NOTIFICATION

Addendum

The following communication, dated 29 August 2018, is being circulated at the request of the delegation of Japan.

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Draft Outline of Amendment to the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs

In response to the Japan-EU Economic Partnership Agreement (EPA) signed in July 2018 and to ensure the proper reciprocal protection of geographical indications based on the EPA, Japan hereby provides notification that it intends to amend the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (hereinafter referred to as "the Act"). The amendment includes the restriction on the period of prior use and the expansion of regulatory scope to advertisement etc. both with respect to geographical indications. The main points of the amendment will be as follows.

1. The Restriction on the Period of Prior Use

The current Act allows the use of indication for agricultural, forestry and fishery products etc. (hereinafter referred to as "agricultural products") that is same or similar as the registered/designated geographical indication if it has been used without any illicit purposes since before the date of registration/designation of the geographical indication. The amendment will limit the prior use for the duration of 7 years from the date of registration/designation of the geographical indication. The prior use for the duration of 7 years shall not be applied if the use of the designated geographical indication does not comply with the relevant laws and regulations of the other party.

The continuous use of a trademark will be only allowed when it was applied without any illicit purposes before the date of registration/designation of the geographical indication.

2. The Expansion of Regulatory Scope

The current Act lays down the rules for the use of geographical indication on agricultural products and their packages. The amendment will expand the regulatory scope to the use of geographical indication through advertisement materials, price lists or transaction documents of agricultural products. Agricultural products that belong to the category of the registered/designated geographical indications will be prohibited to use any indications that mislead to the true registered/designated geographical indication.

\*Note: The Act covers agricultural, forestry and fishery products and foodstuffs which fall under any of the following items, with the exception of alcoholic beverages, drugs, and cosmetics:

1) agricultural, forestry and fishery products (limited to those served for human consumption);

2) food and beverages;

3) agricultural, forestry and fishery products (excluding those served for human consumption) designated by the Cabinet Order; and

4) the products manufactured or processed using agricultural, forestry and fishery products as materials or ingredients (excluding those served for human consumption) designated by the Cabinet Order.

Proposed date of adoption: To be determined

Proposed date of entry into force: To be determined

This addendum concerns a Modification of content and/or scope of previously notified draft regulation

Comment period: Thirty days from the date of circulation of the addendum to the notification.

Agency or authority designated to handle comments: [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

Japan Enquiry Point

International Trade Division

Economic Affairs Bureau

Ministry of Foreign Affairs

Fax: (+813) 5501 8343

E-mail: enquiry@mofa.go.jp

Text available from: [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:

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Ministry of Foreign Affairs

Fax: (+813) 5501 8343

E-mail: enquiry@mofa.go.jp

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