

(unofficial translation)

December 28, 1994
Notification No. 4
National Tax Agency
Amended by Notification No. 23, 2005
Amended by Notification No. 9, 2006
[Entry Into Force: May 1, 2006]

Standard for Indication in Relation to Geographical Indications

Considering that the standard for indication in relation to geographical indications has been determined as follows in accordance with paragraph 1 of Article 86-6 of the Law Concerning Liquor Business Associations and Measures for Securing Revenue from Liquor Tax (Law No. 7 of 1953. Hereinafter referred to as the “Law”) and that the standard will entry into force on July 1, 1995, notification is hereby issued in accordance with paragraph 2 of Article 86-6 of the Law.

Standard for Indication in Relation to Geographical Indications

(Definition)

1 The following terms shall have the meanings as defined in each of the paragraphs below:

(1) “Geographical indications” mean indications which identify a liquor listed in the following items 2 through 4 as originating in the territory of a Member of the World Trade Organization, or the region or locality in that territory, where a given quality, reputation or other characteristic of the liquor is essentially attributable to its geographical origin.

(2) “Grape wines” mean any grape-based liquor among those fruit wines and sweet fruit wines designated in item 13 and 14 of Article 3 of the Liquor Tax Law (Law No. 6 of 1953).

(3) “Distilled spirits” mean any continuously or single distilled shochu, whisky, brandy or spirits as set forth in items 9, 10, 15, 16 and 20 of Article 3 of the Liquor Tax Law.

(4) “Sake” means any sake designated in item 7 of Article 3 of the Liquor Tax Law.

(5) “Use” means any act of a liquor manufacture or liquor distributor as designated below:

- A An act to display geographical indications on the container or packaging of liquor;
- B An act to transfer, deliver, or exhibit for transfer or delivery, or import any container or packaging of liquor that bears geographical indications;
- C An act to exhibit or distribute liquor-related advertisements, price catalogues, or business documents that bear geographical indications.

(Protection of geographical indications)

2(1) Any geographical indications that indicate the place of origin of grape wines or distilled spirits in Japan designated by the commissioner of the National Tax Agency or any geographical indications that indicate the place of origin of grape wines or distilled spirits in a Member of the World Trade Organization, the use of which is prohibited in that Member with regard to grape wines or distilled spirits produced in areas other than those indicated, shall not be used with regard to any grape wines or distilled spirits produced in areas other than those indicated.

(2) Any geographical indications that indicate the place of origin of sake designated by the commissioner of the National Tax Agency shall not be used with regard to any sake produced in areas other than those indicated.

(3) The foregoing provisions shall also apply even where the true origin of the grape wines or distilled spirits is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind,” “type,” “style,” “imitation” or the like.

(Exception of application)

3 The foregoing provisions shall not apply to the following cases:

(1) In cases where a particular geographical indication of another Member of the World Trade Organization identifying grape wines or distilled spirits has been used in a continuous manner with regard to grape wines or distilled spirits in the territory of that Member either for at least ten (10) years preceding April 15, 1994 or in good faith preceding that date;

(2) In cases where a geographical indication is not or cease to be protected in its country of origin, or which has fallen into disuse in that country.

(Appendix) (Notification No.23, 2005)

This notification shall be entry into force on October 1, 2005.
