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Protection of Geographical Indications by Certification Marks and Collective Marks: Challenges and Perspectives

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Abstract

This study attempts to explore the relation between geographical indications (GIs), trademark law and competition law in the context of Asian legal framework. The ever expanding global marketplace and increasing sophistication of consumers have led to a heightened need to protect indications geographic from misappropriation and abuses. Two main types of protections are provided nowadays: one is using traditional trademark law; the other is sui generis GI law which refers to the protection of GIs through specific systems separated from trademark law. No matter which types is chosen, the protection usually applies as well as the competition law, the Consumers Protection Act, the Civil law or the related administrative regulations. In Taiwan, the protection of the GIs is by trademark law, which had been amended by adding the “Geographical Certification Mark” and the “Geographical Collective Trademark” and applied with the competition law and other related administrative regulations. However, the current GI protection is not sufficient and effective in its legal framework as well as in the practice. Therefore, this study

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aims to examine and analyze the protection of GIs in Europe and Taiwan. It then evaluates the most appropriate way to protect GIs.

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