

CLARIFYING THE GEOGRAPHICAL INDICATIONS REGIME IN SINGAPORE

Lessons From *Prosecco* and *Fonterra*

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The Geographical Indications Act 2014 was enacted to implement Singapore’s obligations under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the European Union – Singapore Free Trade Agreement. It remained relatively untested until two recent Court of Appeal decisions: *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 (“*Prosecco CA*”) and *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 (“*Fonterra CA*”). *Prosecco CA* clarified the evidential and procedural framework for opposition proceedings under s 45, while *Fonterra CA* did the same for qualification of rights proceedings under s 46. This piece evaluates these cases and seeks to draw out practical lessons for intellectual property practitioners in Singapore, while reflecting on Singapore’s unique consumer-centric approach to the protection of geographical indications.

Joel **KO**

LLB (Magna Cum Laude) (Singapore Management University).

1 The Geographical Indications Act 2014¹ (“GIA”), which came into force on 1 April 2019, is the main source of law governing geographical indications (“GIs”) in Singapore.² It represents part of Singapore’s obligations under both the World Trade Organization’s Agreement on Trade-Related Aspects

1 2020 Rev Ed.

2 Geographical Indications Act 2014 (2020 Rev Ed). Note: The Geographical Indications Act 2014 (2020 Rev Ed) only partially commenced on 1 April 2019, with other provisions coming into force subsequently, *eg*, upon the entry into force of the European Union – Singapore Free Trade Agreement on 21 November 2019.

of Intellectual Property Rights (“TRIPS Agreement”) and the European Union – Singapore Free Trade Agreement (“EUSFTA”).

2 Despite this significance, the GIA has, until recently, received relatively little judicial attention from the Supreme Court as to the application of the GIA provisions. However, this has changed with two recent Singapore Court of Appeal that have discussed the GIA extensively: *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc*³ (“Prosecco CA”) and *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano*⁴ (“Fonterra CA”). In *Prosecco CA*, the Court of Appeal considered an opposition to the registration of a GI,⁵ whereas in *Fonterra CA*, the Court of Appeal considered a request to qualify the scope of a registered GI.⁶

3 This article seeks to comprehensively lay out the state of the law on GI registration in Singapore, particularly in light of the two recent Court of Appeal decisions. First, the article outlines the legislative history and policy rationale behind Singapore’s GI regime. Next, it covers an analysis of *Prosecco CA* and *Fonterra CA*, before concluding with the key takeaways for intellectual property (“IP”) lawyers in Singapore.

I. A brief look at the Singapore geographical indication framework

4 GIs are defined under Art 22(1) of the TRIPS Agreement as:
... indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

3 [2023] 2 SLR 509.

4 [2024] 2 SLR 624.

5 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [16] and [18].

6 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [9].

5 At its core, GIs seek to indicate the origin of a product and the product quality associated with a certain region.⁷ As international trade and cross-border branding intensify,⁸ it has become imperative for a coherent legal regime that protects GI as a separate IP right governing the recognition, registration, and enforcement of GI-related rights.⁹ This serves two key interests: commercial interests of the traders and producers of goods from those regions;¹⁰ and consumer interest by assuring consumers that food products “truly carry the characteristics that they are known for, and which are attributable to their geographical origin”.¹¹

6 Enter the GIA: The GIA introduced a registration system which clarifies exactly which terms enjoy GI protections.¹² Under this model, producers of qualifying products may apply to

7 Lina Montén, “Geographical Indications of Origin: Should They Be Protected and Why? An Analysis of the Issue from the U.S. and EU Perspectives” (2005) 22 *Santa Clara High Technology Law Journal* 315 at 317.

8 Fabrizio De Filippis *et al*, “The International Trade Impacts of Geographical Indications: Hype or Hope” (2022) 112 *Food Policy* 1, cited in Diana Harding *et al*, “Geographical Indication in Indonesia: A Review on the Spatial Distribution and Classification of Geographical Indication-Registered Products and -Related Publications” (2024) 28(1) *The Journal of World Intellectual Property* 263 at 264.

9 “Second Reading Speech by Senior Minister of State for Law, Indranee Rajah SC, on the Geographical Indications Bill” (14 April 2014) <<https://www.mlaw.gov.sg/news/parliamentary-speeches/2r-speech-by-sms-on-geographical-indications-bill-2014/>> (accessed 10 March 2026) at paras 29–30.

10 Lina Montén, “Geographical Indications of Origin: Should They Be Protected and Why? An Analysis of the Issue from the U.S. and EU Perspectives” (2005) 22 *Santa Clara High Technology Law Journal* 315 at 317. See, for instance, access to border enforcement measures in Singapore in “Second Reading Speech by Senior Minister of State for Law, Mr Edwin Tong, on Geographical Indications (Amendments) Bill” (3 February 2020) <<https://www.mlaw.gov.sg/news/parliamentary-speeches/second-reading-speech-by-senior-minister-of-state-for-law-mr-edwin-tong-on-geographical-indications-amendments-bill/>> (accessed 10 March 2026) at para 7.

11 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [1]; “Second Reading Speech by Senior Minister of State for Law, Indranee Rajah SC, on the Geographical Indications Bill” (14 April 2014) <<https://www.mlaw.gov.sg/news/parliamentary-speeches/2r-speech-by-sms-on-geographical-indications-bill-2014/>> (accessed 10 March 2026) at para 19.

12 “Second Reading Speech by Senior Minister of State for Law, Indranee Rajah SC, on the Geographical Indications Bill” (14 April 2014) <<https://www.mlaw.gov.sg/news/parliamentary-speeches/2r-speech-by-sms-on-geographical-indications-bill-2014/>> (accessed 10 March 2026) at para 30.

register GIs in respect of specific product categories.¹³ This would then grant the producer access to statutory protections against misuse of the GI in the course of trade, such as those listed within s 4 of the GIA.¹⁴ This was aimed at improving the certainty of protection and facilitating enforcement of the rights flowing from a registered GI.¹⁵ Apart from offering a registration system, the GIA also included protections for third-party interests via an objection procedure, as well as rectification and cancellation of entries on the domestic register. These developments within the GIA were enacted to comply with Singapore's obligations for protecting GIs under the 2013 EUSFTA.¹⁶ Against this backdrop of the GIA developments, the two recent Court of Appeal cases on GIs provide a useful illustration of two types of key proceedings under the GIA: opposition proceedings and qualification of rights ("QoR") proceedings.

II. *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc: opposition proceedings under s 45 of Geographical Indications Act 2014*

A. *Introduction and facts*

7 In *Prosecco CA*, the dispute arose between two national trade bodies in the wine industry.¹⁷ The appellant, *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco* ("Consorzio"), was an Italian trade organisation, established to

13 Geographical Indications Act 2014 (2020 Rev Ed) ss 38 and 40.

14 Geographical Indications Act 2014 (2020 Rev Ed) s 4.

15 "Second Reading Speech by Senior Minister of State for Law, Indraneel Rajah SC, on the Geographical Indications Bill" (14 April 2014) <<https://www.mlaw.gov.sg/news/parliamentary-speeches/2r-speech-by-sms-on-geographical-indications-bill-2014/>> (accessed 10 March 2026) at paras 29–30.

16 Free trade Agreement between the European Union and the Republic of Singapore, [2019] OJ L 294/3, Arts 10.17(1)–10.17(2), cited in Susanna HS Leong, "European Union–Singapore Free Trade Agreement: A New Chapter for Geographical Indications in Singapore" in *Geographical Indications at the Crossroads of International and National Trade* (Irene Calboli & Ng-Loy Wee Loon eds) (Cambridge University Press, 2017) at p 240.

17 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [8]–[10].

protect, promote and market the GI “Prosecco”.¹⁸ The respondent, Australian Grape and Wine Inc (“AGWI”), represented grape growers and winemakers in Australia.¹⁹ On 3 May 2019, the Consorzio applied to register “Prosecco” as a GI in Singapore to designate wines originating from a specified region in northeast Italy.²⁰ The Registrar accepted this application and published it in the Geographical Indications Journal on 21 June 2019.²¹

8 Subsequently, the AGWI filed a notice of opposition on two separate grounds, first, under s 41(1)(a), that the GI was not a “geographical indication” under s 2(1) and second, under s 41(1)(f), that the GI “contained the name of a plant variety and was likely to mislead the consumer as to the true origin of the product”.²² The General Division of the High Court allowed the opposition under s 41(1)(f),²³ a decision against which Consorzio sought to appeal.

B. Test for opposition under s 41(1)(f)

9 Section 41(1)(f) provides that a GI must not be registered if it:

... contains the name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.

10 The Court of Appeal set out a threshold test for an opposition under s 41(1)(f) to succeed. This consists of two elements:²⁴

18 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [8].

19 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [9].

20 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [10].

21 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [10].

22 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [11].

23 *Australian Grape and Wine Inc v Consorzio di Tutela della Denominazione di Origine Controllata Prosecco* [2022] SGHC 33 at [34]–[42].

24 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [61].

(a) The proposed GI contains the name of a plant variety or animal breed (“Element 1”).

(b) Whether the GI sought to be registered is likely to mislead Singapore consumers as to the true geographical origin of the goods (“Element 2”).

11 In raising the ground of objection pursuant to s 41(1)(f), the burden lies on the party opposing the registration of the application GI (“opposer”).²⁵ This was based on the Court of Appeal’s reading of r 27 of the Geographical Indications Rules 2019 (“GIR 2019”).²⁶

12 For the first element, the Court of Appeal acknowledged that it was a threshold requirement that is usually uncontroversial.²⁷ However, disputes may arise in relation to exotic plant or animal names or other situations. In such a dispute, the assessment is an objective one.²⁸

13 The opposer must show that the name in question is recognised as the name of a plant variety or an animal breed “by a not insignificant population of people”.²⁹ The focus is on the use of the label amongst Singapore consumers. This could be fulfilled by adducing evidence such as “reputable scientific journals, legal registers of plant varieties or from the general usage of the term as denoting a plant variety or an animal breed among a body of consumers or producers”.³⁰ The Court of Appeal noted the situation where there is a change in the scientific or

25 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [64].

26 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [62]–[64]; Geographical Indications Rules 2019 r 27.

27 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [30].

28 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [30].

29 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [51].

30 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [51].

legal name of the plant or animal which may not lead to an immediate change in use amongst all consumers.³¹

14 The second limb concerns the perception of the Singapore consumer, whether the Singapore consumer is likely to be misled as to the true geographical origin of the goods by the GI that are sought to be registered.³² Given that the main tenet of this test depends on whether a consumer has been “misled”, the test focuses on matters which the Singapore consumer is aware of.³³ The Court of Appeal laid out three non-exhaustive considerations:³⁴

- (a) whether the consumer recognises the term as a plant variety or animal breed;
- (b) whether the consumer is aware of the involvement of the plant variety or animal breed in producing the goods in question; and
- (c) whether the GI is identical to the name of the plant variety or animal breed.

C. Application: a focus on local consumer in confusion inquiry

15 Although AGWI succeeded on Element 1, it failed in Element 2. AGWI succeeded in showing that “Prosecco” was objectively the name of a plant variety, by relying on the European Union (“EU”)’s recognition of “Prosecco” as a vine/grape variety and a catalogue from one of the largest vine nurseries in the world.³⁵ However, AGWI failed the second limb – to show that the application GI “Prosecco” was likely to mislead the Singapore consumer as to the true geographical origin of “Prosecco” (*ie*, that all wines labelled as “Prosecco”

31 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [50].

32 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [52].

33 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [61].

34 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [55]–[60].

35 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [67].

originate from the Italian regions and not in Australia).³⁶ The Court of Appeal noted two pieces of evidence that AGWI relied upon: (a) advertising materials; and (b) statistics on the increase in volume of Australian “Prosecco”.³⁷

16 First, in relation to advertising materials, while useful in showing how a GI is marketed locally and thus shapes consumer perception, it does not show the actual perception of the consumer. Instead, consumer surveys would be a more direct way to demonstrate whether the Singapore consumer would be misled by the application GI, though not determinative.³⁸ These surveys must be accompanied by evidence of the conduct of the consumer surveys, which includes data on the questions asked, demographics of respondents and how the surveys were conducted.³⁹ Second, in relation to the statistics on Australian Prosecco, while they show a growing local demand of Australian Prosecco,⁴⁰ it did not address the key inquiry of proving that the Singaporean consumer has been misled, and this “depends very much on what the Singapore consumer is aware of”.⁴¹

17 Hence, the Court of Appeal held that AGWI failed to discharge their burden under s 41(1)(f) to establish that the application GI is “likely to mislead the Singapore consumer as to the true geographical origin of ‘Prosecco’”.⁴² The registration of the GI “Prosecco” was thus allowed to proceed. Importantly, the Court of Appeal reinforced the general idea that a GI’s essential

36 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [66]–[70].

37 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [68]–[70].

38 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [68]–[69].

39 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [69].

40 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [70].

41 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [70].

42 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [74].

function is to “guarantee to consumers the geographical origin of the goods and the specific qualities inherent in them”.⁴³

D. Analysis and implications

18 The *Prosecco CA* decision provides practical lessons for parties in a GI registration – opposition proceeding. First, on the burden of proof, once the Registrar has examined and accepted a GI application for publication, there appears to be a presumption that the application meets the statutory requirements. Thus, if an opponent seeks to oppose the GI registration, the opponent bears the burden of proof to rebut the preliminary finding.

19 Second, the Court of Appeal also placed an emphasis on *local* consumer perception. While several pieces of evidence were raised by AGWI concerning the perception of “Prosecco” in other countries, this was not the focus of the courts. Instead, evidence would have to establish what the lay Singaporean consumer knew and how the Singaporean consumer would perceive the term.

20 Third, in discharging this evidentiary threshold, the opponent should use concrete, market-specific evidence rather than relying on speculative evidence. The Court of Appeal notably made clear that professionally-conducted consumer surveys could be a means for this evidential burden to be discharged, in contrast to advertising materials or sales statistics.

III. *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano: qualification of rights proceedings under s 46 of Geographical Indications Act 2014*

A. Background

21 In *Fonterra CA*, the Court of Appeal addressed an application by Consorzio del Formaggio Parmigiano Reggiano

⁴³ *Anheuser-Busch Inc v Budějovický Budvar, národní podnik* Case C-96/09, ECLI:EU:C:2011:189 at [147].

to register the GI “Parmigiano Reggiano” for cheese originating from specified provinces in Italy.⁴⁴ Fonterra Brands (Singapore) Pte Ltd (“Fonterra”), a global dairy company, applied for a QoR of the “Parmigiano Reggiano” GI in Singapore,⁴⁵ on the basis that “Parmesan” was not a translation of “Parmigiano Reggiano”,⁴⁶ and hence the GI protection granted to “Parmigiano Reggiano” should not extend to “Parmesan”. The General Division of the High Court initially rejected this argument on the basis that “Parmesan” was a translation of “Parmigiano Reggiano” and thus was covered under the protections given to the GI “Parmigiano Reggiano”.⁴⁷

22 The Court of Appeal allowed the appeal by Fonterra, and made further clarifications regarding the law of GIs, specifically on: (a) the burden of proof for QoR proceedings; and (b) the meaning of “translation” under the GIA. First, as to the burden of proof, the requestor seeking the carve-out bears the burden of proof to prove two thresholds at two different stages regardless of whether the request is opposed:⁴⁸

(a) The Registrar must be satisfied pursuant to r 40(4) of the GIR that the requested QoR discloses a *prima facie* case, before publication for opposition purposes.

(b) After publication, the Registrar must be satisfied, on a balance of probabilities, that either of the grounds in s 46(2) has been made out. Only then is the Registrar obliged to enter the QoR in the register. This applies even if the opposition is deemed to be withdrawn.⁴⁹

44 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [8].

45 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [9].

46 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [9].

47 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2023] SGHC 77 at [90], cited in *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [15].

48 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [32]–[34]; Geographical Indications Rules 2019 r 40.

49 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [44].

23 Further, the Court of Appeal made a distinction between opposition proceedings under s 45 and QoR proceedings under s 46 of the Geographical Indications Act 2019.⁵⁰ Opposition proceedings under s 45 arise in the context of an application for the registration of a GI.⁵¹ Such proceedings are triggered only after the Registrar has examined the application and made a *determination* that it satisfies the statutory requirements for registration, including that none of the grounds for refusal under s 41 of the GIA apply.⁵² Following this, the GI application is published in the Geographical Indications Journal.⁵³ Since the initial *determination* has already been made, if there is no notice of opposition within the prescribed period or if opposition proceedings are withdrawn or decided in favour of the applicant, the Registrar then registers the GI.⁵⁴

24 In contrast, the publication of a proposed QoR does not reflect any determination and merely serves as an advertisement meant to “evoke a response from the party whose interests would be affected by the proposed qualification of rights”,⁵⁵ not a determination on its merits [emphasis in original omitted]. At this stage, since there is no determination yet, the burden of proof remains on the requestor of the QoR, and the Registrar is not automatically obliged to allow the request even in the absence of opposition to the QoR application.⁵⁶ Hence, since Fonterra was seeking to apply for a QoR of the GI “Parmigiano Reggiano”, Fonterra bears the burden of proof to demonstrate that “Parmesan” was not a translation of “Parmigiano Reggiano” under s 46(1)(b), read with s 46(2)(b) of the GIA.

50 Act 19 of 2014. *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [42].

51 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [42].

52 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [42].

53 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [42].

54 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [42].

55 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [43].

56 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [43].

B. A consumer-centric approach towards “translation”

25 On the issue of translation for the purposes of s 46(1)(b), the Court of Appeal chose to adopt a faithful approach over a strict literal approach to translation to capture the essence of the term “Parmesan” as a whole.⁵⁷ This entails a consumer-centric approach taking into account how the term is understood locally, from the perspective of the average consumer in Singapore.⁵⁸ Thus, technical dictionary definitions are not determinative since it may not accurately reflect the local usage of a word in Singapore.⁵⁹

26 Instead, the Court of Appeal accepted Fonterra’s market evidence to demonstrate that “Parmesan” cheese was being marketed and sold in Singapore without any necessary link to Italy.⁶⁰ This was further supported by searches on online grocery stores – consumers who search “Parmigiano Reggiano” would unlikely be exposed to “Parmesan” as completely different products are shown for both results.⁶¹ Thus, “Parmesan” was considered to be marketed in Singapore as a generic cheese descriptor, rather than showing any geographical indication to Italy.

27 Taken together, this evidence indicated that the average Singapore consumer did not equate “Parmesan” with “Parmigiano Reggiano” and did not consider “Parmesan” to designate cheese originating solely from the relevant Italian regions.⁶² Instead,

57 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [46].

58 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [47] and [49].

59 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [53]–[55] and [64].

60 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [65].

61 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [77]–[78].

62 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [76]–[77].

“Parmesan” can be said to be a mere descriptive term referring to hard, dry cheese, irrespective of origin.⁶³

C. Analysis and implications

28 The *Fonterra CA* decision provides both procedural and substantive clarifications. First, the decision confirms that the requestor in a QoR application must bear the evidential burden of proof even in the absence of opposition, and even if there is publication of the QoR. Second, the interpretation of “translation” under s 46 of the GIA is anchored in the perceptions of the Singapore consumer.⁶⁴ Section 46 allows for a qualification of GI rights for terms which may be possible “translations” of the GI.⁶⁵ However, when determining whether a term constitutes a “translation” of the protected GI, the courts will not take a literal approach based on dictionary definitions.⁶⁶ Instead, the assessment focuses on the average consumer’s understanding of the alleged translation to determine whether the translated term should fall within the scope of GI protection, or whether a qualification of rights should be entered to exclude it.⁶⁷

29 By accounting for the contextual nuances within the Singaporean marketplace when interpreting translations, the Court of Appeal’s approach ensures that GIs serve their essential function within society, “to guarantee to *consumers* the geographical origin of the goods and the specific qualities inherent in them” [emphasis added].⁶⁸

63 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [65].

64 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [47] and [49].

65 Geographical Indications Act 2014 (2020 Rev Ed) s 46(1)(b).

66 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [54] and [56].

67 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [49] and [57].

68 *Anheuser-Busch Inc v Budějovický Budvar, národní podnik* Case C-96/09, ECLI:EU:C:2011:189 at [147], cited in *The Tea Board v OHIM* Case C-673/15, ECLI:EU:C:2017:702 at [56]; *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [49].

IV. Key takeaways for intellectual property lawyers in Singapore

30 First, the Court of Appeal has made clear that opposition proceedings and QoR proceedings operate differently and cannot be analogised to one another.⁶⁹ For instance, in QoR proceedings, principles applying to withdrawal and cancellation do not apply to reverse the burden of proof.⁷⁰ With these clarifications, the clear threshold tests for both opposition proceedings and QoR proceedings would also serve as useful guides for IP lawyers who have to deal with adversarial issues in this area.

31 Second, notwithstanding the separate regimes, Singapore courts place a heavy emphasis on the perception of consumers in the realm of GI law. In *Prosecco CA*, the main test that the Court of Appeal dealt with was whether a GI is “likely to mislead” under s 41(1)(f) of the GIA. In *Fonterra CA*, the Court of Appeal first grappled with the interpretation of “translation” that should be taken under s 46(2)(b). In both cases, there was particular emphasis on what the Singapore consumer thinks.⁷¹ Thus, evidence adduced in support of these proceedings must go beyond dictionary meanings and foreign registers, and has to represent the true lay Singaporean consumer’s point of view.

32 Third, building upon the emphasis on consumer perception, consumer surveys appear to be the strongest form of evidence in GI proceedings. Pertinently, the Court of Appeal made explicit reference to consumer surveys in *both Prosecco CA* and *Fonterra CA*,⁷² as long as they are accompanied by relevant evidence of how the surveys were conducted, including the

69 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [42].

70 *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [39] and [42]–[44].

71 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [68]; *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [47].

72 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [68]–[69]; *Fonterra Brands (Singapore) Pte Ltd v Consorzio del Formaggio Parmigiano Reggiano* [2024] 2 SLR 624 at [53] and [65].

questions asked and the demographics of those surveyed.⁷³ This appears to be the most direct form of evidence that the courts would accept to discharge either party's burden of proof, whether for opposition proceedings or QoR proceedings.

33 Fourth, on the international plane, Singapore's GI regime differs from other leading jurisdictions' on GI law. Take the EU for instance – while both the EU and Singapore define GIs in ostensibly similar terms,⁷⁴ both regimes have different considerations in their GI frameworks. Singapore's approach is more consumer-centric, where GI laws primarily serve to guarantee consumers about the geographical origin of the goods and the specific qualities inherent in them.⁷⁵ In contrast, the EU is more producer-centric, which includes broader protections, including “indirect commercial use” and “evocation”.⁷⁶

34 Perhaps this can be explained by the different trade contexts in both areas. Singapore imports over 90% of its food supply, with limited domestic food exports.⁷⁷ Europe, however, has a high export volume for food and agriculture,⁷⁸ which means

73 *Consorzio di Tutela della Denominazione di Origine Controllata Prosecco v Australian Grape and Wine Inc* [2023] 2 SLR 509 at [68]–[69].

74 Geographical Indications Act 2014 (2020 Rev Ed) s 2(1); Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, [1992] OJ L 208/1, Art 2(2)(b).

75 “Second Reading Speech by Senior Minister of State for Law, Indraneel Rajah SC, on the Geographical Indications Bill” (14 April 2014) <<https://www.mlaw.gov.sg/news/parliamentary-speeches/2r-speech-by-sms-on-geographical-indications-bill-2014/>> (accessed 10 March 2026) at para 19.

76 See *Scotch Whisky Association v Isetan Mitsukoshi Ltd* [2020] 3 SLR 725 and Art 13(1)(b) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs, [2012] OJ L 343/1. Cf s 4(6) of the Geographical Indications Act 2014 (2020 Rev Ed), where protection only extends to “use”.

77 Mok Wai Kit, Tan Yong Xing & Chen Wei Ning, “Technology Innovations for Food Security in Singapore: A Case Study of Future Food Systems for an Increasingly Natural Resource-Scarce World” (2020) 102 *Trends in Food Science & Technology* 155 at 156; Singapore Food Agency, “Singapore Food Statistics 2024”, media release (5 June 2025) <<https://www.sfa.gov.sg/news-publications/newsroom/singapore-food-statistics-2024>> (accessed 11 March 2026).

78 European Commission, “EU Agri-Food Exports and Imports Reached Record Levels in October 2024” (24 January 2025) <https://agriculture.ec.europa.eu/media/news/eu-agri-food-exports-and-imports-reached-record-levels-october-2024-2025-01-24_en> (accessed 11 March 2026).

there is an increased impetus to protect European domestic producers through a more robust GI statutory regime.

35 In conclusion, Singapore's current GIA is a robust one that promotes greater clarity for both consumers as well as traders and producers. The registered GI system, which allows for increased protection for GIs, also ensures a clearer and more efficient system for this newly recognised IP right. The Court of Appeal's two recent decisions on GI are significant to advance the jurisprudence in the Singapore GI landscape and emphasise the consumer-centric role of GI law in Singapore. On this note, these decisions also illustrate the evidential premium on market-specific consumer perception in the various GI proceedings.