

国外地理标志产品保护办法

Measures on the Protection of Foreign Geographical Indications Products

质检总局
The AQSIQ
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第一章 总则

Chapter I General Provisions

第一条 为了有效保护在中国销售的国外地理标志产品，规范国外地理标志产品名称和专用标志在华使用，依据《地理标志产品保护规定》第二十六条，制定本办法。

Article 1 In order to effectively protect foreign geographical indications products for sale in China, and to regulate the use of names and the special mark in China by foreign geographical indication products, these Measures are formulated in accordance with Article 26 of Provisions on the Protection of Geographical Indication Products.

第二条 本办法所称国外地理标志产品，是指在中国以外生产、已受原产国或地区注册保护、符合《地理标志产品保护规定》第二条规定的产品。

Article 2 The foreign geographical indication product under these Measures refers to a product that is produced outside the territory of China, registered and protected in the originating country or region, and protectable under Article 2 of the Provisions on the Protection of Geographical Indication Products.

第三条 在中国保护（简称“在华保护”）的国外地理标志产品的申请、受理、审查、批准、专用标志使用、监督管理和变更撤销等适用本办法。

Article 3 These Measures apply to the application, acceptance, examination, approval, use of the special mark, supervision and regulation, and modification and revocation of foreign geographical indication products seeking protection in China's territory (hereinafter "protection in China").

第四条 国外地理标志产品在华保护名称包括中文名称和原文名称。

Article 4 Names of a foreign geographical indication product that are protectable in China include its Chinese name and its original name:

（一）中文名称，由具有地理指示功能的名称和反映产品真实属性的通用名称构成；也可是“约定俗成”的名称。

(1) The Chinese name consists of the name that is indicative of the geographical region and the generic name reflecting the actual nature of the product; it may also be the generally agreed name of the product.

（二）原文名称，是指在原产国或地区获得地理标志注册保护的名称。

(2) The original name refers to the name under which the product is registered and protected in the originating country or region.

(三) 上述名称在中国不属于通用名称，且未与中国的地理标志产品名称相冲突。

(3) The above names may not be a genetic name in China, nor may it be in conflict with a Chinese geographical indication name.

第五条 国家质量监督检验检疫总局（以下简称“国家质检总局”）统一管理国外地理标志产品在华保护工作。各级出入境检验检疫、质量技术监督主管部门（以下简称“质检部门”）依据职能对国外地理标志产品实施保护。

Article 5 The General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (hereinafter the AQSIQ) shall be responsible for the protection in China of foreign geographical indication products throughout the country. The competent authorities of entry-exit inspection and quarantine, and quality technical supervision of all levels (hereinafter referred to the quality inspection authorities) shall, according to their respective competence, carry out the protection of foreign geographical indication products.

第六条 根据对等原则，开放注册保护。依照本办法，申请在华保护的国外地理标志产品，其所在国家或地区应当与我国建立相适应的地理标志交流合作关系。

Article 6 China opens registration for protection on basis of reciprocity. For a foreign geographical indication product applying for protection in China in accordance with these Measures, its originating country or region shall have established the corresponding communicative and cooperative relationship with China.

第二章 申请与受理

Chapter II Application and Acceptance

第七条 国外地理标志产品在华保护，由该产品所在原产国或地区地理标志保护的原申请人申请，经原产国或地区地理标志主管部门推荐，向国家质检总局提出。

Article 7 Protection in China of a foreign geographical indication product shall be applied for by the original applicant of geographical indication protection in the originating country or region to the AQSIQ, subject to the recommendation of the competent authority of geographical indications in the originating country or region.

第八条 国外地理标志产品在华保护申请人可以指定其在华机构作为在华保护工作的联系人，也可商请原产国或地区驻华使馆工作人员作为在华保护工作的联系人。

Article 8 An applicant for protection in China for a foreign geographical indication product may designate its branch in China as the contact for protection in China, or designate an official at the embassy of the originating country or region in China as the contact for protection in China.

第九条 国外地理标志产品在华保护申请需提供以下中文书面材料：



Article 9 An applicant for protection in China for a foreign geographical indication product shall submit the following written materials in Chinese:

(一) 国外地理标志产品在华保护申请书。

(1) Application form for protection in China for a foreign geographical indication product;

(二) 申请人名称和地址、联系电话，在华联系人、地址和联系电话。

(2) Information on the name, address and phone number of the applicant, and the name, address and phone number of its contact in China;

(三) 在原产国或地区获准地理标志保护的官方证明文件原件及其经过公证的中文译本。

(3) The original of the official certificate on geographical indication protection granted by the competent authority of geographical indications in the originating country or region, and the notarized Chinese translation thereof;

(四) 原产国或地区地理标志主管机构出具的推荐文件，推荐该产品在华注册保护的官方文件原件及其经过公证的中文译本。

(4) The original of the official recommendation document produced by the competent authority of geographical indications in the originating country or region on recommending geographical indication registration and protection of the said product in China, and the notarized Chinese translation thereof;

(五) 原产国或地区地理标志主管机构出具的产地范围及其经过公证的中文译本。

(5) The document on the geographical scope of production of origin produced by the competent authority of geographical indications in the originating country or region, and the notarized Chinese translation thereof;

(六) 该产品的质量技术要求。

(6) Quality and technical requirements for the said product.

(七) 检测报告：原产国或地区出具的，证明申请产品感官特色、理化指标的检测报告及其经过公证的中文译本。

(7) An examination report: one that produced by the originating country or region that shows the sensory characteristics and physical and chemical indicators of the applying product, and the notarized Chinese translation thereof; and

(八) 其他辅助证明资料等。

(8) Other supplementary materials.

第十条 在华保护的国外地理标志产品质量技术要求包括：

Article 10 The quality and technical requirements on a foreign geographical indication product include:

(一) 产品的中文名称和原文名称。

(1) The Chinese name and foreign name of the product;

(二) 保护的产地范围。

(2) The geographical scope of production under protection;

(三) 产品属性及其生产工艺过程。

(3) The characteristics and production method and process of the product;

(四) 质量特色，包括产品的感官特色、理化指标等。

(4) The quality characteristics, including sensory characteristics and physical and chemical indicators;

(五) 知名度，产品在原产国（地区）、中国以及世界其他国家和地区的知名度与贸易销售情况。

(5) Reputation, i.e., reputation and sale of the product in its originating country (region), in China and the rest of the world; and

(六) 关联性，产品质量特色与产地自然或人文因素之间关联性的描述等。

(6) Relevancy, i.e., description on the relevance of the quality characteristics and the natural or human factors in its production place.

第十一条 国家质检总局收到申请材料后，在30个工作日内组织对申请材料形式审查。形式审查的结论分为予以受理、需要补正和不予受理三种。

Article 11 The AQSIQ shall carry out a formal examination on the application materials within 30 working days upon reception of the application. The result of the formal examination may be acceptance, requiring supplements, or non-acceptance.

(一) 予以受理的，国家质检总局发布公报，并在其官方网站向社会公示。

(1) Where the application is accepted, the AQSIQ shall promulgate the decision in its gazette and announce the decision on its official website to the public.

(二) 需要补正的，国家质检总局向申请人书面反馈补正意见。申请人向国家质检总局提交补正材料后，国家质检总局重新组织形式审查。

(2) Where the application requires supplements, the AQSIQ shall notify the applicant in writing of its requirements on supplements. Upon submission of supplements by the applicant, the AQSIQ shall conduct a second formal examination.

(三) 不予受理的，国家质检总局向申请人发出不予受理的书面通知书。

(3) Where the applicant is not accepted, the AQSIQ shall send a written notice on non-acceptance to the applicant.

第十二条 受理公告异议期为60日，自国家质检总局公告受理之日起计算。异议期内，国内外任何组织或个人均可以书面形式向国家质检总局提出异议。

Article 12 The period for opposition against the announcement shall be 60 days, accounting from the date of announcement of application. During the opposition period, any foreign or domestic organization or individual may submit a written opposition to the AQSIQ.

第十三条 异议内容包括：异议人姓名、单位名称、联系方式，异议的原因及证据材料等。异议应当以中文书写，签字或签章有效。

Article 13 The opposition shall include the name of the opponent, name of its entity, contact information, grounds for opposition and evidence materials. The opposition shall be in Chinese and shall only be effective when duly signed or stamped.

第十四条 国家质检总局收到异议后，及时将异议内容反馈申请人。异议由异议双方协商解决；或由国家质检总局组织异议双方协商解决；协商不定时，由国家质检总局组织地理标志专家委员会审议后裁定。

Article 14 Upon receiving an opposition, the AQSIQ shall promptly notify the opposition to the applicant. The opposition shall be resolved through negotiation of

the parties to the opposition, or by negotiation of the parties under coordination of the AQSIO. When the negotiation fails, the opposition shall be decided by a GO expert committee organized by AQSIO.

第十五条 异议申请有下列情形之一的，国家质检总局不予受理，并书面通知申请人并说明理由：

Article 15 Oppositions falling into any of the following circumstances shall not be accepted by the AQSIO, who shall notify the opponent of the decision and the reasons thereof:

(一) 未在法定期限内提出的；

(1) If the opposition is not submitted within the period prescribed by law; or

(二) 无明确的异议理由、事实和法律依据的。

(2) If the opposition is without clear grounds, or factual or legal basis.

第十六条 对驳回的异议申请，国家质检总局应书面通知申请人。申请人不服的，可以自收到通知之日起30日内向国家质检总局申请复审。国家质检总局自收到申请之日起60日内做出决定，并书面通知申请人，复审决定为终审决定。

Article 16 Rejection of opposition shall be notified by the AQSIO to the applicant in writing. Where the applicant is not satisfied with the rejection, it may, within 30 days upon reception of the notice, apply for review of the AQSIO. The AQSIO shall make a review decision within 60 days and notify the applicant in writing. The review decision shall be final.

第三章 技术审查与批准

Chapter III Technical Examination and Approval

第十七条 受理公告期满且无异议、或异议协商一致、或异议经裁定无效的，国家质检总局组织专家进行技术审查。

Article 17 Where the announcement is not opposed to during the opposition period, the opposition is settled through negotiation, or the opposition is decided to be invalid, the AQSIO shall organize experts to conduct a technical examination.

第十八条 技术审查包括会议审查和必要的产地核查，申请人应予配合。技术审查专家组由5人或7人组成。

Article 18 The technical examination shall consist of meeting examination and necessary production place verification, with which the applicant shall cooperate. The technical examination expert team shall consist of 5 or 7 members.

第十九条 技术审查时，申请人应当邀请熟悉该产品的专业技术人员和翻译人员参加，技术审查的时间和地点由双方商定。

Article 19 The applicant shall invite professional technical experts who are familiar with the said product and translators to participate in the technical examination, the time and place of which shall be agreed by the parties.

第二十条 技术审查结论分为通过、需要整改和不予通过三种。

Article 20 The result of the technical examination may be pass, requiring modification and fail.

(一) 审查通过的，国家质检总局发布国外地理标志产品在华保护批准公告，依法予以保护。

(1) Where the application passes the technical examination, the AQSIQ shall issue an announcement on approval of protection in China of a foreign geographical indication product, and accord protection to the product in accordance with the law.

(二) 需要整改的，国家质检总局向申请人书面反馈整改意见。申请人向国家质检总局提交整改材料后，国家质检总局再次组织技术审查或技术确认。

(2) Where the application requires modification, the AQSIQ shall notify the applicant in writing of the modification requirements. Upon submission of modification materials by the applicant, the AQSIQ shall organize a second technical examination or a technical confirmation.

(三) 不予通过的，国家质检总局向申请人发出技术审查不予通过的书面通知。

(3) Where the application fails the technical examination, the AQSIQ shall send to the applicant a written notification on failing the technical examination.

第四章专用标志和监督管理

Chapter IV Special Mark and Supervision and Inspection

第二十一条 获得在华保护的国外地理标志产品，其标注的产品名称、产地等信息应与国家质检总局批准公告的信息相符。

Article 21 The marked product name, place of production and other information on a foreign geographical indication product granted protection in China shall be consistent with that in the approval announcement of the AQSIQ.

第二十二条 获得在华保护的国外地理标志产品产地范围内的生产者、协会等社团，可向国家质检总局申请使用中国地理标志产品专用标志。

Article 22 A producer, association or other organization within the geographical region of production of a foreign geographical indication product granted protection in China may apply to the AQSIQ for use of the special mark of China's geographical indication product.

第二十三条 专用标志使用实行自我声明制度，一经使用在华保护的产品名称和中国地理标志产品专用标志，则视其自我声明该产品符合国家质检总局国外地理标志产品批准公告的要求。

Article 23 The use of the special mark adopts a self-declaration approach, where the use of the name of a product protected in China and the special mark of China's geographical indication product indicates self-declaration that the product is up to the requirements in the approval announcement of the AQSIQ.

第二十四条 专用标志图样按照国家质检总局2006年第109号公告《关于发布地理标志保护产品专用标志比例图的公告》的要求执行。

Article 24 The image of the special mark shall be executed in accordance with Announcement No. 109 of 2006 of the AQSIQ Announcement on the Issuance of the



Scale Drawing of the Special Mark of Products under Geographical Indication Protection.

第二十五条 在华保护的国外地理标志产品申请人应当以中文向社会公布其产品所执行的地理标志法律法规、技术标准。

Article 25 The applicant for protection in China of a foreign geographical indication product shall announce to the public in Chinese the laws and regulations, and technical standards executed by the product.

第二十六条 在华保护的国外地理标志产品申请人须履行相应的管理责任，制定管理措施，对其名称、质量特色、专用标志使用等进行管理。

Article 26 The applicant for protection in China of a foreign geographical indication product shall perform the corresponding management responsibility, formulate management measures and manage the name, quality characteristics and use of the special mark, among others.

第二十七条 在华保护的国外地理标志产品施行年度报告制度。每年三月底前，申请人须向国家质检总局报告当年的管理措施和上一年度实施情况报告。

Article 27 Protection in China of a foreign geographical indication product adopts an annual report system, under which the applicant shall submit a report to the AQSIQ on the management measures adopted in that year and the implementation in the previous year by the end of each March.

第二十八条 已经在华保护的国外地理标志产品，在华发生重大负面影响时，国家质检总局认为确有必要的，国家质检总局可组织对其质量特色和产地条件等进行进一步实地核查，申请人应予配合。

Article 28 For a foreign geographical indication product granted protection in China, where a major negative incident occurs in China, the AQSIQ may, when it deems necessary, organize further verification of the quality characteristics and conditions of place of production, with which the applicant shall cooperate.

第二十九条 国家质检总局通过官方网站公布国外地理标志产品的在华保护信息，接受社会监督。

Article 29 The AQSIQ shall publish information on protection in China of foreign geographical indication products on its official website and accept supervision of the society.

第五章 保护、变更及撤销

Chapter V Protection, Modification and Revocation

第三十条 在华保护的国外地理标志产品与中国地理标志产品享受同等保护。

Article 30 A foreign geographical indication product granted protection in China shall enjoy equal protection with that accorded to a Chinese geographical indication product.



第三十一条 国家质检总局、省级质检部门受理侵犯在华保护的国外地理标志产品合法权益的举报投诉，各级质检部门依法对违法行为进行查处；在华保护的国外地理标志产品申请人也可向人民法院提起诉讼。

Article 31 The AQSIQ and provincial quality inspection authorities shall accept complaints on infringement upon the legal rights and interests of a foreign geographical indication product granted protection in China. The quality inspection authority of each level shall investigate and punish illegal activities in accordance with the law. Applicant for protection in China of a foreign geographical indication product may bring a lawsuit to the people's court.

第三十二条 在华保护的国外地理标志产品的产地范围、质量技术要求、产地范围内的生产者、协会或社团名称、地址等重大信息发生变更的，国外地理标志产品申请人应在90日内向国家质检总局提出变更申请。经技术审查合格，由国家质检总局发布公告予以变更。

Article 32 Where the geographical scope of production, quality and technical requirements, name or address of a producer, associate or organization within the place of production, as well as other major information of a foreign geographical indication product granted protection in China is changed, the applicant of the foreign geographical indication product shall submit a modification application to the AQSIQ within 90 days. Upon pass of the technical examination, the AQSIQ shall issue an announcement of modification.

第三十三条 在华保护的国外地理标志保护产品存在下列情况之一的，国家质检总局发布公告予以撤销：

Article 33 Where a foreign geographical indication product granted protection in China falls into any of the following circumstances, the AQSIQ shall issue an announcement of revocation:

（一）在原产国或地区被撤销保护；

(1) Where the protection in the originating country or region is revoked;

（二）中国国内司法机关裁定撤销保护；

(2) Where the protection in China is revoked by a decision of the judiciary; or

（三）严重违反中国国内相关法律法规规定等。

(3) Where the product is in grave violation of China's laws, regulations or other provisions.

第六章附则

Chapter VI Supplementary Provisions

第三十四条 本办法自发布之日起施行。

Article 34 These Measures shall enter into effect upon promulgation.

第三十五条 在华保护的国外地理标志保护产品还应当遵守中国出入境检验检疫的相关规定。



Article 35 A foreign geographical indication product granted protection in China shall also abide by the relevant provisions of China on exit-entry inspection and quarantine.

第三十六条 本办法由国家质检总局负责解释。

Article 36 These Measures shall be subject to the interpretation of the AQSIQ.

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