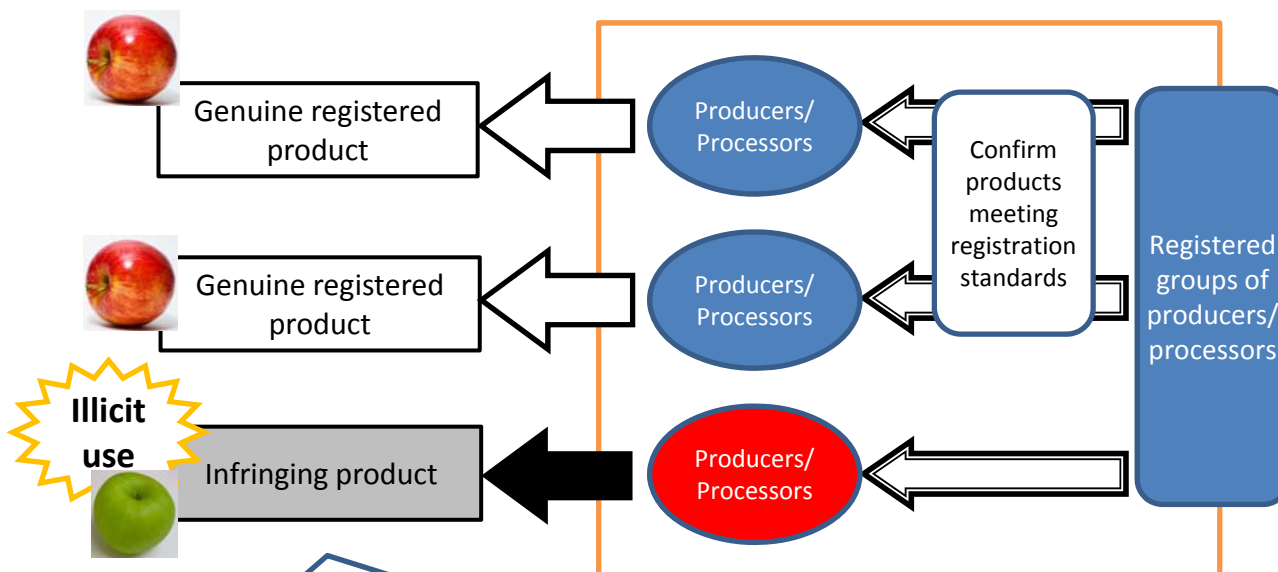
1-2 When GIs are not allowed to be used

Meanwhile, except cases described in 1-1, 1) no person is allowed 2) to affix a registered GI or an indication similar thereto (→see 1-2-2) 3) on any agricultural products, etc. falling under the same classification to which the registered GI product belongs or processed products produced therefrom (→see 1-2-1) (main paragraph of Article 3(2) of the Act).

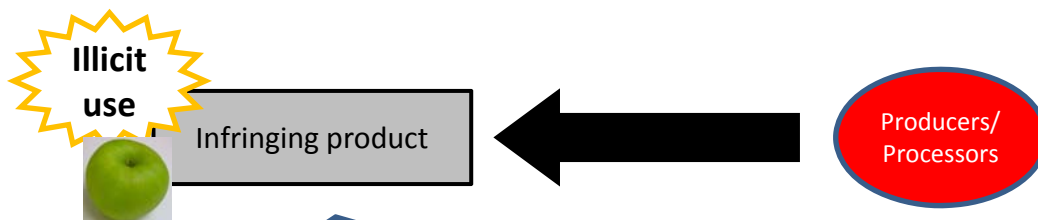
However, this regulation does not apply in some cases (→see 1-2-3).

(In any case, the GI Mark can not be used (→see 1-3).)

[Related Q&A: Q10 – Q13]



A GI or an indication similar to the GI is not allowed to be affixed to any product that does not satisfy the standards (products whose production process was not managed by the registered group of producers) (requirement (1)(ii) under 1-1 is not met).



A GI or an indication similar to the GI is not allowed to be affixed to any products that are produced by a person who is not a member of the registered group of producers (requirement (1)(i) under 1-1 is not met).

1-2-1 Scope of regulation

The scope of regulation on the use of GIs is :

- (i) agricultural products, etc. falling under the classification to which the registered product belongs; and,
- (ii) products manufactured or processed using products specified in (i) as raw materials or ingredients.

For example, the product “〇〇りんご” would be registered as below.

Registered geographical indication

〇〇りんご



(Class 3 Fruit)



(i) Agricultural products, etc. falling under the same classification

The term “classification” refers to the classification of agricultural products, etc. as specified in the public notice titled “*Establishment of the Classification, etc. of Agricultural, Forestry and Fishery Products and Foodstuffs in Accordance with Article 3(2) of the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs*” (Public Notice of the Ministry of Agriculture, Forestry and Fisheries No. 1395 of 2015).

(Examples of the classification)

Class 1 Grains : Rice, wheat, millet, beans, etc.

Class 6 Fresh meat : Beef, pork, chicken, etc.

Class 17 Processed vegetables : Cured vegetables, pickled vegetables, prepared vegetables, etc.

(Visit our website for more information of the classification (see p. 25).)

In the case of the product “〇〇りんご,” it is not allowed to affix the GI “〇〇りんご” or any indications similar thereto to agricultural products, etc. falling under Class 3 Fruit (apples, pears, etc.), as apples fall under this classification. (The GI Mark is also not allowed to be affixed to the products (→see 1-3).)

[Related Q&A: Q14]

Case 1

Affixing the GI “〇〇りんご” to non-registered apples, pears, etc.





(ii) Processed products

The term “processed products” refers to:

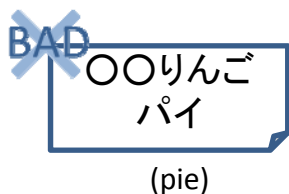
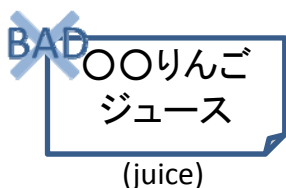
(i) manufactured or processed product. (ii) using agricultural products, etc. that fall under the same classification as registered GI product. (iii) as main raw materials or ingredients.

In the case of the product “〇〇りんご,” it is not allowed to affix the GI “〇〇りんご” or any indications similar thereto to processed products (juice, pie, etc.) made from agricultural products, etc. falling under Class 3 Fruit (apples, pears, etc.), as apples fall under this classification (main paragraph of Article 3(2) of the Act).

However, if the processed product uses the registered GI product “〇〇りんご” as its main ingredient, you may affix the GI “〇〇りんご” to it (Article 3(2)(i) of the Act). [Related Q&A: Q15 and Q16]
(In any case, the GI Mark is not allowed to be used (→see 1-3).)

Case 2

Affixing the GI “〇〇りんご” on processed products that use nonregistered apple



Case 3

Affixing the GI “〇〇りんご” to a juice drink that uses the registered product “〇〇りんご” (Article 3(2)(i) of the Act)



* The GI Mark are not allowed to be used in this case, but you may indicate on the label that “〇〇りんご” is a registered GI and the registration number of “〇〇りんご.” [Related Q&A: Q17]

1-2-2 Indications subject to regulation

If a GI is registered, the use of the following indications will be restricted:

- (i) indications identical to the registered GI; and,
- (ii) indications similar to the registered GI.

(i) Identical indications

Indications of names that are deemed identical with registered GIs from a social convention are subject to regulation on the use. [Related Q&A: Q8]

Case 4

Identical indications

(when affixing the indication to products that do not satisfy the GI product standards)



BAD

〇〇りんご

(indication using hiragana characters)

BAD

〇〇林檎

(indication using kanji characters)

BAD



BAD

〇〇リンゴ

(indication using katakana characters)

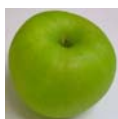
(ii) Similar indications

The use of indications similar to registered GIs is also regulated. The term “similar indication” means an indication that makes it difficult to distinguish a registered GI product from another product. In other words, they are indications whose appearance and pronunciation are confusing in a way that lead consumers to assume that the products to which said indications are affixed have the same characteristics as the registered GI products.

Similar indications include those shown below as specified in Article 2 of the Ordinance for Enforcement of the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Ordinance of the Ministry of Agriculture, Forestry and Fisheries No. 58 of 2015; hereinafter referred to as the “Enforcement Ordinance”). [Related Q&A: Q8]

Case 5

Indication with similar appearance or pronunciation



BAD

〇〇 りんご

* Appearance of “〇〇 りんご” is similar to “〇〇りんご.”

BAD



Case 6

Indication describing the production place of the genuine GI product



BAD

△△産
〇〇りんご

(〇〇りんご produced in △△)



Case 7

Indication using such phrases as “-like” and “-type”



BAD

〇〇風りんご

(〇〇-like apple)

BAD



BAD

〇〇りんご型
りんご

(〇〇りんご-type apple)

Case 8

Indication using a translation of “〇〇りんご”



BAD

〇〇 apple

(Indication in English)





1-2-3 Exceptions

The regulation on the use of GIs does not apply in the following cases (items of Article 3(2) of the Act and items of Article 3 of the Enforcement Ordinance).

In any case, however, the GI Mark is not allowed to be used (→see 1-3)

Case 9

Indicating a registered trademark “〇〇りんご” on apples for which the application for trademark registration was filed prior to the registration of the GI (Article 2(2)(ii) and (iii) of the Act)



GOOD

〇〇りんご



Persons who may use the indication “〇〇りんご”

- Holder of the trademark right
- Person with the right to use the registered trademark in accordance with the Trademark Act

[Related Q&A: Q18]

Case 10

Continuing to indicate “〇〇りんご” on apples from before the registration of the GI without any wrongful intent
[Prior use] (Article 3(2)(iv) of the Act)



GOOD

〇〇りんご



Persons who may use the indication “〇〇りんご”

- A person who has continuously used a name identical or similar to the GI without any wrongful intent from before the registration of the GI
- A person who took over the business from such a person
- A person who received the products directly or indirectly from such a person

* See Q19 in the Q&A section for more details on “wrongful intent.”

Case 11

Continuing to indicate “〇〇りんごジュース” on an apple juice drink (a processed product using agricultural products, etc. falling under the same classification as the raw materials) without any wrongful intent from before the registration of the GI [prior use] (Article 3(i) of the Enforcement Ordinance)



GOOD

〇〇りんご
ジュース



Persons who may use the indication “〇〇りんごジュース”

- A person who has used a name identical or similar to the GI without any wrongful intent on a processed product whose main ingredients are agricultural products, etc. falling under the same classification as the registered GI product from before the registration of the GI
- A person who took over the business from such a person
- A person who received the products directly or indirectly from such a person

Case 12

Using the indication “〇〇りんご” on apples as one’s own name without any wrongful intent (Article 3(ii) of the Enforcement Ordinance)



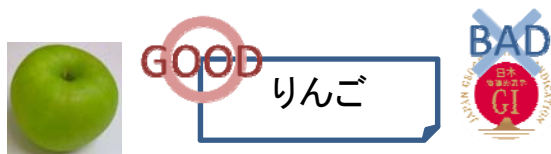
* When “〇〇りんご園” is the user’s name

Persons who may use the indication “〇〇りんご”

- When indicating one's own name, famous pseudonym, professional name, pen name or famous abbreviation thereof without any wrongful intent

Case 13

Indicating a generic term contained as a part of the registered name of specific agricultural products, etc. (Article 3(iii) of the Enforcement Ordinance)



* The each words “〇〇 (place name)” and “りんご” of “〇〇りんご” are generic terms.

1-3 Regulation on the use of the GI Mark

When using a GI in a case described in 1-1, the GI Mark must be also affixed to the product. In other cases and when not using a GI, you are not allowed to affix the GI Mark to the product.

(See “2 Mark under the GI Act” for more details concerning the design and size of the mark and the for affixing the GI) [Related Q&A: Q5, Q20-27]

	<p>The GI and GI Mark are used together.</p>
	<p>The GI or GI Mark cannot be used separately</p>
	<p>The GI Mark cannot be used on any products other than those meeting the product standards</p>
	<p>The GI Mark cannot be used on processed products</p>



1-4 Measures against violation of regulation

If illicit use of a GI or the GI Mark is found (including a case that only a GI is used alone and the GI Mark is omitted), the Minister of Agriculture, Forestry and Fisheries will issue an order for measures against such act, including an order of its removal (Article 5 of the Act).

If the person does not comply with such an order, the penal provisions provided in Articles 28 and 29 of the Act Will be applied.

[Related Q&A: Q28]

○ Illicit use of GIs

(1) Administrative measures against persons engaged in illicit use

Order by the Minister of Agriculture, Forestry and Fisheries

(2) Violation of order



(3) Penal provisions

- Individual: Imprisonment with penal servitude for not more than **5 years** or a fine of not more than **5 million yen** (or both)
- Corporation: A fine of not more than **300 million yen**

○ Illicit use of the GI Mark (including non-use)

(1) Administrative measures against persons engaged in illicit use

Order by the Minister of Agriculture, Forestry and Fisheries

(2) Violation of order

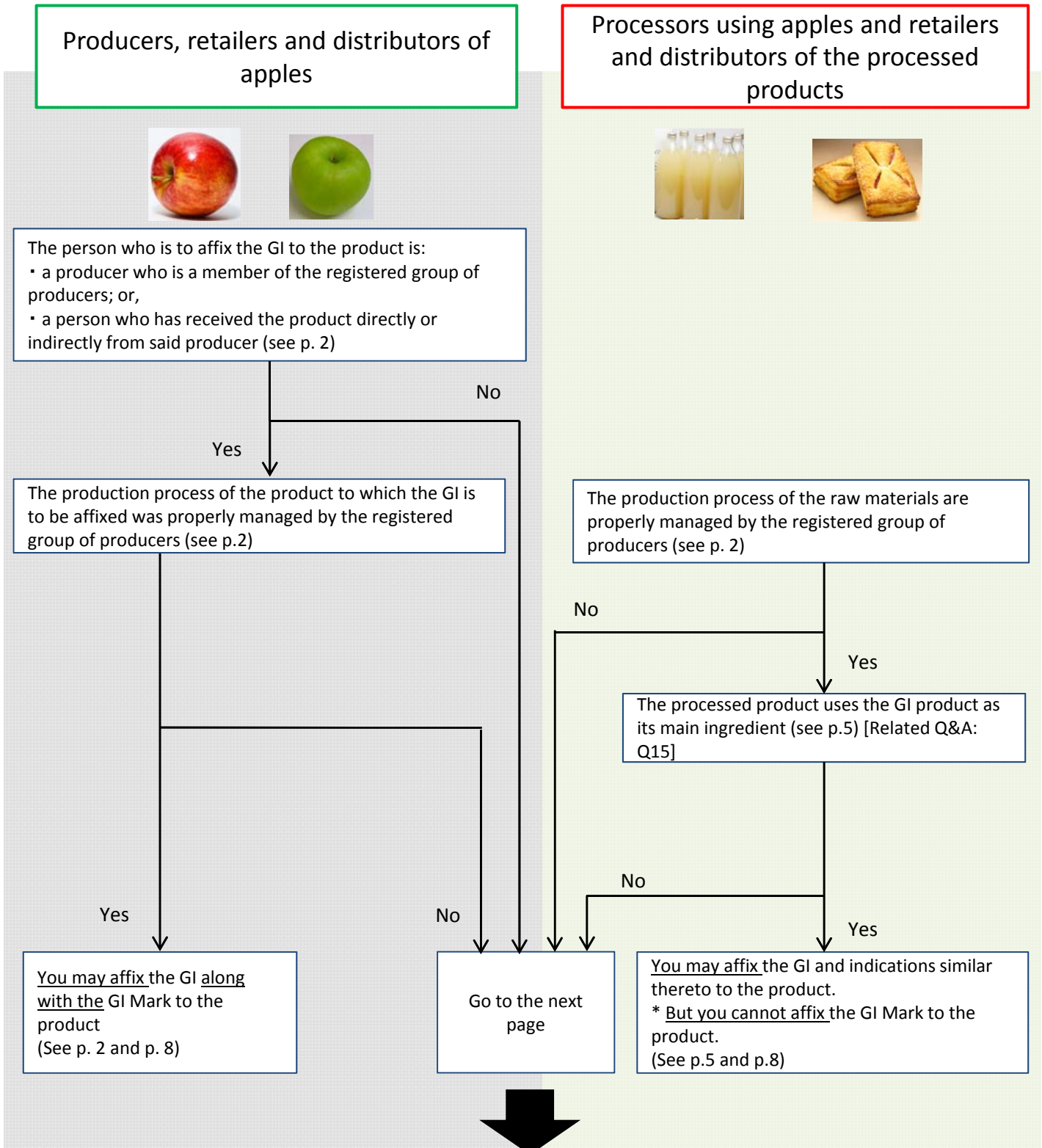


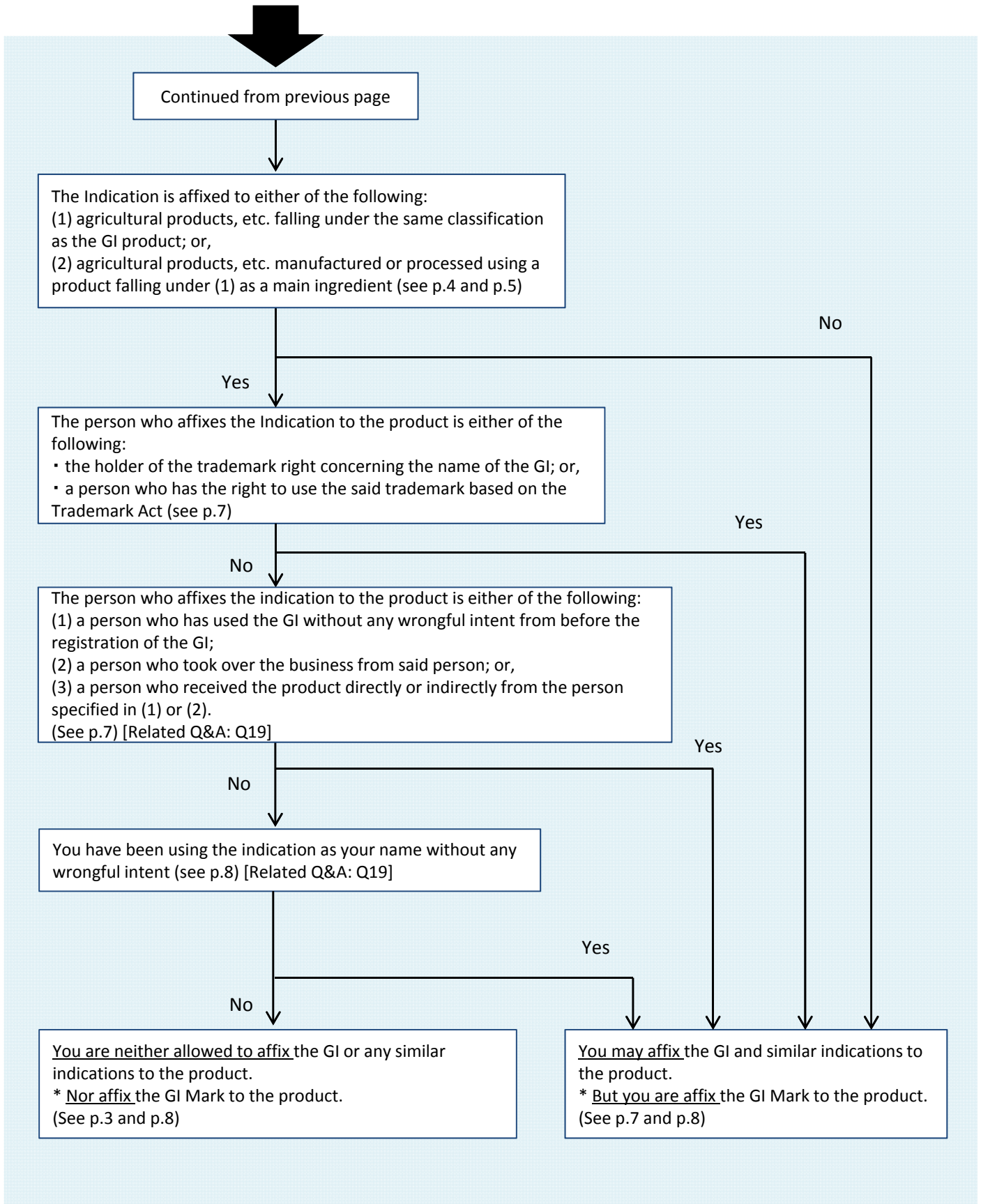
(3) Penal provisions

- Individual: Imprisonment with penal servitude for not more than **3 years** or a fine of not more than **3 million yen**
- Corporation: A fine of not more than **100 million yen**

1-5 Check sheet

The following summarizes the previous information explained as a chart. Please use for your reference to check whether you are allowed to use the GI and the GI Mark when handling GI products.





2 The GI Mark under the GI Act

The GI Mark which is provided under Article 4(1) of the GI Act is the mark to indicate that the products to which the mark is affixed are registered under the GI Protection System.

In order to for consumers to easily recognize that the GI Mark is a mark used under the Japanese GI Protection System, designs that emphasize Japanese Culture Mt. Fuji with a large sun and a water surface, with red, the color of the sun used in the Japanese national flag, and gold, color that represents tradition and formality frequently used in Japanese culuture.



This chapter will provides instructions and prohibited matters concerning the use of the GI Mark on agricultural products, etc. or their package. etc.

Please be aware that you may be deemed as violating Article 4(2) of the Act if you do not comply with the explanation provided below and the GI Mark is not used correctly.



2-1 Design of the GI Mark

The specifications of the GI Mark are defined as below under Article 4 of the Enforcement Ordinance. His not allowed to use any other design as the GI Mark.

This design format can be downloaded from MAFF's website (see p.25).

■ Colored design

This is the standard design for the GI Mark in full color. As a general rule, this design standard should be used when using the GI Mark. The specifications of the design are as below.

Proportions of each individual components

The size of each component of GI mark is specified as below.



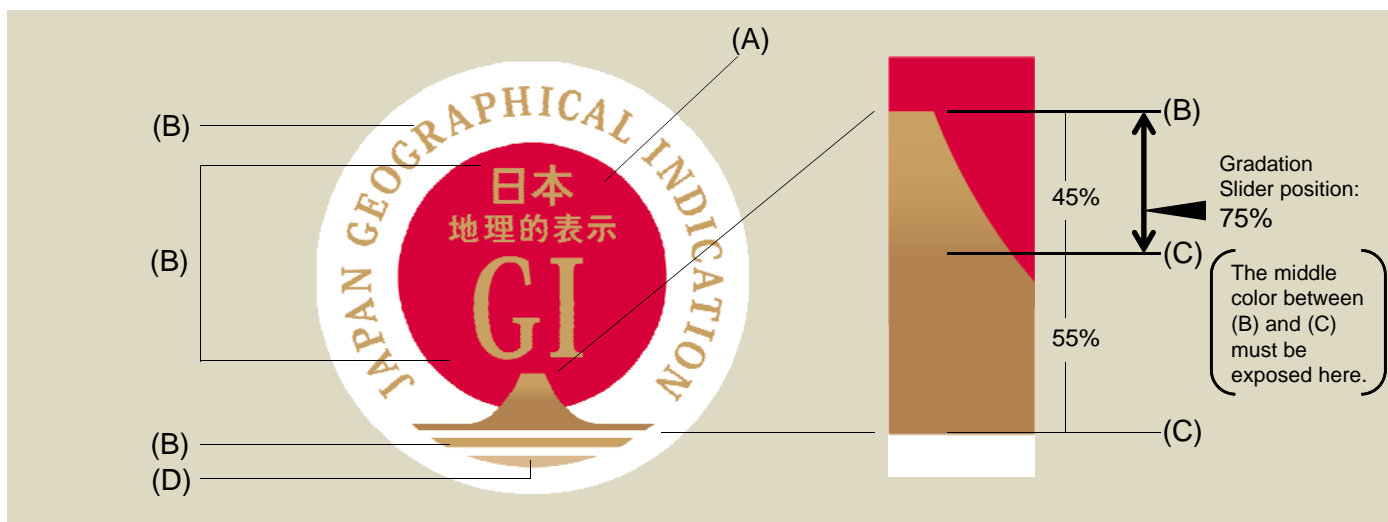
Characters font

The fonts of characters in the mark are defined as follows.

- Characters “日本” and “地理的表示”:Kai Gothic stdW6
- Characters “JAPAN GEOGRAPHICAL INDICATION”:[Base font] Kozuka Mincho Pro B
- Characters “GI”:[Base font] Kozuka Mincho Pro B, condensed 83

Color

The colors of the individual components of the GI mark are defined as follows.



(A) **PANTONE 199C**
C0% M100% Y65% K10%
R215 G0 B18
WEB : D7003A

(B) **PANTONE 4655C**
C25% M40% Y65% K0%
R200 G160 B98
WEB : C8A062

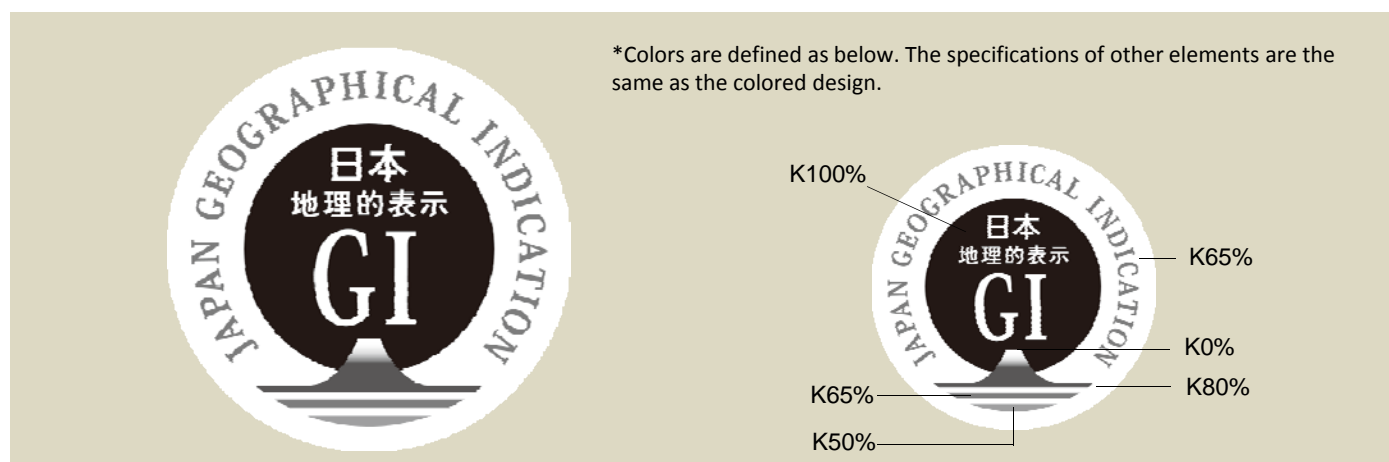
(C) **PANTONE 4645C**
C30% M50% Y70% K10%
R177 G130 B79
WEB : B1824F

(D) **PANTONE 4655C 70%**
C17% M30% Y45% K0%
R217 G188 B144
WEB : D9BC90

■ Monochrome design

It is encouraged to use the colored design in principle, however; the monochrome design may be employed instead if the colored design would damage agricultural products, etc. or impair the design of the package etc. (e.g. when the package is designed in black and white).

Prior to the use of this monochrome design, Please contact the Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (see p.25).





■ Single color design

The single color design may be employed when the method for affixing the GI Mark on the agricultural products, etc. or their package etc. is technically or operationally difficult due to the nature of the products (such as printing and engraving) or financially infeasible.

Prior to the use of this design, Please contact the Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (see p.25).



*The mark must be printed solely in black. The specifications of other elements are the same as the colored design.

■ Examples of prohibited GI Mark designs

Any mark with a design other than those described above (colored, monochrome, and single color designs) cannot be used as the GI Mark.

It is also prohibited to add arrangements to the GI Mark, such as those shown below.



Change of the layout



Change of the fonts



Change of the font style (italic, etc.)



Change of the coloring



Change of the proportion of the components



Translation of the words in the mark

2-2 Size of the GI Mark

There is no upper limit on the size of the GI Mark, but the diameter of the outer circle must be at least 15 mm (in the case of the single color design, the diameter of the outer circle must be at least 13 mm).



However, in case affixing a GI Mark with an outer circle diameter of 15 mm is difficult due to the nature of the agricultural products, etc. or their package, etc. it is allowed to reduce the size of the diameter of the outer circle, down to 10 mm.

(The outer circle's diameter of the GI Mark must not be reduced to less than 10 mm.)

2-3 Display location of the GI Mark

The GI Mark must be affixed to the agricultural products, etc. or to their package, etc.

There is no other specific rule concerning the display location of the GI Mark, but it is encouraged to affix it near the GI (a location that allows consumers to recognize the GI and the GI Mark at the same time).

Additionally, the GI Mark should not be put it in a location where consumers are not able to see it when the agricultural products, etc. are displayed. [Related Q&A: Q4]

(e.g. Affixing the GI Mark on the bottom surface Where it is faced to the shelf when the agricultural products, etc. are displayed for sale)

2-4 Indication of registration numbers

The GI products registered under the GI Act are allotted with specific unique registration numbers.

The registration numbers assure that the products were registered by the Minister of Agriculture, Forestry and Fisheries. They are particularly useful for consumers in checking the products' place of production, characteristics, production method, group of producers, etc. on the MAFF's website.

For these reasons, please make sure to indicate the registration number along with the GI Mark on the product. [Related Q&A: Q27]

Additionally there is no specific rule concerning the size, font or location of the indication of the registration number.



* The registration numbers shown in these Guidelines use the MSP Mincho font.



3 Q&A

In addition to the previous chapters, this chapter aims to provide more detailed information in the Q&A style on how GIs are protected under the GI system.

Q1. What is the scope of *agricultural products, etc.* that are subject to the regulation on the use of GIs?

All agricultural, forestry and fishery products intended for human consumption and foodstuffs are subject to regulation. The scope of regulation also includes inedible products specified in the Cabinet Order (houseplants, industrial crops, trees, aquarium fish, pearl, feed, lacquer, bamboo, essential oil, charcoal, tatami straw mats and silk). However, even products that may fall under the categories above, liquor, pharmaceuticals, quasi-drugs, cosmetics and regenerative medicine products are excluded from the scope of regulation.

Q2. Who is allowed to affix GI to a registered GI product?

Producers who are members of registered groups of producers, and persons who received registered GI products directly or indirectly from said producers may affix GI to the products. For example, wholesalers who received registered GI products from producers and retailers who received GI products from wholesalers are allowed to affix GI to the products.

In addition, if a third person is entrusted by a producer for the affixation of GI, that person is deemed as a “producer” and therefore is allowed to affix the GI to the product.

Q3. Can I entrust agricultural cooperatives which collect registered GI products for the affixation of GIs and the GI Mark?

Yes. In this case, the registered group of producers must check and provide guidance to the agricultural cooperatives as a part of Production Process Management to ensure that the entrusted cooperatives do not affix the GI and the GI Mark to products that do not meet the production standards, and also the GI Mark is not affixed to non GI products.

Specific means for checking and providing the guidance should be provided in the Production Process Management Rules (see also Attachment 3 of the Application Guidelines)

Q4. What does it mean to “affix” a GI or the GI Mark?

The term “affix” includes printing or engraving a GI or the GI Mark and putting a sticker of a GI or the GI Mark directly onto a registered GI product or its package etc. (package, includes container and invoice (including the delivery slip and other slips attached to the product)). Additionally, “affix” also includes displaying a price tag, etc. printed with a GI or the GI Mark at a store.



Q5. When a producer affixed “〇〇りんご” and the GI Mark on the carton box of the registered GI “〇〇りんご” that he/she shipped out,

(1) would distributors need to affix the GI “〇〇りんご” on the invoice attached to the carton box? Also, would retailers need to affix the GI Mark on the price tag if they indicate “〇〇りんご” on the tag when selling the products with displays of the cartons at their store?

(2) would retailers need to affix the GI Mark on the price tag if they indicate “〇〇りんご” on the tag if selling the products taken out from the carton box?

For case(1), distributors and retailers are not required to affix the GI Mark on the invoices or price tags (It is also allowed to affix the GI Mark if they wish). It is because consumers would be able to confirm that the products are GI by the display of the carton box with GI and GI Mark.

For case(2), depends on whether the GI and GI Mark is affixed to each apple.

(A) If the GI and GI Mark is affixed to each apple

Retailers are not required to affix the GI Mark since consumers are able to recognize the GI and the GI Mark by looking at the displayed apples. (It is allowed to affix the GI and GI Mark If they wish.)

(B) If the GI and GI Mark is not affixed to each apple

Since the displayed apples have no indication affixed, consumers are not able to determine whether the apples are GI even the indication “〇〇りんご” is on the price tags. Therefore, retailers are required to affix the GI Mark on the price tags.

Q6. What should distributors and retailers pay attention to when they take registered GI products that to which a GI and the GI Mark are affixed, and intend to affix the GI and GI Mark to each lot?

It is always necessary to affix GI and GI Mark as a set even when separating products into smaller lots. Please also be advised to keep the invoices received and other documents showing records of the affixation of GI and the GI Mark and the corresponding relationships between the received whole cartons and the products they sold in smaller lots (such as daily reports). These will help prove that the smaller portions with the indication affixed are actually the GI products.

Q7. What should distributors and retailers pay attention to when affixing a GI and GI Mark to a registered product that the producer did not affix with a GI?

Wholesalers and retailers need to check with the producer, etc. that the product in question is the registered product before affixing the GI and GI Mark on it. It can be also useful to ask the producer to issue a certificate and keep it as proof of the product. Moreover, It is also encouraged to prepare and retain records of the affixation of indications and the corresponding relationships between the products that were confirmed as registered products and the products to which they affixed GIs (such as daily reports).



**Q8. If the phrase “〇〇りんご” (hiragana characters) is registered as a GI,
(1) can I indicate “〇〇リンゴ” (katakana characters) or “〇〇林檎” (kanji characters) on
the registered products?
(2) can I indicate “〇〇 apple (English)” on the registered products?**

(1) Yes.

Names that are recognized as identical to a registered names in light of general social norms are deemed as names identical to the GI. Since indications of the registered name in hiragana, katakana, and kanji characters are interchangeably recognized as identical, they all can be used as the GI.

(2) No.

“〇〇apple” is a translation of the registered name and is not considered to be recognized as identical in light of general social terms. Therefore, “〇〇apple” is considered to be recognized as a similar indications and cannot be used unless “〇〇apple” itself is registered as the product name.

Q9. Can I use a GI in combination with a figure? Can I indicate a GI using a special font style?

You can do so if there is no such a trademark registered. However, even if such a trademark is found to be registered, and the holder of the trademark right allows the group of producers to apply for registration of a GI, this does not mean it is allowed to indicate the GI with registered trademark figure or using a special font style.

Q10. Are counterfeit products imported from overseas (agricultural products, etc. that do not meet the product standards) that are affixed with GIs subject to regulation?

Since regulation on the use of GIs only covers the act of affixing GIs to products, importing counterfeit products (agricultural products, etc. that do not meet the product standards) to which GIs have been affixed in overseas itself is not subject to regulation.

However, regulation applies in the following cases:

(1) when a GI is affixed to the invoice attached to the counterfeit products

(2) when the counterfeit products are divided into smaller lots and GIs are affixed to each lot.

Q11. Are indications of the place of origin under the Food Labeling Act subject to regulation on the use of GIs?

As a general rule, when the place of origin of agricultural products, etc. is indicated in accordance with the provisions of laws and regulations, such indication is not deemed as a GI or an indication similar thereto and thus not subject to regulation.

However, such indication may be regulated if it is indicated in a way that causes consumers to mis recognize the products affixed with such indication are GI products.

Specifically, the regulation applies when the indication of the place of origin and the indication of the product name combined as a whole is recognized together as a name of the product, due to the display location and size of the indication in relation to regular means of indicating the place of origin for the product, and thereby causes a confusion among consumers that the products are GIs.

For example, if “○○りんご” is registered as a GI, regulation may apply to the indication “○○産りんご” (i.e., 産 means produced in) if it is indicated in a way that causes consumers to recognize that it is the name of the product (such as when the character “産” is printed in much smaller size than “○○” and “りんご”).

Q12. Can I indicate a GI or the GI Mark on a catalogue or an advertisement of a registered product?

Yes.

Please note that indicating a GI or the GI Mark on a catalogue or an advertisement of non registered products is deemed as inappropriate as it would confuse consumers. Such conduct may also constitute a violation of other laws and regulations concerning indications.

Q13. Can I indicate a GI or the GI Mark on a menu at a restaurant?

You can affix a GI and the GI Mark to a menu to indicate a dish uses registered GI product as a ingredients. Please note that it would be deemed as inappropriate to affix a GI or the GI Mark to a menu that does not use the registered GI product or affix in a way that seems as if the dish itself is registered as GI, since they would confuse consumers. Such conduct may also constitute a violation of other laws and regulations concerning indications.

Q14. If “○○りんご” is registered as a GI, am I allowed to use indications such as or “×× tomato produced by the producer of ○○りんご”?

The scope of regulation for the use of “○○りんご” is limited to agricultural products, etc. falling under the same classification as apple and processed products made that are therefrom. Since beef and tomatoes fall under different classifications (apples : Class 3 Fruit, tomatoes: Class 2 Vegetables, and beef: Class 6 Fresh Meat) and these products have no correlations between raw materials and processed products, you may use “○○りんご” for these cases.

However, such indications may be deemed as violation of other laws and regulations regarding indications if they cause confusion among consumers.



Q15. Regarding processed products to which GIs may be affixed (processed agricultural products, etc. that are manufactured or processed using registered specific agricultural products, etc. as their main raw materials or ingredients),

(1) What constitutes “manufacturing” or “processing”?

(2) Are there any requirements for the proportion of the GI as a raw material?

(1) The term “manufacturing” means to produce something that is fundamentally different from the raw material, whereas the term “processing” means to add a new attribution while maintaining the fundamental nature of the raw material. For example, cutting registered products or dividing them into smaller portions for sale is not considered as “manufacturing” or “processing”, but mixing different products (such as prepared vegetables) is considered as “processing” etc..

(2) A GI may be affixed to a processed product only when it uses the registered GI product as its main ingredient (in other words, enough amount to be able to recognize the characteristics of GI in the processed product).

This amount is determined based on the following:

(A) Proportion of the GI in the total weight of the processed product; and,

(B) Proportion of the ingredient of GI among all other ingredients belonging to the same product category as that of the GI.

As for (A), the precise percentage depends on the category of the processed food and the nature of the GI.

As for (B), the GI should account for at least 50 percent of all ingredients falling under the same category. However, even when the content of the GI is less than 50 percent, it may be allowed to affix a GI to the processed product if the proportion is considered as enough to recognize the characteristics of the GI in the processed product.

Q16. What should I pay attention to when affixing a GI to a processed product which uses a GI product as its main ingredient?

It is encouraged to keep documents that prove the ingredient is a registered GI product (e.g. receipt, certificate, etc.). Also, although not required by the GI Act, it is encouraged to indicate the proportion of the usage of registered GI product if affixing a GI to a processed product to secure interests of consumers.

Please note that the Food Labeling Standards under the Food Labeling Act requires that if the processed product indicates it uses “distinct raw material and ingredient” on the label, the proportion of the usage of “distinct raw material and ingredient” must be indicated. Since GI products fall under the category of “distinct raw materials and ingredients”, the indication of the percentage of GI use on processed foods is necessary.

Q17. Can I affix the GI Mark to a processed product using a registered GI product for the purpose of differentiation from other products?

No. It is not allowed to affix the GI mark on a processed product unless the processed product itself is registered as a GI (see p.8). However, you may indicate that a raw material of the processed product is a registered GI product or describe the GI registration number of the raw material.

Q18. If a GI was registered with a permission from a trademark right holder of registered trademark consisting of a name identical or similar to the GI, would producers, etc. need to obtain permission from the said trademark right holder when affixing the GI on the registered products?

No. For application for the registration of GI, the permission from the holder of trademark right is necessary if there is a trademark identical or similar to the GI. However, there is no need to acquire the trademark right holder's permission for the use of the GI after registration.

Q19. It is provided that a person who has used a name identical or similar to a GI without any wrongful intent from before the registration of the GI is allowed to use the said name continuously even after the registration of the GI (prior use). In what cases would a person be deemed as having no "wrongful intent"?

"Wrongful intent" is the intent to offend public order and morals, the principle of good faith and fair dealing. It includes the intent to obtain unfair gain from others and damage the interests of others. For example, a person would be deemed to have wrongful intent if he/she damages a group of producers, property knowing that the group has filed an application for GI registration or demanding compensation in exchange for discontinuing the use of the GI based on the prior use rights.

Q 20. Can I use the GI Mark in combination with other logos (such as local/community mascots)?

Yes. You may use the GI Mark in combination with other logos (for example, an indication comprised of a combination of a local mascot and the GI Mark at an event).

When doing so, please make sure to use the GI Mark properly in accordance with its purpose. Please also refrain from using the GI Mark in a way that would seriously deteriorate the distinctiveness of the mark (for example, elements of the GI Mark are arranged and the arrangement makes it impossible to distinguish the characters in the GI Mark).

Q21. We are using our original certification marks provided by local governments and producers group etc. Do we still have to affix the GI Mark too?

If you are affixing a GI to a registered GI product, you must affix the GI Mark even if you are using other certification marks that proves the product meeting certain standards provided by local governments or organizations. Affixing the GI Mark does not preclude producers to use the certification marks that they have been using concurrently.

Q22. Can I use the GI Mark for events and on business cards?

Yes. The GI Mark can be used on advertisements and signs for events as well as on and business cards to promote GIs.

However, the GI Mark is intended for indicating products that are registered as GIs under the Japanese GI Protection System Therefore, please make sure to use it properly based on its purpose if you use the GI Mark at events or business card.



Q23. What impact does the GI Mark have for GI products being exported?

Since the GI Mark is a mark provided under the Japanese GI Protection System, affixing the mark on GI products appeals to overseas consumers as it guarantees that the product is a genuine GI product registered under the Japanese GI Protection System.

Additionally, in order to prevent the circulation of marks imitating the GI Mark in abroad, the GI Mark is registered as a trademark in various countries.

Q24. Where can I obtain the GI Mark? Do you sell stickers of the GI Mark?

The data of GI Mark can be downloaded from MAFF's website.

MAFF also put the date of GI Mark on its website that you can add a registration number of the producer.

For more details, please visit MAFF's website (http://www.maff.go.jp/j/shokusan/gi_act/index.html). MAFF does not sell stickers of the GI Mark.

Q25. Do I have to pay royalties or submit a notification to the MAFF for using the GI Mark?

No. There is no fee for downloading the data of GI Mark from MAFF's website or using the GI Mark. Also, it is not necessary to submit a notification to the MAFF.

Q26. Are there any documents I should prepare and retain when affixing the GI Mark to a product?

When affixing a GI or the GI Mark to a registered product, a producer of a registered group must fulfil requirements provided in the section "Confirmation of the Use of Geographical Indications, etc." of the Production Process Management Rules. For example, if the Production Process Management Rules state that "producers retain documents that show records of the use of geographical indications, etc. (invoices, shipping slips, etc.) and the group of producers must check the status of the retention of such documents if necessary", then a producer needs to maintain documents that show the records of the affixation of GIs and the GI Mark (invoices, shipping slips, etc.). (See Attachment 3 of the Application Guidelines.) For distributors and retailers, Please also see Q6 and Q7

Q27. Do I need to indicate a GI registration number when affixing the GI Mark to a product?

Yes. Please indicate the registration number when affixing the GI Mark to a registered product. The rule may be exempted if there is not enough space to indicate the registration number on the registered product or its package etc., or if indicating the registration number would significantly deteriorate the entire design of the package.

If you wish to omit indicating a GI registration number, please contact in advance the Intellectual Property Division, Food Industry Affairs Bureau, MAFF (see p.25 for the contact detail).



Q28. Does the obligation to affix the GI Mark along with the GI on GI products become applicable immediately after the registration of GI?

Yes. In principle, the obligation to affix the GI Mark becomes applicable on the day the GI is registered. However in some cases, it could be difficult to affix the GI Mark from the day of registration, e.g. it takes time to change packaging materials etc. or stocks before affixing the GI Mark are still left in the distribution process. In such cases, the rule to affix the GI Mark may be extended.

Q29. Where can I consult on the use of GIs and the GI Mark? What should I do when I find what appears to be a counterfeited use of GI or GI Mark use?

Please contact MAFF (the Intellectual Property Division, Food Industry Affairs Bureau, and Agricultural Administration Offices (see p.25))concerning the use of GIs and the GI Mark. Reports on counterfeit use of GIs and GI Mark can be also made to the same offices.



4 Contact

Please contact the below offices for inquiries concerning the Guidelines and the GI Act. The Information on counterfeit use of GIs and the GI Mark should also be reported to the following offices.

More information of GI protection system is available on the MAFF website.

Office in charge	TEL
Business Support Division, Production and Management Business Department, Hokkaido Regional Agricultural Administration Office (Hokkaido)	+81-11-330-8810
Regional Food Division, Management and Business Support Department, Tohoku Regional Agricultural Administration Office (Aomori, Iwate, Miyagi, Akita, Yamagata, Fukushima)	+81-22-263-1111 (Ext. 4374)
Regional Food Division, Management and Business Support Department, Kanto Regional Agricultural Administration Office (Ibaraki, Tochigi, Gunma, Saitama, Chiba, Tokyo, Kanagawa, Yamanashi, Nagano, Shizuoka)	+81-48-740-0152
Regional Food Division, Management and Business Support Department, Hokuriku Regional Agricultural Administration Office (Niigata, Toyama, Ishikawa, Fukui)	+81-76-232-4890
Regional Food Division, Management and Business Support Department, Tokai Regional Agricultural Administration Office (Gifu, Aichi, Mie)	+81-52-223-4602
Regional Food Division, Management and Business Support Department, Kinki Regional Agricultural Administration Office (Shiga, Kyoto, Osaka, Hyogo, Nara, Wakayama)	+81-75-414-9025
Regional Food Division, Management and Business Support Department, Chugoku-Shikoku Regional Agricultural Administration Office (Tottori, Shimane, Okayama, Hiroshima, Yamaguchi, Tokushima, Kagawa, Ehime, Kochi)	+81-86-224-4511 (Ext. 2413, 2157)
Regional Food Division, Management and Business Support Department, Kyushu Regional Agricultural Administration Office (Fukuoka, Saga, Nagasaki, Kumamoto, Oita, Miyazaki, Kagoshima)	+81-96-211-9111 (Ext. 4396)
Food and Environment Division, Agriculture, Forestry and Fisheries Department, Okinawa General Bureau (Okinawa)	+81-98-866-1673

Intellectual Property Division, Food Industry Affairs Bureau,
Ministry of Agriculture, Forestry and Fisheries
Tel: +81-3-3502-8111 (Ext. 4284)
URL: http://www.maff.go.jp/j/shokusan/gi_act/index.html