

Geographical Indications in Vietnam: Protecting Cultural Heritage and Promoting Economic Growth

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Abstract. For millennia, Vietnam's identity has been deeply rooted in its agricultural prowess, which it considers the backbone of its economic framework. The country's unique geographical positioning, coupled with its distinct weather patterns, has blessed it with a cornucopia of agricultural produce. These products are not only varied in kind but also renowned for their rich flavors and exquisite taste. Recognizing the importance of these products, the Vietnamese government has turned to Geographical Indications (GIs), a facet of Intellectual Property (IP) law, as a strategic tool to preserve the nation's cultural heritage and stimulate economic development. GIs are a form of IP that identifies a product as originating from a specific region, where its qualities are due to that region's unique geographical features. This article delves into the case of Phu Quoc fish sauce, a quintessential example of how IP law, through the use of GIs, has safeguarded and promoted Vietnamese agricultural products. Phu Quoc fish sauce, with its distinctive taste and production process deeply tied to the island's environment, has gained international recognition and protection. The GI status not only protects the product from imitation but also adds value, ensuring that the authentic product's reputation and the region's cultural identity are preserved. This legal framework has become a catalyst for economic growth, as it encourages sustainable farming practices and supports local communities, while also ensuring that the unique flavors of Vietnam's agriculture reach global markets with authenticity and pride.

Keywords: Geographical Indications (GIs), Cultural Heritage, Economic Growth, Phu Quoc Fish Sauce, Intellectual Property Protection.

1. Introduction

Vietnam is in the process of industrialization, modernization, building ecological agriculture, by restructuring the agricultural sector towards increasing added value and sustainable development, aiming to shift orientation from agricultural production to agricultural economic development [1]. Agriculture ensures livelihoods for over 60% of the population who lives in the rural areas, accounting for 30% of the country's labour force and nearly 12% of GDP [2]. From a third-world country suffering from famine and poverty, Vietnam has now become one of the world's leading exporters of agriculture, forestry, and fishery products. The country itself has market access to 196 countries and territories, and is projected that export turnover will exceed 618 billion USD by 2030 [3]. Not to mention, now that international trade is more developed, the percentages of counterfeit, and imitation of famous brands, and products have also constantly risen. This leads to the need for specific international regulations to prevent these actions from spreading, and here is where GIs and trademarks play their part. To protect products, increase market value and enhance global competitiveness, Vietnam has strengthened its legal framework by signing international agreements such as the TRIPS Agreement and the Paris Convention. In the process of deep integration into the world economy, building brands for Vietnamese agricultural products associated with registering for geographical indication protection. By doing this, Vietnamese specialty products have increased their own value, affirm the brand name globally, as well as protect Vietnamese enterprises and Vietnamese agricultural stability growth. This essay using Phu Quoc fish sauce and ST25 rice as key examples to delves in the role of GIs and trademark in preserve and make most use of it for cultural heritage and stimulate economic development.

2. The Significance of Geographical Indications

2.1. GI Definition

GIs are the golden stamps of approval for consumers, creating a sense of trust in the products that the consumers are purchasing. The concept of a geographical indication was first acknowledged in Article 2 of the Lisbon Agreement in 1958, which was subsequently amended in 1967 and 1979. According to the Agreement, "geographical indications (GIs) refer to products that originate from a specific geographical area and in respect of which a given quality, reputation, or other characteristic is linked to the geographical origin." [4]. The term "geography" in this context is used in a broad sense, including not only the physical area or territory but also reflecting the administrative, economic, and cultural aspects of that geographical area. This implies that, under the TRIPS Agreement, a "geographical indication" does not necessarily have to be a name. A geographical indication may also represent symbols, signs, or words that differ from geographical names, provided they indicate the link between the product and its place of origin [5]. These may not directly reference the geographical name of an area but are still capable of evoking in customers the distinct qualities of the goods. For example, the image of the Pharaoh suggests the products are originating from Cairo (Egypt), while a kangaroo symbol is indicating the products origin from Australia. Thus, a geographical indication has more stringent requirements than a simple indication of origin but is less restrictive than a designation of origin. The reputation of products bearing a geographical indication is determined by the level of consumer trust, measured by the degree to which the product is widely known and selected by consumers. The quality and characteristics of such products are established through one or more qualitative, quantitative, or sensory indicators, such as physical, chemical, or microbiological properties, which must be testable by technical means or verified by experts using appropriate methods. This not only allows producers to fetch premium prices at both domestic and global levels but protects the peculiar attributes of GIs--emanating from either natural factors or traditional methods of production [6]. The above-mentioned features give GI products a quality hallmark over others in fierce markets, where buyers are ready to pay more money for real good products. The benefit does not only extend to the producers at the individual level but goes ahead to fortify the chain of value and add to local economic development.

2.2. How GIs Leverage Premium Pricing in Global and Local Markets

Current market trends increasingly demand that products have clear origins and protected trademarks. Geographical indication (GI) protection instills consumer confidence in products that are manufactured according to strict procedures, encouraging more purchases and stimulating production. This is the first step in building brand recognition for local specialties, enhancing their value, and paving the way for these unique products to enter international markets. Branding and promoting local specialties for export is a critical priority for many nations, especially those with economies largely based on agriculture. The cultural traditions and accumulated skills of producers, combined with the region's distinctive natural conditions (such as climate, soil, topography, etc.), have given rise to well-known products with unique quality characteristics. Protecting intellectual property rights in the form of geographical indications, collective marks, and certification marks for geographical names associated with these products, followed by strategic promotion and marketing efforts, is a growing global trend [7].

Registering geographical indications for local specialty products is not just the responsibility of one business or organization; it represents the development of an entire sector, improving the product's quality and the reputation of both the locality and the nation. Thus, establishing a geographical indication does not belong to any one entity or individual but is the collective property of the community. Many high-quality products that could not enter international markets, for the most part, did not have brand protection in place; thus, they were sold at meager prices, which caused enormous losses for producers. Accordingly, upon GI protection, the worth of those items will be boosted and their brand shall be more assured. The GI protection facilitates residents, localities, trade

associations, and producers to better orient their conformity with the law. Furthermore, Geographical Indication registration helps in the marketing, growth, and export opportunities of Vietnamese products into especially difficult markets. Proof of effectiveness in GI protection has already been demonstrated with the growth in value and reputation of many products, being greatly added to, as a result of this agreement [8]. For example, after obtaining the GI, price increases of 30-50% were noted for fish sauce from Phu Quoc [9].

3. GIs' Legal Framework in Vietnam

3.1. Overview of Vietnam's Legal Framework for GI Registration and Enforcement

Vietnam is an agriculture-based country; nearly every locality has its special product, which becomes the strength of the area. Most GIs products are of an agricultural nature; thus, the importance of GIs protection carries a hefty economic value, contributing much to the agriculture and rural economy development. By its very nature, GI is a sign applied for distinguishing products originating from a definite region, locality, territory, or country. For products to be protected under GI, they must qualify through reputation, quality, or other specific attributes that clearly relate their origin to the geographical environment in which they come from. As a result of this, GI products tend to stand out much easier and even gain a place value on the market compared with like products.

Although Vietnam has been a member of the Paris Convention for the Protection of Industrial Property since 1949, it wasn't until 1995 that the first provisions regarding appellations of origin were formally introduced under Article 786 of the 1995 Civil Code, following the spirit of the Paris Convention. The article defines an appellation of origin as "the geographical name of a country or locality used to indicate the origin of a product, provided that the goods possess distinctive qualities or characteristics arising from unique geographical conditions, including both natural and human factors or a combination thereof [10]." In 2005, Vietnam enacted its Law on Intellectual Property. According to Clause 22, Article 4 of the Vietnam 2005 Intellectual Property Law (amended and supplemented in 2009, 2019, and 2022), a geographical indication is a sign used to indicate a product originating from a specific region, locality, territory, or country; and the law has prioritized placing "geographical origin" before "product", to redefine geographical indications with an emphasis on the geographical origin of the product [11]. As stated in Article 88 of the amended Intellectual Property Law of 2022, the right to register GIs in Vietnam belongs to the State, meaning that organizations and individuals who register GIs do not gain ownership of those indications [12].

3.2. GIs and Premium Pricing: Economic Stability and Development

3.2.1. Place-based distinction

Where geographical indications focus on difference, it is within the special quality possessed by a product in connection with the specific place of origin. For example, the volcanic soil plus the perfect temperature of this region Buon Ma Thuot makes Trung Nguyen coffee so strongly flavored. This way, GI makes sure only these defined locations growing coffee beans will be described as Trung Nguyen Buon Me Thuot coffee.

3.2.2. Strict standards

Registration for GI protection entails identifying the problem's roots by demonstrating that the characteristics of the product bearing the geographical indication are attributed to natural causes (climate, geology, etc.) and/or human factors (skills, traditional production processes, etc.)- and that such characteristics have been determined by quantitative indicators and evaluated by professionals in the relevant area of specialization; this characteristic, in particular, has to guarantee continuity and stability.

3.2.3. Preserving traditions

GI not only protects the brand but also long-standing traditional practices that have come to be associated with a product's intrinsic features. Labour-intensive picking, withering, rolling, and gentle drying to keep the unique flavor of Moc Chau tea amounts to preserving the tradition that is part and parcel of cultural heritage that lasts thousands of years and is handed down from one generation to the next.

Emmanuel Hidier, Senior Economist at the FAO Investment Centre, emphasizes that GIs constitute a philosophy of food production and marketing systems where social, cultural and environmental values are implanted at the heart of product value chains [13]. It may act as a channel for sustainable development of agricultural production and rural communities through the fostering of quality products, value chains, and better access to high-income markets.

3.3. IP Law's Role in Maintaining Product Authenticity and Quality

GI recognition is also a blessing to the pocket of Vietnamese farmers. Because the GI ensures some standard of quality and authenticity relating to a particular place of origin, the farmers could smile to the bank by receiving some added values in monetary terms for their products. It shows several benefits for farmers, such as improved income, development in the community and continuity of the traditional practices. These elements will definitely give Vietnamese farmers the ability to have their presence justified in the larger world market with a brighter future. By obtaining high prices on GI-protected products, farmers will be able to look forward to a better future for themselves, their families and communities. The GI results in Vietnam suffice the power of tradition, quality for the farmers of Vietnam.

The GI protection application is used to support the prevention and fighting against producers or sellers offering counterfeit or substandard products that could depreciate labeled product value and reputation. The exports to the market of the EU, which is a very supportive market to Vietnam at this moment, can only include GIs-registered Vietnamese products. This matter is also a very crucial negotiating issue of the Vietnam-EU Free Trade Agreement. A remarkable point of the GI commitments within the EVFTA is that over and above commitments on registration criteria, both sides also committed to the protection of a certain list of GIs. (In Vietnam, 169 GIs from the EU are protected; in the EU, they protect 39 GIs from Vietnam) [14]. The protection level granted for these GIs is equal to that for wine and spirits under the TRIPS Agreement and the current Intellectual Property Law of Vietnam.

That is why the signing and implementation of the EVFTA is a great opportunity for many Vietnamese enterprises as 39 GIs from Vietnam (mostly agricultural products) will be automatically protected in the EU--the most important export market covering 28 member countries. This protection will protect not only the rights of our GIs for agricultural products that have long existed in the market of implementations such as Phu Quoc fish sauce and Buon Ma Thuot coffee but also open chances for other new products, for example, Moc Chau tea.

4. Challenges and Opportunities in Geographical Indication (GI) Enforcement

The protection and enforcement of geographical indications (GIs) have become increasingly important for Vietnam as it integrates further into the global economy. GIs are an essential instrument in helping authenticate and adding value to local products, ensuring competitiveness in the domestic and international market. Yet this is accompanied by several challenges for Vietnam that need to be met to realize the full economic benefits of GI protection--complemented by large opportunities to extend its scope and enhance its impact. Thus, the better known and more reputable a GI is in the market, the more intense the demand to defend that GI from infringers becomes. Geographical Indications Protection means the concern of the State where it enacts applicable laws creating instituting and enforcing certain rights on GIs so as to safeguard the interests of various entities against violation of GIs. It is of utmost importance that GI protection be emphasized because

if there is any law that bestows producers' goodwill on their GIs, then the same law must protect those GIs [15]. These include temperate measures which ensure that deploying this strategy does not lead to degradation due to unpunished destructive acts by other parties, such acts principal aim is to punish for the infringing conduct and scare off other infringers towards the same act [15]. It encompasses a wide range of issues which include time and require enormous costs. It is held by the authority of the state as owner of the GIs for which purpose activities of relevant bodies and cooperation of organizations and persons of interest are undertaken [15]. Legal tools as such do not only seek to stop and penalize infringements of GI, rather GI protection also involves the registration and administration of GI. The protection of GIs has ceased to be confined to national legislation in the context of the world economy and has developed into a cross-border issue that is subject to bilateral and multi-lateral treaty relations.

4.1. Challenges

Vietnam has to deal with many challenges in protecting GI. One major problem is the large quantity of fake and copycat items that are available on the market. This dishonest practice substantially harms the reputation of the authentic GI products because it misguides consumers to buy inferior products that do not meet the required quality specifications or the conventional method of production agreed upon under the protection of GI. The existence of counterfeits devalues not just the image of genuine GI products but also consumer trust. As a result, consumers are now averse to paying the premium price for real products since the value placed on GI products in the market is reduced. This is a higher stake matter for Vietnam since GI products in this country, such as Phu Quoc fish sauce, depend on being unique to fetch higher prices.

The level of consciousness by producers about the advantages of GI protection presents a major barrier. Many of the producers, especially in the rural areas where most of the GI products are bred or produced, may not have a clear vision of the economic benefits which the registration of GI may bring. The view often that GI protection is a cumbersome legal procedure without realizing that it is an important tool in their products' protection against unfair competition leads to many of the regional specificities being unregistered. This may, therefore, exposes them to be exploited by unauthorized producers who can capitalize on their reputation without respecting the required quality.

The protection of GI rights in Vietnam is also constrained by inadequacies in the legal and institutional arrangements. While Vietnam has taken steps to put in place the legal framework for the protection of GIs through its Intellectual Property Law and in conformity with the international agreements to which it is a party, like the TRIPS Agreement, the means for protecting such rights remain weak. The local authorities generally do not have enough means, skills, and infrastructure to adequately and effectively carry out the control and protection of GIs. In this gap between the rule and its actual practice, room is allowed for the unauthorized users of GIs to reap the benefits, thus weakening the protection regime's effectiveness and causing an air of uncertainty for those producers protected by GIs in marking their products.

4.2. Opportunities

Despite these challenges, Vietnam has a special opportunity to use the diverse range of regional products as an effective inspiration and extend the scope of GI protection. In addition, the country possesses a highly diversified range of products across agriculture, geography, and traditional handicrafts created by nature and human-related products which can be immensely benefited from GI registration. More registered GI products will also bring better marketability and value to the country's regional specialities at home and abroad. This is because GI protection bears the distinction of these products in the markets where buyers have a high consideration on realness, as well as source and value.

A significant opportunity for Vietnam is the potential to raise public awareness and educate producers about the value of GI protection. Research-based government actions increasing productive and consumer populations' understanding of the advantages of GI registration could enhance

acceptance of GIs across the board in various industries. There are various ways that local specialties can be registered and protected, in order to be sustained in the economy in the long run, by increasing producers' understanding of how GI registration can prevent their products being abused through unfair competition, and increase the sales of such producers. Educating consumers also forms a critical part of the equation because arousing the people on the importance of GI protected goods will contribute to the quest for authentic goods which further strengthens the economic gains of GIs to the people.

The conditions for GI protection are detailed in Articles 79, 80, and 88 of the amended 2022 Intellectual Property Law [16]. Specifically:

Article 79 outlines the conditions necessary to fulfill in order to provide GI protection: A feature of the product that bears the GI is its locality which corresponds to the scope of the GI. To fulfill the requirements in parts of paragraphs 1, the geographical indication is homonymous to the one used by consumers' circumstances. Explanations of Article 80 as to why some kinds of GIs do not need any protection enable us to understand how Control over names or indications that are domesticized by consumers and therefore dismissed generic terminology from Vietnam; GIs, which are or were protection of GIs or have fallen into desuetude or use unauthorized uses of GIs in foreign countries; Any GI registration that is identical to or similar with the application previously filed or to be applied for registration and containing the "same jurisdictional territory" clause which could be deemed deceptive as to the "commercial origin" of the goods; They are too generic to provide or offer misleading GIs or geographical indications to the consumers about the place where the offered products originated from. The registration of the rights in relation to the GIs can be found under Article 88: GIs in Vietnam are regulated by the state apparatus. The State holds the registration rights for GIs in Vietnam. It is possible to allow legal entities, legal persons or jurisdictions self-managing the agencies that bear the GI of the product aggressed upon for registration of the GI. Persons, organizations using the rights protected as granted under the GI registration do not come to own up to the GI. Nationals or legal entities of foreign countries who have GI rights granted to them by the country of origin are able to register GI in Vietnam.

4.3. Forms of GI Protection

There are three main forms of how GI protection works, which will be narrative more clearly below through a point of view from Economic and Forecast Magazine--Ministry of Planning and Investment Journal by M.A. Nguyen Thi Nguyet from Faculty of Law in University of Commerce, where main view will be considered and selected in my prospect of this concept [17].

4.3.1. Separate laws on the protection of geographical indications

France is the country that first employed such a separate law on the protection of geographical indications, also this law created a new type of protection of industrial property for geographical names. Protection of GIs means the prohibition of the use of identical or nearly identical commercial GIs for the products which do not meet the legal requirements--are not produced in that particular place or not to the specified product/category standards.

4.3.2. Collective and certification trademark protection

Collective and certification markings can be utilized to distinguish, whether geographical indicia or plain origin institutions, legal, geographic or simple origin standards, their registration is necessary. This kind of protection is especially useful for business or trade association firms to enhance the ability of the private part in the economy. Nevertheless, the aforementioned provisions have their own limitations since they can only regulate those who adhere to the use of the GIs trademarks, and not their use in general.

4.3.3. Theories concerning the need for GI protection under unfair competition law

Unfair competition law protects the use of commercial signs that mislead customers and cause a likelihood of confusion as to the goods origins. This protective form aims to compensate for the

wrongful exploitation of GIs. Registration is not necessary, but it is relatively expensive and hard to establish the proof of criteria towards protection.

5. Case Study of Phu Quoc Fish Sauce as an Example of Successful GIs

In every single family of Vietnam, fish sauce has been part of their meals from ancient times. It is not merely a condiment for everyday meals, rather its broader scope reflects the historical culture of the Vietnamese peoples. That is why this product has been made across the country, using all kinds of flesh: anchovy, mackerel, squid... However, here in Phu Quoc, only one type of fish sauce can be found--anchovy fish sauce which is aged in wooden casks for a year making a thick and delectable fish sauce boasting a protein level of up to 40°N [18]. With over 200 years of history, this product has become famous not only in Vietnam but also internationally.

With these traditional values, the Phu Quoc fish sauce was conferred a national certificate for the geographical indications protection in the year 2001 by the Department of Intellectual Property, Ministry of Science and Technology. In turn, on October 08, 2012, Phu Quoc fish sauce received a certificate on the geographical marks from the European Commission making it the first Vietnamese product that was accorded protection in the marketplace of European Union member countries [19]. At the same time, the People's Committee of Kien Giang province has also adopted measures how the geographic indications of Phu Quoc will be managed and utilized to prevent deterioration of quality of traditional fish sauce, determine the geographical and label the Phu Quoc products of geographic indication [20]. This GI recognition does more than certify authenticity; it significantly elevates the market value of the fish sauce both locally and abroad. Only fish sauce produced using the traditional methods in this specific region can be labeled "Made in Phu Quoc" [21,22]. This protection safeguards the product from counterfeiting, ensuring consumer trust remains high. That is why, Phu Quoc Fish Sauce stands as a prime example of geographical indication (GI) protection in Vietnam, highlighting the importance of preserving local, traditional products. The combination of Phu Quoc's climate, natural resources, and traditional production methods creates a flavor that cannot be replicated elsewhere. This specific fish sauce has several notable characteristics and needs to meet the demands below [23].

Distinct Color: It is known for its rich, amber hue--clear, pure, and unmatched by other fish sauces. This color is naturally produced and exclusive to Phu Quoc.

Unique Aroma: It has a pleasant and distinctive fragrance, free of the sharp or ammonia-like smells typically found in other fish sauces.

Balanced Flavor: The sauce combines a salty taste with a subtle sweetness, derived from the high protein content from fish and fish oil.

Protein Concentration: Phu Quoc fish sauce typically contains 20g of protein per liter, with nitrogen levels at 43g per liter.

5.1. Production Area

First, the raw fish fishing area used to process Phu Quoc fish sauce is the sea area of Kien Giang and Ca Mau in the Gulf of Thailand.

Second, the process of fermenting, drawing, mixing and bottling fish sauce must be carried out within the geographical area of Phu Quoc district, Kien Giang province.

5.2. Raw Materials

First, the raw fish used to process Phu Quoc fish sauce is the anchovy species (*Stolephorus*) belonging to the anchovy family (*Engraulidae*) including the following species: Coal anchovy, red anchovy, striped anchovy, Chalk anchovy, the minimum ratio of anchovy in the raw material for processing is 85%.

Second, salt used to make Phu Quoc fish sauce is sea salt, produced in Ba Ria - Vung Tau, Phan Thiet provinces or salt of equivalent quality, preserved by placing it 15 cm or more above the ground for a minimum of 60 days from the date of production.

5.3. Fermenting Bars and Container

First, fermentation tanks are cylindrical in shape, made of wood from the following types of trees: Ho Phat (*Hopea odorata*), Trai (*Parashorea stellata*), Boi Loi (*Litsea glutinosa*), Ven Ven (*Anisoptera cochinchinensis*), Quynh (*Shorea roxburghii*), Me Diec (*Dialium cochinchinense*), Sao (*Anogeissus acuminata*) and are not susceptible to insect, termite and moth attacks.

Second, containers for fish sauce essence, various types of fish sauce, finished fish sauce and materials for containing and packaging finished fish sauce products must be made of non-toxic materials, not harmful to human health and not affecting the specific quality of Phu Quoc fish sauce.

The production of Phu Quoc fish sauce includes the stages of catching and salting fish on board, fermenting, drawing, mixing, packaging and labeling of finished fish sauce products as follows:

5.4. Catching and Salting Fish on Board

First, immediately after being caught and brought onto the ship, the fish must be washed, impurities and other fish species removed, and turned into raw fish as specified above.

Second, raw fish are mixed with salt in a mass ratio of 2.5 - 3 fish: 1 salt, and finally a 5 cm thick layer of salt is spread evenly on the surface.

The mixture of fish mixed with salt is stored in the ship's hold, the hatch lid is tightly closed and the silt water at the bottom of the hold is drained.

5.5. Fermentation Process

First, clean the barrel and prepare the filtration plug for the container, then open the plug.

Second, salted fish is unloaded from the ship's hold into the barrel, with a thick layer of salt, about 3-5 cm, spread on the top surface.

Third, after approximately 7 days, drain the "bôi" water, cover the surface of the fermentation mixture with a layer of cushion made from "bàng" leaves, compress tightly using wooden slats, and close the plug.

Fourth, pour the "bôi" water back into the barrel until it covers the wooden slats.

Fifth, the fermentation process takes an average of 12 to 15 months under a sheltered environment with natural conditions.

Extracting "Nước Mắm Long" (First Extract Fish Sauce) by dissolve salt into clean water until it is saturated, then pump the saltwater through fermentation barrels in order of quality, from low to high, until the fish sauce becomes clear, which is called "nước mắm long 1" (first extract fish sauce); this process is repeated to obtain "nước mắm long 2" and "nước mắm long 3"; each type of extract is transferred to separate containers.

Blending Fish Sauce: Blend the core fish sauce with "nước mắm long 1", "nước mắm long 2", and "nước mắm long 3" in appropriate proportions to create fish sauce with the desired quality in terms of protein content and flavor. No additives or preservatives are allowed during the blending process.

5.6. Packaging and Preservation Requirements

First, after mixing, fish sauce can be automatically or manually filled and packaged. Fish sauce packaging materials are made of glass and plastic to ensure that the quality of fish sauce is not affected during storage.

Second, fish sauce is packaged in different types according to capacity.

Third, fish sauce must be packaged at the production facility or at a packaging facility located in Phu Quoc district.

Fourth, after being packaged, fish sauce is stored in a cool place, avoiding the effects of toxic factors and different conditions.

According to the Ministry of Industry and Trade, since the EU accepted protection, the number of fish sauce products sold in this market has reached nearly 500,000 liters. Not only has the quantity increased, but with this protected designation of origin, the selling price of Phu Quoc products as certified by the relevant Vietnamese authorities has increased by 30-50% depending on the type of product. Thanks to that, Vietnamese enterprises have the opportunity to increase exports to other markets such as the United States, Australia, Japan, and Canada. It is predicted that when the Vietnam-EU Free Trade Agreement takes effect in 2018, the EU will agree to protect 39 geographical indications of Vietnam. Accordingly, in addition to Phu Quoc fish sauce, Vietnam's strong products such as coffee, tea, etc. will have more opportunities to exploit and benefit from registering geographical indications. Thus, geographical indications are not only a "passport" for Vietnamese products to access demanding markets such as the EU, but also a tool to protect producers, consumers, and markets, and a basis for limiting the use of fake and counterfeit brands, increasing competitiveness compared to conventional products. Therefore, the efforts of localities to expand products, especially agricultural products, towards registering geographical indications is the right direction to increase export opportunities to the EU.

6. Conclusion

The geographical indications became a great assistance for Vietnam in protecting its cultural values and generating incomes, as the example of Phu Quoc fish sauce shows. Further, with GIs their uniqueness in quality that stems from the area of production is what not only helps in the evolution of time-honored practices but also in marketing in the home country and worldwide. The Phu Quoc fish sauce has shown that using GI protection can greatly improve the performance of the product in terms of price and market reach including international countries and Europe. Hence of Vietnam is faced with the challenges of globalization and effective protection, enhancement and cultivation of the GI will be critical to the competitiveness, safety and globalization of its food products. This approach not only accelerates growth in terms of the economy but also helps in promoting sustainable development which is by enhancing the real culture and skills of the local artisans.

In order to encourage the registration of geographic indications as well as the safeguarding and enhancement of this type of intellectual property, it calls for the cooperation of all persons both from the Centre and state to local authorities, all the trade unions, producers, processors and other persons involved. State administrative agencies need to have an all-inclusive approach in educating and creating awareness on the significance of marketing brands in order to assist firms compete and enhance the worth of their products in the marketplace ultimately enhancing the understanding and importance of brand protection; assist firms, especially small and middle sized businesses in the issue of registration in the sphere of trademark especially in terms of brand protection registration as well as the general protection of intellectual property; surveillance the violations of the copyrights related to Vietnamese trademarks in foreign markets, offer technical assistance including conducting training courses, registration of intellectual property right in the domestic as well as selected foreign markets.

State management agencies also need to perform broad ranging reforms in state management to enhance the level of welfare within society and statute and elevate intellectual property rights and particularly geographical indication enforcement--protection; assist in the fight against infringements of creating of intellectual property; facilitate and enhance the use of the created; develop intellectual property assets, while, at the same time, generating and strengthening human resources for IP activity and developing geographical indication protection strategies with the strengths and specific nature of Vietnam's areas.

The continuous improvement of products and quality of commodities in order to retain individual or cooperative business brands is needed by enterprises and production cooperatives, and people as well. The enterprises need to understand the risk of eroding their brands through the need to use them and create liens associated to geographical indications for the Intellectual Property Generation. Given that Vietnamese businesses are likely to lose brands and trademarks if such measures are not taken,

it is necessary for the appropriate management of IP in overseas markets to include due diligence and the timely application for protection. Particular emphasis should be placed on the protection of: brand names, trademarks and service marks, and copyright on artistic works and utility models and inventions. Upon realizing that any of their intellectual property rights have been infringed upon, they should be able to take the necessary in reasonable time consultation and preparation and file for opposition, cancellation or suspension of the geographical indication protection.

It is the strong and complete system of assigning regulatory and enforcement mechanisms with respect to geographical indication protection that is one of the core components of long-term economic development strategy of each country. This is a mandatory requirement in the process of economic integration, so it requires active and responsible participation from all levels, sectors and localities as well as proactive participation from enterprises, production cooperatives and people.

References

- [1] Vietnam Business Forum of Vietnam Chamber of Commerce and Industry (VCCI)-Provinces & Cities. Retrieved from <https://vccinews.com/prode/49264/agricultural-restructuring-toward-increasing-added-value-and-sustainable-development.html>.
- [2] Vietnam: Opening ceremony of OCOP Vietnam Fruit and Product Festival 2022. Ministry of Agriculture and Rural Development of The Socialist Republic of Vietnam Report, 2022.
- [3] Vietstock. Vietnam's exports to hit \$618 billion by 2030. Retrieved from <https://en.vietstock.vn/2023/05/vietnams-exports-to-hit-618-billion-by-2030-974-510736.htm>. 2023.
- [4] Summary of the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration, 1958.
- [5] Wipo. WIPO Lex, 2012. Article 2.
- [6] Ministry of Science and Technology. Intellectual Property Office of Vietnam. Geographical Indications (n.d.). Retrieved from <https://www.ipvietnam.gov.vn/web/english/geographical-indications>.
- [7] National Assembly of Vietnam. Law on Intellectual Property (No. 50/2005/QH11).
- [8] Pick, B., Marie-Vivien, D., Kim, D. B. The Use of Geographical Indications in Vietnam: A Promising Tool for Socioeconomic Development? Cambridge University Press, 2017.
- [9] Ministry of Industry and Trade, Vietnam Fish Sauce Association. Famous traditional fish sauce production locations in Vietnam - Fish sauce export situation in the first 4 months of 2023 and prospects, 2023.
- [10] Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT). Retrieved from <https://www.wipo.int/policy/en/sct/>.
- [11] Vietnam law on Intellectual Property (No. 50/2005/qh11), Clause 22.
- [12] Amendments to the Right to Register Geographical Indications of the Vietnam Law on Intellectual Property, Article 88.
- [13] Hidier, E., VandeCandelaere, E. Quality and origin-based labels. Food and Agriculture Organization of the United Nations. Retrieved from <https://www.fao.org/support-to-investment/news/detail/fr/c/273495/>.
- [14] Duc Long. The importance of geographical indications for Vietnamese goods. Bac Giang Industry and Trade Department. Retrieved from <http://surl.li/pmwgoj>.
- [15] Kenfox law. How to register a geographical indication in Vietnam? - KENFOX IP & Law Office. Retrieved from <https://kenfoxlaw.com/how-to-register-a-geographical-indication-in-vietnam>.
- [16] National Assembly of Vietnam. Article 79, Article 80, Article 88.
- [17] M. A. Nguyen Thi Nguyet. Some legal regulations on intellectual property on geographical indication management activities of geographical indication management organizations. Retrieved from <https://kinhtevdubao.vn/mot-so-quy-dinh-phap-luat-so-huu-tri-tue-ve-hoat-dong-quan-ly-chi-dan-dia-ly-cua-to-chuc-quan-ly-chi-dan-dia-ly-28840.html>.
- [18] Thu Phan. Phu Quoc fish sauce reaches EU thanks to geographical indications. Retrieved from <https://thuysanvietnam.com.vn/nuoc-mam-phu-quoc-tiep-can-eu-nho-chi-dan-dia-ly/>.

- [19] Le Bac. EVFTA-Identifying challenges from intellectual property rights enforcement. Retrieved from <https://vjst.vn/vn/tin-tuc/4171/evfta---nhan-dien-thach-thuc-tu-viec-thuc-thi-quyen-so-huu-tri-tue.aspx>.
- [20] Ray, Neil. Phu Quoc fish sauce to be trademarked, 2009.
- [21] Hoang, G., Nguyen, T. T. Geographical indications and quality promotion of agricultural products in Vietnam: an analysis of government roles. *Development in practice*, 2020, 30 (4), 513 - 522.
- [22] Nguyễn, A. T., Phạm, V. T. A., & Nguyễn, X. D. Hiện trạng sản xuất và chất lượng của nước mắm mang chỉ dẫn địa lý Phú Quốc. *Tạp chí Khoa học-Công nghệ Thủy Sản, Trường Đại học Nha Trang*, 2019, 1, 087 - 094.
- [23] Hoang, G., Nguyen, T. T. Geographical indications and quality promotion of agricultural products in Vietnam: an analysis of government roles. *Development in practice*, 2020, 30 (4), 513 - 522.