



**Geographical Indication
Rules and Regulations of Bhutan
2025**

**DEPARTMENT OF MEDIA, CREATIVE INDUSTRY AND
INTELLECTUAL PROPERTY**

**MINISTRY OF INDUSTRY, COMMERCE AND
EMPLOYMENT**

Table of Contents

| | |
|---|----------|
| <i>INTRODUCTION</i> | 1 |
| <i>CHAPTER I</i> | 1 |
| <i>PRELIMINARY</i> | 1 |
| Title | 1 |
| Commencement | 1 |
| Extent..... | 2 |
| Application | 2 |
| Purpose..... | 2 |
| <i>CHAPTER II</i> | 3 |
| <i>NATIONAL GEOGRAPHICAL INDICATION ADMINISTRATION</i> | 3 |
| National Geographical Indication Office | 3 |
| Functions | 3 |
| Registry of Geographical Indications..... | 5 |
| Registrar of the Geographical Indication Office..... | 5 |
| <i>CHAPTER III</i> | 5 |
| <i>REGISTRATION, EXAMINATION AND CERTIFICATION OF GEOGRAPHICAL INDICATIONS</i> | 5 |
| Eligibility for Registration | 5 |

| | |
|--|-----------|
| Registration..... | 6 |
| Geographical Indication Group..... | 6 |
| Filing of Request..... | 7 |
| Specification of geographical indications..... | 7 |
| Examination of request | 9 |
| Formality examination..... | 9 |
| Substantive examination..... | 10 |
| Opposition..... | 11 |
| Grounds for Opposition | 12 |
| Registration..... | 14 |
| Rights conferred by registration..... | 14 |
| Validity of registration..... | 15 |
| National Logo for Geographical Indications | 15 |
| CHAPTER IV | 16 |
| REGISTRATION OF FOREIGN GEOGRAPHICAL INDICATIONS..... | 16 |
| Registration of a Foreign Geographical Indication..... | 16 |
| Procedure for registration..... | 16 |
| CHAPTER V | 17 |
| PROTECTION OF GEOGRAPHICAL INDICATIONS..... | 17 |
| Protection of Geographical Indications | 17 |
| Exclusion from Protection | 17 |

| | |
|--|-----------|
| Homonymous Geographical Indications | 18 |
| Prohibition against improper use of geographical indications | 19 |
| Administrative or judicial protection..... | 21 |
| CHAPTER VI | 22 |
| GEOGRAPHICAL INDICATION SPECIFICATIONS COMPLIANCE CONTROL | 22 |
| Geographical Indication compliance control | 22 |
| Competence and efficiency of the control body | 24 |
| CHAPTER VII..... | 24 |
| GEOGRAPHICAL INDICATION AND RECOGNITION OR REJECTION MARK | 24 |
| Registration of marks | 24 |
| Misleading marks | 25 |
| Exception regarding prior users | 25 |
| Reputed or renown marks | 27 |
| Coexistence between mark and geographical indication ... | 27 |
| CHAPTER VIII..... | 28 |
| CANCELLATION AND MODIFICATION OF GEOGRAPHICAL INDICATIONS..... | 28 |
| Cancellation of geographical indication | 28 |
| Modification of Geographical Indication..... | 29 |

| | |
|--|-----------|
| CHAPTER IX | 31 |
| OFFENCE AND PENALTIES..... | 31 |
| Misuse of Geographical Indication | 31 |
| Misuse of Geographical Indication National Logo..... | 31 |
| Counterfeiting..... | 32 |
| Non-compliance with the decisions..... | 32 |
| Civil remedies..... | 32 |
| Repeated offender..... | 33 |
| CHAPTER X..... | 34 |
| GRIEVANCE REDRESSAL..... | 34 |
| Filing a grievance | 34 |
| Review and Documentation | 34 |
| Consultation | 34 |
| Representation | 34 |
| Right to be heard..... | 35 |
| Extension of time..... | 35 |
| Decision | 35 |
| Correction of error..... | 36 |
| Appeal | 36 |

| | |
|--|-----------|
| CHAPTER XI | 37 |
| MISCELLANEOUS | 37 |
| Transitional periods for use of protected Geographical Indications..... | 37 |
| Application of international treaties and interpretation | 37 |
| Revision | 37 |
| Power to Issue Notification | 38 |
| Definition | 38 |

INTRODUCTION

In an effort to safeguard products originating from specific geographical areas of Bhutan as well as protect the reputation and quality associated with such products, promoting economic growth in those regions, and preventing consumer deception, the Lhengye Zhuntshog in the exercise of the power vested under Article 20 (8) of the Constitution of the Kingdom of Bhutan hereby adopts Geographical Indication Rules and Regulations 2024 as follows:

CHAPTER I PRELIMINARY

Title

1. This is the Geographical Indication Rules and Regulations of Bhutan 2025.

Commencement

2. These Rules and Regulations comes into force on the 8th day of the 11th Month of the Wood Male Dragon Year of the Bhutanese Calendar corresponding to 7 Day of the 1st Month of 2025.

Extent

3. These Rules and Regulations extends to the whole of the Kingdom of Bhutan.

Application

4. These Rules and Regulations shall apply to:
 - (1) Any person or legal entity applying for the registration and protection of geographical indications in Bhutan; and
 - (2) Agencies identified under these Rules and Regulations to carry out functions and responsibilities related to the registration and protection of geographical indications.

Purpose

5. The purpose of these Rules and Regulations are to:
 - (1) protect the specific characteristics, traditional methods, and cultural heritage of products tied to specific territories;
 - (2) ensure consumers of a product's origin, authenticity, and quality by linking it to its place of origin;

- (3) boost local economies, create market distinction, and support producers by capitalizing on local specialties;
- (4) enhance trade through the protection and promotion of local products at the national and international levels; and
- (5) encourage responsible use of local resources, promoting biodiversity conservation, traditional knowledge, and environmentally friendly practices.

CHAPTER II

NATIONAL GEOGRAPHICAL INDICATION ADMINISTRATION

National Geographical Indication Office

6. The Ministry of Industry, Commerce and Employment shall designate the Department of Media, Creative Industry and Intellectual Property as the National Geographical Indication Office for the administration, regulation, and maintenance of geographical indications.

Functions

7. The National Geographical Indication Office shall:

- (1) Receive and examine requests concerning geographical indications;
- (2) Examine the specifications;
- (3) Receive oppositions and counter-statements;
- (4) Register geographical indications and deal with the amendment and cancellation of geographical indications;
- (5) Resolve conflicts related to geographical indications;
- (6) Publish all information related to geographical indications as required by these Rules and Regulations;
- (7) Engage and conduct educational and awareness campaign to inform producers, consumers, and stakeholders about the importance of geographical indications, benefits, and the legal framework;
- (8) Provide control oversight;
- (9) Engage in international discussions, negotiations, and collaborations to ensure the protection of national geographical indications in a global context; and
- (10) Perform any matters concerning geographical indications under these Rules and Regulations.

Registry of Geographical Indications

8. There shall be a Geographical Indications Registry established under the National Geographical Indication Office.
9. The Industrial Property Registry shall function as the Registry of Geographical Indications.

Registrar of the Geographical Indication Office

10. The National Geographical Indications Office shall be headed by the Registrar.

CHAPTER III REGISTRATION, EXAMINATION AND CERTIFICATION OF GEOGRAPHICAL INDICATIONS

Eligibility for Registration

11. Any product associated with a specific geographical area which possesses quality, reputation, or characteristics attributable to its origin shall be eligible for registration.

Registration

12. A geographical indication shall be registered by:
 - (1) A person or group of individuals engaged in the production of goods within the specified geographical area of the product specified in the request. However, the use of the geographical indication shall be accessible to any new producer capable of adhering to the specifications;
 - (2) Any organization or relevant authority associated with the producers of the specified products;
13. The registration made under rule 12 shall be considered as the holder of the geographical indication.

Geographical Indication Group

14. An applicant who registers as a group of individuals under rule 12 (1) shall operate and manage on a non-profit basis.
15. A producer within the designated geographical area, meeting the specified requirements shall have access to membership in a geographical indication group.

16. The group of individuals shall ensure that its members adhere to the specifications and obligations as prescribed in these Rules and Regulations or any other relevant laws.

Filing of Request

17. An applicant shall file a request for the registration of a geographical indication with the National Geographical Indication Office.
18. A request for the registration of a geographical indication shall include:
 - (1) the name, address, and nationality of the applicant and the capacity in which the applicant is applying for registration;
 - (2) contact details of the representative of the applicant, if any; or
 - (3) Other particular information as it may be prescribed.

Specification of geographical indications

19. The specifications for Geographical Indication shall include:
 - (1) Name for which the registration is sought;

- (2) Products to which the geographical indication applies;
- (3) Description and characteristics of the products for which the geographical indication is applied;
- (4) Geographical area to which the geographical indication applies;
- (5) Description of the method of obtaining the products;
- (6) Evidence that the product originates from the defined geographical area;
- (7) Description of details establishing the link between a given quality, the reputation or other characteristic of the product, and its geographical origin;
- (8) In case a geographical indication for which registration is sought relates to a country other than Bhutan, evidence that the geographical indication has obtained recognition or registration as a geographical indication in the qualifying country of origin, where applicable;
- (9) The name and address of the authorities or, if available, the name and address of bodies verifying compliance with the provisions of the product specifications; and

- (10) The labeling rules.
20. An applicant applying for registration of geographical indication shall pay an applicable fee as specified in the fee schedule under these Rules and Regulations.
21. Where an applicant's ordinary residence or place of business is outside Bhutan, applicant shall be registered by a person registered as an industrial property agent with the National Geographical Indication Office.

Examination of request

22. The Registrar shall ensure that:
- (1) the requested name is not excluded from protection under rule 59; and
 - (2) the request complies with rules 12, 18, 19 and 20 of these Rules and Regulations.

Formality examination

23. The Registrar shall notify the applicant of the deficiencies if the request does not conform to the requirement specified under rules 18, 19 and 20 of these Rules and Regulations and provide a maximum of two months for correction.

24. If the deficiencies are not remedied within the time provided under rule 23 of these Rules and Regulations, the request shall be rejected.
25. The Registrar shall publish the request and a summary of the specifications in the Official Bulletin and invite opposition if the request complies with the requirement specified in rule 23.

Substantive examination

26. The National Geographical Indication Office shall conduct a comprehensive examination of the request within 6 months upon the receipt of application.
27. The Registrar shall register the geographical indication if the request fulfills the conditions provided under these Rules and Regulations.
28. The Registrar shall notify an applicant to address the deficiencies where the request fails to adhere to the requirement of these Rules and Regulations.
29. The request may be responded by stating the reasons within three months from the date of receipt of the notification from the Registrar.
30. The Registrar shall refuse the request if the applicant fails to respond to the notification as specified in rules 28 and 29.

31. The Registrar shall re-examine the response submitted by the applicant as per rule 29 within 30 working days from the date of receipt of the response and notify the applicant within three months.
32. The Registrar shall proceed with the registration of the geographical indication if the reason submitted under rule 31 is accepted.
33. The Registrar shall refuse the request and notify the applicant within 30 working days, in case of failure to submit a valid reason in the response required under rule 31.
34. The decision regarding the registration or refusal of the geographical indication shall be made within eighteen months from the date of filing.
35. The Registrar may seek required advice from experts in related fields. The procedure for the examination of geographical indications shall be determined by the prescribed geographical indication examination manual.

Opposition

36. Any interested person or entity may submit a written notice of opposition to the Registrar within two months from the date of publication of the request.

Grounds for Opposition

37. The grounds for opposing the registration of the geographical indication shall include:
- (1) Failure to meet the definition of geographical indication defined under rule 123 (7) of these Rules and Regulations;
 - (2) Use of the geographical indication contrary to law, morality, religion, accepted customs, or public order;
 - (3) Geographical indication is not protected or ceased to be protected in the country of origin or has fallen into disuse;
 - (4) Geographical indication infringes the use of existing name, similar name, or evocation of the name;
 - (5) Geographical indication infringes prior mark registered in good faith;
 - (6) Geographical indication is a homonym with another geographical indication without differentiation;
 - (7) Use of customary terms in the territory of Bhutan;
 - (8) Geographical indication conflicts with names of plant varieties or animal breeds in Bhutan

is likely to mislead consumers about the product's true origin.

38. The Registrar shall share the copy of the notice of opposition with the applicant to submit a counter-statement including documentary evidence within two months from the date of receipt of the notice of opposition.
39. A request is deemed to have abandoned if the applicant fails to submit a counter-statement as per Rule 38 of these Rules and Regulations.
40. The Registrar shall ask the person providing the notice of opposition to submit the response within one month from the date of receipt of the counterstatement by sharing the copy of the counterstatement submitted by the applicant.
41. The parties to the opposition may request the Registrar for a hearing.
42. The Registrar may allow or refuse the request for hearing and accordingly inform the parties.
43. Parties may mutually negotiate proposed rules of coexistence or a phase-out period in case of opposition based on prior geographical indication use if deemed necessary.

Registration

44. The Registrar shall register the geographical indication and shall publish a reference thereto in the Official Bulletin, if:
 - (1) the request confirms with all the requirements provided under this Rules and Regulations; and
 - (2) no notice of opposition is filed within the request period.
45. The Registrar shall issue a certificate of registration to the applicant if requirements set under rule 44 are fulfilled.
46. The date of filing of the geographical indication request shall be the effective date of registration.

Rights conferred by registration

47. Producers operating within the defined geographical area specified in the Registry and complying with the specifications shall have the right to use the registered geographical indication in trade for the specified products.
48. The rights granted under rule 47 of these Rules and Regulations shall not be transferred.

49. The holder of a geographical indication shall have the right to file a complaint in the competent courts against any unauthorized use of their geographical indication or against any member of a geographical indication group who infringes on the geographical indication, as specified under rules 64 and 65 of these Rules and Regulations.
50. The National Geographical Indication Office shall maintain a list of geographical indication users.

Validity of registration

51. Registration of a geographical indication shall remain valid indefinitely provided it complies with the provisions of these Rules and Regulations.

National Logo for Geographical Indications

52. The National Geographical Indication Office shall develop a national logo for geographical indication in Bhutan.
53. The National logo shall be used as per the logo guidelines adopted by the National Geographical Indication Office.

CHAPTER IV
REGISTRATION OF FOREIGN GEOGRAPHICAL
INDICATIONS

Registration of a Foreign Geographical Indication

54. A foreign geographical indication shall be eligible for registration in Bhutan if:
- (1) it is protected under the relevant laws of its country of origin; and
 - (2) complies with the provisions under these Rules and Regulations.
55. The Registrar may register a foreign geographical indication if the request for registration is submitted by an identified industrial property agent under Rule 21 of these Rules and Regulations.

Procedure for registration

56. The request for registration of a foreign geographical indication shall be submitted to the Registrar.
57. Rules 12 to 51 of Chapter III of these Rules and Regulations shall apply *Mutatis Mutandis* to the registration procedure for foreign geographical indications.

CHAPTER V
PROTECTION OF GEOGRAPHICAL
INDICATIONS

Protection of Geographical Indications

58. A geographical indication shall be protected if registered or protected according to these Rules and Regulations.

Exclusion from Protection

59. A geographical indication shall not be protected if:
- (1) it does not conform to the definition of geographical indication provided in rule 123 (7) of these Rules and Regulations;
 - (2) its use is against public order or morality;
 - (3) it is not protected or ceased to be protected in the country of origin or which has fallen into disuse in that country;
 - (4) it conflicts with the name of a plant variety or an animal breed, leading to potential confusion among consumers regarding the true origin of the product;
 - (5) it is causing ambiguity between products bearing the registered geographical indication and the variety or breed in question; or

- (6) it falsely represents products as originating from a different territory than their actual place of origin, thereby misleading the public about the true source of the products.
60. A geographical indication shall not be protected if it is identical to a term commonly used in the Bhutanese language as the generic name for the relevant products unless a geographical indication is composed of a compound name although contains a customary term.

Homonymous Geographical Indications

61. A homonymous or partly homonymous geographical indication shall be protected to each indication.
62. The National Geographical Indication Office shall develop conditions to distinguish any concurrent use of homonymous or partly homonymous geographical indications.
63. The National Geographical Indication Office while developing conditions under rule 62, shall:
- (1) Ensure fair treatment for all involved producers;
 - (2) Ensure that consumers are not deceived; and

- (3) Determine sufficient practical distinctions between the initially protected geographical indication and the subsequently protected homonym.

Prohibition against improper use of geographical indications

64. No person shall:

- (1) indicate or imply, through any means, in the labeling or presentation of products, that the products originate from a geographical area other than their true place of origin in a manner that deceives the public regarding the geographical origin of such products;
- (2) utilize a registered geographical indication directly or indirectly for commercial exploitation concerning products that are identical or similar to those covered by the registered geographical indication, where such exploitation benefits or would benefit from the reputation of the geographical indication;
- (3) exploit a registered geographical indication directly or indirectly for commercial purposes concerning products that are dissimilar or incomparable to those covered by the

registered geographical indication, where such exploitation benefits or would benefit from the reputation of the geographical indication; or

- (4) use a registered geographical indication to identify products that do not adhere to the specified criteria or do not originate from the location indicated by the geographical indication, even if the true origin of the products is disclosed or if the geographical indication is used alongside terms such as "kind," "type," "style," "imitation," "method," or similar expressions, including imitations, evocations, or translations of the registered geographical indication.

65. A person shall refrain from misusing a registered geographical indication in any manner, including:

- (1) indicating or suggesting that products originate from a geographical area other than the true place of origin in a manner that misleads the public;
- (2) using a registered geographical indication for direct or indirect commercial misuse in respect of products that are identical or comparable to those of the registered geographical indication;

- (3) using a registered geographical indication for direct or indirect commercial misuse in respect of products that are non-identical or non-comparable to those of the registered geographical indication; or
 - (4) using a registered geographical indication to identify products that do not comply with the specifications or do not originate from the indicated place.
66. Rules 64 and 65 of these Rules and Regulations shall also apply to:
 - (1) the uses of the geographical indication as an ingredient; and
 - (2) the uses of the geographical indication on the Internet, including uses in domain names.

Administrative or judicial protection

67. The National Geographical Indication Office shall take appropriate administrative or seek judicial protection to prevent unlawful use of protected geographical indications products that are produced or marketed in Bhutan.
68. The National Geographical Indication Office shall seek approval of the Court for the search or seizure of products, including materials and core equipment

if there is suspicion that the product infringes the rights of the geographical indication.

CHAPTER VI
GEOGRAPHICAL INDICATION
SPECIFICATIONS COMPLIANCE CONTROL

Geographical Indication compliance control

69. The National Geographical Indication Office shall designate or authorize control bodies to conduct compliance for geographical indications in Bhutan.
70. Geographical indication controls shall be conducted by a competent and impartial public control body or a private certification body accredited as per the International Standard Organization.
71. The control shall ensure effective compliance with the geographical indication specifications after registration.
72. The control body shall verify the compliance of products with the specifications.
73. The control body shall take appropriate measures and if necessary, impose sanctions to correct the non-compliance, as follows:

- (1) Serve cautionary remarks;
 - (2) Issue a warning;
 - (3) Disqualify the producer from using the geographical indication for any of their products until compliance is met;
 - (4) Temporarily revoke the producer's rights to use the geographical indication for six months; or
 - (5) Permanently revoke the producer's rights to use the geographical indication.
74. The control body shall report any instances of non-compliance and the corresponding measures or sanctions taken to the National Geographical Indication Office.
75. The holder of the geographical indication shall report on the implementation of the measures if requested by the Registrar.
76. The National Geographical Indication Office may request additional information or evidence from the holder, interested parties, or experts to ensure effective compliance with registered geographical indications.

Competence and efficiency of the control body

77. The National Geographical Indication Office shall verify the competence and efficiency of the control body operating in Bhutan.
78. The operation modalities of the control mechanisms for geographical indication shall be as provided in the control guidelines.

CHAPTER VII GEOGRAPHICAL INDICATION AND RECOGNITION OR REJECTION OF MARK

Registration of marks

79. Any request for the registration of a mark that corresponds to the situations specified under rules 47 and 65 pertaining to the same type of products shall be denied.
80. The Registrar shall reject a request for registration of a mark that is identical or deceptively similar to, or otherwise corresponds to one of the situations provided in rules 47 or 64, wherein a geographical indication applied before the filing date of the request for mark registration and the geographical indication is subsequently protected.

81. Any interested party may appeal before the court for invalidation of marks registered in breach of rules 79 and 80 of these Rules and Regulations.

Misleading marks

82. The Registrar on the motion of the National Geographical Indication Office or any interested party may refuse or invalidate the registration of a mark containing or consisting of a geographical indication concerning products not originating in the specified territory if the use of the indication in the mark for such product in Bhutan misleads the public about the true place of origin, or if it corresponds to situations provided in rule 47 and 64 of these Rules and Regulations.

Exception regarding prior users

83. The registration, validity of the registration, or right to use shall not be affected, even if the mark is identical or similar to a geographical indication, prior to the protection of the geographical indication in Bhutan in the following cases:
- (1) a mark applied in good faith;
 - (2) a mark registered in good faith;

- (3) rights to a mark that have been acquired through good faith.
84. A citizen, permanent resident, or immigrant of Bhutan who has consistently and in good faith used a specific geographical indication from another country in connection with the same or related products in Bhutan for not less than 5 years before adoption of these Rules and Regulations may continue such use.
85. Nothing in these Rules and Regulations shall apply in respect of a geographical indication of any country concerning products or services for which the relevant indication or name is identical with the term customarily used in common language as the common name for such products or services in Bhutan.
86. A request for remedy made under these Rules and Regulations in connection with the use or registration of a mark shall be presented within 5 years after the adverse use of the protected geographical indication has become generally known in Bhutan or after the date of registration of the mark in Bhutan.
87. Rule 86 shall be applicable if the mark has been published by the date of registration of the mark in Bhutan, where that date is earlier than the date on which the adverse use became generally known in

Bhutan provided that the geographical indication is not used or registered in bad faith.

88. These Rules and Regulations shall not affect the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in a manner that is likely to mislead the public.

Reputed or renown marks

89. A proposed name for registration as a geographical indication shall not be registered or shall be invalidated at the request of any interested party if, considering the mark's reputation, renown, and the duration of its use, the registration would mislead consumers about the true identity of the product.

Coexistence between mark and geographical indication

90. Trademarks meeting specific criteria specified in rule 64 under these Rules and Regulations and used in good faith within Bhutan before the application for geographical indication protection may continue to use even after the geographical indication is registered, subject to the following:

- (1) If it is in accordance with conditions specified under rules 83 to 89;

- (2) If there are no legal grounds for invalidating or revoking the trademark;
- (3) If geographical indication or the trademark is not used in a manner that could mislead the public regarding the identities of the respective products; and
- (4) There is clarity and transparency in the marketplace regarding the origins and characteristics of the products involved.

CHAPTER VIII CANCELLATION AND MODIFICATION OF GEOGRAPHICAL INDICATIONS

Cancellation of geographical indication

91. A geographical indication holder, interested party, or person with sufficient interest may apply to the Registrar for the cancellation of the registration of a geographical indication if:
- (1) it fails to comply with rules 12, 18, 19 and 58 of these Rules and Regulations;
 - (2) the holder of the registered geographical indication request for cancellation of the registration;

- (3) the product of registered geographical indication has lost their special characteristics or quality as geographical indication products; or
- (4) a foreign geographical indication is not protected in its country of origin or has fallen into disuse in that country.

Modification of Geographical Indication

92. A geographical indication holder, interested party, or person may apply to the Registrar for the modification of a geographical indication if:
 - (1) the specified geographical area no longer associates with the geographical indication; or
 - (2) modifications are necessary when it concerns technological advancements and scientific developments, or the delineation of the geographical area. Such modifications may be permissible if they do not fundamentally alter the original decision to grant the geographical indication registration.
93. Any modifications involving one or more substantial elements shall follow the procedures provided under *chapter III* of these Rules and Regulations.

94. In any proceedings under these Rules and Regulations, the notice of the request for cancellation or modification shall be:
- (1) served either by the geographical indication holder who filed the request for registration of the geographical indication or any interested party or person with sufficient interest; or
 - (2) published in the prescribed manner and shared with all persons having the right to use the geographical indication.
95. The person referred in rule 94 or any other interested person may, within such period as specified in the notice and publication by Registrar, apply to join the proceedings.
96. The Registrar shall promptly notify the parties on the decision or any appeal outcome, record it, and publish a notice of the decision without delay.
97. The cancellation of geographical indication registration shall be deemed to have been effective from the date of the notice of decision.

CHAPTER IX OFFENCE AND PENALTIES

Misuse of Geographical Indication

98. Any unauthorized use of registered geographical indications by a person as specified under rules 64, 65 and 66 of these Rules and Regulations shall be an offence.
99. Any person who is found guilty under rule 98 of these Rules and Regulations shall be liable to a fine of Nu. 10,000.

Misuse of Geographical Indication National Logo

100. Any unauthorized or improper use of Geographical Indication national logo by a person as specified under rules 53 of these Rules and Regulations shall be an offence.
101. Any person who is found guilty under Rule 100 of these Rules and Regulations shall be liable to a fine of:
 - (1) Nu. 7, 000 for improper use; or
 - (2) Nu. 10,000 for unauthorized use.

Counterfeiting

102. Any person who manufactures or sells products that imitate and falsely represent a product bearing a registered Geographical Indication shall be an offence.
103. Any person who is found guilty under rule 102 of these Rules and Regulations shall be liable to a fine of Nu. 15,000.

Non-compliance with the decisions

104. Any person who fails to comply with the decision passed by the National Geographical Indication office under these Rules and Regulations shall be an offence.
105. Any person who is found guilty under Rule 104 of these Rules and Regulations shall be liable to a fine of Nu. 5,000.

Civil remedies

106. Any interested person may file an appeal before the court to prevent any act specified under rules 64, 65 and 66 of these Rules and Regulations.
107. The Court may grant an injunction, award damages or grant any other remedy the Court thinks fit. The

penalties imposed by the National Geographical Indication Office shall not preclude the affected party from filing for civil remedies provided under rule 106.

Repeated offender

108. A person or legal entity who is found guilty of the same or a similar act or omission that constitutes an offence under these Rules and Regulations, shall be liable to enhanced punishment as follows:

- (1) A fine of Nu. 5000 shall be enhanced to Nu. 10,000 and a fine of Nu. 10,000 shall be enhanced to Nu. 15,000.
- (2) Suspension of registration for the maximum period of six months on the second instance;
and
- (3) Cancellation of registration on the third instance.

CHAPTER X GRIEVANCE REDRESSAL

Filing a grievance

109. Any person, geographical indication holder or entity with a legitimate interest in a geographical indication may file a grievance related to its protection, misuse, or any other issue—in writing to the National Geographical Indication Office.

Review and Documentation

110. The National Geographical Indication Office shall review, gather relevant documents or conduct on-sites if necessary.

Consultation

111. The National Geographical Indication Office may consult with relevant parties, including producers, associations, and consumers where the grievance involves multiple stakeholders.

Representation

112. If an applicant's primary residence or place of business is outside Bhutan, such applicant shall

appoint an industrial property agent registered with the National Geographical Indication Office to initiate proceedings in Bhutan related to the request or registration of GI under these Rules and Regulations.

Right to be heard

113. The National Geographical Indication Office shall give parties the right to submit their grievances in a proceeding.

Extension of time

114. Unless specified otherwise in these Rules and Regulations, the National Geographical Indication Office or Registrar may, upon written request, extend the time for any action or proceeding. Such extension shall be communicated to the involved parties subject to the terms directed by the National Geographical Indication Office or Registrar.

Decision

115. The National Geographical Indication office or Registrar shall take decisions based on the findings and evidence. Such decisions shall be

communicated to the complainant and all relevant stakeholders.

Correction of error

116. The Registrar may correct any error of translation or transcription, clerical error, or mistake in any request or document filed with the Registrar or in any matter recorded under these Rules and Regulations.

Appeal

117. Any aggrieved party may appeal before the court on a decision of the National Geographical Indication Office.

118. Appeals shall be filed within one month from the notification of the decision by the National Geographical Indication Office.

CHAPTER XI MISCELLANEOUS

Transitional periods for use of protected Geographical Indications

119. Producers or stakeholders using the name of the geographical indication in their product marketed before the commencement of these Rules and Regulations shall continue such use for a period of one year.

Application of international treaties and interpretation

120. The provisions of any international treaties in respect of the geographical indications, to which Bhutan is a party, shall apply to matters dealt with by these Rules and Regulations.

Revision

121. The Lhengye Zhungtshog may review and revise these Rules and Regulations from time to time in consultation with the ministry and other relevant agencies.

Power to Issue Notification

122. The Ministry may, from time to time, issue notification or guidelines for the effective implementation of these Rules and Regulations.

Definition

123. In this Rule, unless the context otherwise requires:

- 1) **“Act of Unfair Competition”** means any act of competition contrary to honest business practices in industrial or commercial matters as defined in Article 10*bis* of the Paris Convention for the Protection of Industrial Property;
- 2) **“Agencies”** mean any government and private entities responsible for the registration, production and marketing of Geographical Indication
- 3) **“Appeal”** refers to an appeal against the decision of the National Geographical Indication Office or Registrar about geographical indications;
- 4) **“Control Body”** refers to any designated relevant entity, public and/or private authorized by the National Geographical Indication Office to issue a certificate of

compliance with the geographical indication specifications.”

- 5) “**Controls**” refer to the verification of the compliance of products with the specifications by any authorized control body;
- 6) “**Counterfeiting**” means the imitation of Geographical Indication products with the intention to deceive or defraud;
- 7) “**Court**” means the Court of competent jurisdiction in Bhutan;
- 8) “**Generic**” refers to a name for which the relevant indication is identical to the term customary in common language as the common name for such products or services in the territory of Bhutan;
- 9) “**Geographical Area**” means the delimitation within which the Geographical Indication products are grown or produced;
- 10) “**Geographical Indication**” means an indication that identifies a good 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;

- 11) **“Group of Individuals”** means the members of cooperatives and producers;
- 12) **“Homonymous Geographical Indication”** means indications that are spelt and pronounced alike but are used to designate the geographical origin of products stemming from different places or countries;
- 13) **“Ministry”** means the Ministry of Industry, Commerce and Employment
- 14) **“Private Certification Body”** means any institute certified by the government
- 15) **“Products”** under geographical indication means any natural, agricultural product, processed or unprocessed product, manufactured goods or any product of handicraft or industry;
- 16) **“Legal Entity”** means the official name by which a business, organization or entity is registered and recognized under the laws of the jurisdiction in which it operates.
- 17) **“Industrial Property Agent”** means where the applicant’s ordinary residence or principal place of business is outside Bhutan, he shall be represented by a legal practitioner resident and practicing in Bhutan or a person registered in the

prescribed manner as an Industrial Property Agent.

- 18) “**Industrial Property Registry**” means the Registry established under Section 22 of the Industrial Property Act of the Kingdom of Bhutan 2001.
- 19) “**Official Website**” means the official publication, either on paper or electronically, issued by the Industrial Property Registry.
- 20) “**Opposition**” refers to an objection against the registration of a geographical indication by any interested party or person;
- 21) “**Person**” means a person, whether natural or legal, that can affect, be affected by, or perceives himself to be affected by, a decision or activity taken about geographical indications designating a product
- 22) “**Producer**” means any person who produces, processes, utilizes, makes, or manufactures products.
- 23) “**Registrar**” means the head of the Department of Media, Creative Industry, and Intellectual Property.

- 24) “**Specifications**” refers to technical details of the geographical indication that must be provided with the geographical indication request, specifying the production geographical area, production conditions, and the quality control process of geographical indication products, which is to be compiled by the applicant”.
- 25) “**Use of Geographical Indication**” refers to the offer for sale, production, sale, export, or import of geographical indication products as well as any promotion and communication material about the geographical indication products