



RESEARCH ARTICLE

Regulations on Rights and Obligations to Self-Control the Use of Geographical Indications under Vietnamese Law

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ARTICLE INFO	ABSTRACT
Received: Oct 17, 2024 Accepted: Dec 5, 2024	Despite existing legislation offering frameworks for oversight and self-regulation in the manufacturing and commerce of goods with geographical indications by entities and individuals, significant challenges persist regarding product quality and the regulation of geographical indications' usage. This significantly impacts consumer rights and the manufacture and trade of items with geographical indications by organisations and people in the marketplace. The origin of this predicament stems from deficiencies in the legislative regulatory framework. This article examines the legal provisions governing the rights and obligations associated with the self-regulation of geographical indications to guarantee the distinctive quality and geographical origin of products that bear such indications. Subsequently, measures are proposed to enhance legal regulations concerning the rights and obligations of organisations utilising geographical markers in the self-regulation of their usage.
Keywords	
<i>Law</i> <i>Geographical indications</i> <i>Self-control</i>	
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INTRODUCTION

Concept of geographical indications and behavior of using geographical indications

Vietnam is known as an agricultural country and most localities have typical products, creating the strength of the local agricultural economy. Geographical indications primarily enhance the value of goods, especially agricultural products. Products with geographical indications often receive the trust of consumers because of their special quality and safety. Thus, products with geographical indications are better positioned to stand out, even have more value than similar products on the market.

The 1994 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) officially used the concept of "geographical indication" based on the two terms "indication of source" and "appellation of origin" mentioned in the 1883 Paris Convention for the Protection of Industrial Property (Paris Convention 1883) and the 1891 Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement 1891). According to this Agreement, geographical indications are understood as "indications that identify goods 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”¹. The above concept shows that geographical indications can be any signs that indicate the origin of a product produced in a certain territory, locality or region. In which, the product bearing the geographical indication has quality, reputation or characteristics which are mainly determined by the geographical origin.

In Vietnam, for the first time, geographical indications were stipulated in Decree 54/2000/ND-CP dated October 3, 2000 and were protected at the same time as the appellation of origin of goods. The Intellectual Property Law 2005, amended and supplemented in 2009, 2019, 2022 (Intellectual Property Law 2005), has removed the term unified appellation of origin of goods and only uses the term geographical indication.. Clause 4, Article 22 of the 2005 Law on Intellectual Property stipulates: “A geographical indication is a sign used to indicate a product originating from a specific region, locality, territory or country”. Based on the characteristic of geographical indications as indicating the origin of a product, signs recognized as geographical indications must be visual signs such as words, images, and symbols. Thus, geographical indications can be any sign indicating the origin of a product. According to the provisions of Vietnamese law, geographical indications are owned by the State, therefore, those who have the right to use geographical indications only have the right to use but do not have ownership rights over geographical indications².

Currently, there is no unified definition of the term “use of geographical indications”. In the common sense, use is understood as “to use for a certain purpose”³. For a property in general, the right to use a property is the right to exploit the utility and enjoy the benefits and profits from the property within the permitted scope⁴. Thus, the law allows people to have the right to use property through applying the features and uses of the property to production and business activities to enjoy material benefits.

In which the law considers industrial property rights as a type of property, so the owner of the industrial property right has the exclusive right to apply the features and uses of that industrial property object to commercial production and business activities in order to gain benefits. However, there are many different types of industrial property objects with different properties and uses, so the act of using industrial property objects needs to be determined for each specific object. As for inventions, industrial designs, and semiconductor integrated circuit layout designs, these are objects with technical creativity, mainly exploited in industrial production activities to create products to serve the needs of life and society⁵. However, commercial indications such as geographical indications do not have the function of creating physical products, but contain signs attached to products with the purpose of providing information to consumers about the origin of the goods⁶, so the use of geographical indications only includes the exploitation of commercial uses and circulation⁷.

From a legal perspective, the laws of each country have different regulations on the form of implementation of the act of using geographical indications. Current Vietnamese law does not define what is considered an act of commercial exploitation, but lists acts of using geographical indications including⁸: Attaching protected geographical indications to goods, packaging of goods, means of business, transaction documents in business activities; Circulating, offering for sale, advertising for sale, storing for sale goods bearing protected geographical indications; Importing goods bearing protected geographical indications. According to Article L.722.1 of the French Intellectual Property

¹ Article 22.1 of the TRIPS Agreement

² Clause 4, Article 121 of the Law on Intellectual Property 2005

³ Institute of Linguistics (2006), Vietnamese Dictionary, Da Nang Publishing House, page 876

⁴ Article 189, Article 190 of the Civil Code 2015

⁵ Hanoi Law University, Intellectual Property Law Textbook, People's Police Publishing House, 2021, page 130

⁶ Hanoi Law University, Intellectual Property Law Textbook, People's Police Publishing House, 2021, page 131

⁷ Pham Van Tuyet, Le Kim Giang, Intellectual property and technology transfer, Hanoi Justice Publishing House, 2008, page 188

⁸ Clause 7, Article 124 of the 2005 Law on Intellectual Property, amended and supplemented in 2009, 2019 and 2022

Code, it can be understood that the act of using geographical indications includes the production, offering for sale, selling, placing on the market, importing, exporting, transporting, using or storing goods bearing geographical indications. This provision of the French Intellectual Property Code also recognizes acts of using geographical indications more broadly than Vietnamese law⁹. In addition, Article 18.77.2 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) stipulates that criminal sanctions must be imposed on the import or export of counterfeit trademark goods (or commitments can be implemented through the handling of acts of distributing or selling counterfeit trademark goods) on a commercial scale.

The predominant interpretation of geographical indications is their utilisation as a means of leveraging registered geographical indications, in accordance with legal provisions, to fulfil specific interests and objectives of the entities entitled to their use.

From the above concept, it can be seen that the behavior of using geographical indications has the following characteristics:

- Firstly, the act of using geographical indications is carried out by many different entities. While for other objects of industrial property rights such as inventions, industrial designs, trademarks, etc., the owner has the exclusive right to use the object he registered, geographical indications are considered common property that many different entities have the right to use. The registration of a geographical indication is not intended to create a monopoly but mainly to combat counterfeiting and unfair competition. Therefore, all individuals and organizations in the defined geographical area, when meeting the conditions, will have the right to use geographical indications.

- Second, the right to use geographical indications is a non-transferable right. Some industrial property objects such as inventions, designs, trademarks, the owner of these objects has the right to transfer the right to use or transfer ownership to another party. However, for geographical indications, due to the nature of an object closely related to the territory, the transfer will not be possible. This is also explained by the reason that the protected object here is not owned by the user.

The acts of using geographical indications can be classified into two groups: (i) The group of acts of directly using geographical indications: acts of directly using geographical indications include: acts of attaching (printing, pasting, sticking, casting, stamping or in other similar forms) protected geographical indications to goods, packaging of goods, means of business, transaction documents in business activities; (ii) The group of acts of indirectly using goods bearing geographical indications includes: acts of circulating, offering for sale, advertising for sale, storing for sale goods bearing geographical indications and acts of importing protected geographical indications. However, in practice, this distinction is only relative.

Concept of self-control of the use of geographical indications

“Control” is understood in many different ways. According to Henri Fayol, control is a commitment that includes recognizing all activities performed in accordance with accepted plans, procedures and principles. The object of control is to point out errors for correction and prevention. According to him, the control function includes: (i) Checking all activities against predetermined plans and principles; (ii) Taking appropriate corrective actions; (iii) Periodically checking weaknesses, errors and deviations from the plan; (vi) Checking the plan to ensure it is up to date and appropriate to the context. (Chartered Management Institute, 1999). According to Harold Koontz, control is the measurement and correction measures to ensure that goals and plans have been completed. According to Robert J. Mockler, Control is a systematic effort in business administration to compare performance with standards, plans, and set goals. From there, determine the appropriateness and

⁹ See Article L.722.1 of the French Intellectual Property Code 2014 on determining infringement of geographical indications <https://www.wipo.int/wipolex/en/text/585611> accessed 23.4.2024

take any necessary corrective actions to demonstrate that business resources are being used effectively and efficiently to achieve goals. In Vietnam, Vu Thieu and his colleagues believe that: "Control is the measurement and correction of performance to ensure that the goals of the enterprise and the plans outlined to achieve these goals are being completed"¹⁰. Although there are differences, in essence, control activities are understood to include activities aimed at checking to ensure that performance results meet the standards, plans, and set goals.

Thus, controlling the use of geographical indications can be understood as an inspection activity to ensure that the results of using geographical indications meet the standards and procedures recognized by the State. In other words, controlling the use of geographical indications can be understood as the process of checking the implementation of "commitments" between the owner of geographical indications and the State. In which, the State recognizes and grants privileges to the subjects, in return the subjects of rights to geographical indications commit to providing the market with products of a defined geographical origin that meet the criteria of quality, reputation and characteristics set forth in the Description¹¹. Therefore, to ensure that products with geographical indications comply with the criteria stated in the Description, control by both the State and the subject of rights is necessary. In which, self-control by the subject using geographical indications is indispensable. Self-regulation efforts may occur during the production process of products bearing geographical indications as well as when the products are circulated on the market.

At present, there is no official definition for self-regulation of geographical indications. However, there is a study that defines "self-management in the protection and enforcement of industrial property rights for geographical indications" as follows: "Self-management in the protection and enforcement of industrial property rights for geographical indications is the participation¹² of production households and local production organizations in the production¹³ and circulation of products bearing geographical indications in order to protect their legitimate rights and interests, contributing to the sustainable development and construction of local geographical indications".

Self-management to control the quality of products bearing geographical indications is carried out by the producers themselves. Although only producers who meet certain conditions are allowed to use geographical indications. However, self-control is carried out by the producers themselves to ensure not only the general reputation of the geographical indication but also the personal reputation of the producers.

Within the scope of the article, the author believes that: self-control of the use of geographical indications is understood as all activities of reviewing, monitoring, and evaluating the use of geographical indications according to the provisions of law carried out by the subject using geographical indications, through which it is possible to prevent and eliminate risks and wrongdoings of the subject using geographical indications themselves in the production of products

¹⁰ Vu Thieu, Nguyen Manh Quan, Nguyen Dang Dau (1993), Core issues of management, Hanoi Science and Technology Publishing House

¹¹ Vu Xuan Truong, Le Thi Thu Ha, "Controlling Vietnam's Geographical Indications in the Context of Implementing the Vietnam - EU Free Trade Agreement: A Case Study of Phu Quoc Fish Sauce", Journal of Commercial Science, No. 93/2016, page 55

¹² Conduct inspections of raw material origin; orient, inspect and supervise production, processing and product quality; confirm products bearing protected geographical indications; monitor compliance with regulations in production; processing; control the transfer of usage rights between production households, processing households and commercial households.

¹³ Manufacturing establishments must comply with the controlled processes listed in the registration dossier before being granted the right to use the GI. Even when this requirement is met, the quality of the products of those manufacturers varies.

bearing geographical indications, ensuring the maintenance of the specific properties and origin of products bearing geographical indications.

Legal regulations on rights and obligations in self-control activities of using geographical indications

Firstly, Regulations on the responsibilities of organizations and individuals producing products with geographical indications in self-control of the use of geographical indications

From the perspective of national law, the protection mechanism for geographical indications is not enough to only recognize the rights of the subjects, but also requires appropriate measures to prevent and combat illegal commercial exploitation of geographical indications by subjects without the right to use them.

The important factor of geographical indications compared to other industrial property objects is the combination of three factors including product, place of origin, and factors related to quality. Therefore, the key point of geographical indication protection is the mechanism to ensure the ability to trace the geographical origin of the product and ensure the specificity of the product through the process of strict control of product quality.

As presented above, to be granted a certificate of geographical indication, it is necessary to establish a Regulation on the management of geographical indications. This regulation is required by law to record the responsibility of organizations and individuals using geographical indications in controlling the use of geographical indications, specifically¹⁴: Ensuring the maintenance of the characteristics, specific quality, and reputation of products bearing geographical indications. This can be understood that organizations or individuals producing products bearing geographical indications self-control their own products. Based on the instructions and production processes established for the products, organizations and individuals producing products bearing geographical indications voluntarily comply with the regulations on the production of products bearing geographical indications and self-control the quality of their products to ensure the requirements stated in the Product Description. Geographical indication control is different from general product quality control, which is to control the specific features of products bearing geographical indications such as: whether the product is truly produced in the specified geographical area; whether the quality meets the standards specified in the Description or not. Hygiene and food safety control... are carried out by other administrative control organizations.

In the organization of geographical indication control, organizations and individuals using geographical indications must themselves come up with methods to control the specific quality of products bearing geographical indications. The law only provides general regulations on the responsibility to maintain the specific nature, quality and reputation of products bearing geographical indications, does not provide specific self-control methods that organizations and individuals using geographical indications must implement, but allows them to develop and apply necessary methods. Such regulations are completely reasonable for the following reasons: (i) First, the control method depends on the nature and conditions of production of each product, which will be different, so letting production organizations self-regulate will create suitability for each type of product and flexibility for organizations in the production process and self-control of the quality of their products; (ii) Second, although it is necessary to comply with the specific quality recorded in the description, the quality of products produced among manufacturers in a geographical area will not be uniform. Therefore, there is still competition between manufacturing organizations on quality, both to ensure the regulations in the description and to affirm the quality of their products to customers and to enhance the prestige and reputation of their manufacturing facilities in the market.

¹⁴ a 4, a Clause 2 Article 38 Decree 65/2023/ND-CP Decree implementing the 2005 Law on Intellectual Property on industrial property (Decree 65/2023/ND-CP)

As for the geographical indication of “Phu Quoc” fish sauce, the process of self-control, supervision and monitoring of the use of geographical indications by individuals and organizations granted the right to use geographical indications. This self-control activity is stipulated in the Regulations on the management of geographical indications of Phu Quoc fish sauce and must comply with the provisions of the Control Plan to ensure the conditions for the protection of geographical indications. Organizations and individuals granted a certificate of the right to use geographical indications must organize control, including the following main requirements: (i) organize management by fermentation tank according to the tank code, record goods, monitor all activities in production and quality of final products; (ii) monitor the use of stamps and labels of goods in accordance with regulations; (iii) control, evaluate sensory, analyze product quality when detecting suspicious signs¹⁵.

Second, Regulations on the right to participate in developing regulations on management of geographical indications, including control mechanisms

In order to effectively manage geographical indications, thereby ensuring the quality of products with geographical indications and the reputation of geographical indications, it is necessary to have a unified regulation in the management of geographical indications, avoiding arbitrariness, unfairness and transparency in geographical indication management activities. The development and promulgation of regulations on geographical indication management is the responsibility of the geographical indication management organization - this is a new point of Decree 65/2023/ND-CP when regulating geographical indications. Assigning responsibility to the geographical indication management organization is reasonable because geographical indications are the common property of local product manufacturers, who are most knowledgeable about the quality characteristics as well as the production process. In other words, the organization representing the geographical indication management of product manufacturers is the one who best understands the characteristics of the product, and at the same time best understands its management capacity. Therefore, the organization managing geographical indications will develop a geographical indication management regulation suitable for the geographical indications it manages.

According to the provisions of law, the control of the use of geographical indications is a content of the Regulations on the management of geographical indications that the Geographical Indication Management Organization must be responsible for developing and promulgating. The law does not provide a general management regulation for all geographical indications, but allows the management organization for each specific geographical indication to develop its own separate management regulation for that geographical indication. However, the law also stipulates that the management regulation must meet certain conditions: (i) the regulations on the management of geographical indications must include main contents such as regulations on products bearing geographical indications, regulations on the recognition of organizations and individuals using geographical indications, mechanisms for inspection and control of the use of geographical indications, rights and responsibilities of organizations and individuals using geographical indications, etc.¹⁶; (ii) solicit opinions from organizations and individuals producing products bearing geographical indications before promulgation; (iii) not unreasonably restrict the legal right to use geographical indications of organizations and individuals producing products bearing geographical indications¹⁷.

¹⁵ Handbook on management and use of geographical indications of Phu Quoc fish sauce for fish sauce products, <https://thuvien.hlu.edu.vn/KIPOSDATA0/KIPOSSysWebFiles/files/SanPham/TaiLieuDuAnMuTrap/GT%2C%20STK/SoTayHuongDanVaSuDungChiDanDiaLyPhuQuoc.pdf>, accessed on December 4, 2024

¹⁶ Point a Clause 2 Article 38 Decree 65/2023/ND-CP

¹⁷ Point b, c Clause 2 Article 38 Decree 65/2023/ND-CP

Although there are regulations on self-control measures for the use of geographical indications, the law still has some shortcomings in legal regulations and practices as follows:

+ Firstly, the control here is only one-way, the enterprise itself implements control measures for its product production activities, without mentioning cross-control measures between enterprises in the same production area.

Control and monitor the use of the brand: the activities of the enterprise and the brand are directly linked to each other, so the management and exploitation of the brand must be reasonable and carefully prepared. The activity of controlling the use of the brand means controlling the information transmitted to consumers; monitoring the use of the brand by competitors to minimize the risks that affect the enterprise's brand... Controlling the use of the brand also includes actions to protect against infringement, acts of brand abuse that reduce the prestige, reputation and value of the enterprise's products. Self-control is carried out by organizations and individuals who directly use the geographical indication, so it can be understood that they control the quality and origin of products with their geographical indications, but at the same time it can be understood as mutual control between organizations and individuals using the same geographical indication. However, currently the law does not have any regulations allowing these organizations and individuals to control each other.

+ Second, there is a lack of self-control mechanism between production facilities and business establishments of products with geographical indications attached.

It is possible that the production stage of the product with the geographical indication has ensured the origin, quality, and specific characteristics of the product with the geographical indication as stated in the Description, however, in the intermediary stage between the manufacturer and the consumer, there is a business department. And the product quality may be reduced and not guaranteed when the product is transferred to the hands of the business intermediary.

It can be seen that in the process of packaging, preserving and transporting goods, there has not been a clear interest, close supervision and strict management of the products protected by this directive. Therefore, it has caused a decline in the quality of goods when they reach consumers, because through intermediate stages, the products are easily mixed with ingredients, the transportation time is long, and the weather conditions are not guaranteed, leading to an impact on the true quality of the protected GI product. The case of Shan Tuyet Moc Chau tea GI is typical of that situation when the product is only packaged in 35 kg bags and transported to other places for sale, accounting for up to 90%¹⁸. When the product reaches the hands of the intermediate distributor, it is opened and packaged into individual packages for consumption, it is inevitable that the goods will be mixed with similar products from other places. This causes the quality of agricultural products with geographical indications to decline and their reputation to be lowered compared to other commodities¹⁹.

+ Third, inadequacies in practice and legal regulations on subjects participating in the development of technical procedures and procedures for controlling geographical indications.

Before this regulation, in fact, for each geographical indication, there were regulations on the management of geographical indications in general and regulations on the self-control mechanism for the use of geographical indications in particular. However, not all regulations on the management of geographical indications are effective, but there are some practical shortcomings related to the implementation of self-control of geographical indications in practice: difficulties in fully complying

¹⁸ Bộ Nông nghiệp và phát triển nông thôn, Những giải pháp để phát triển đăng ký cho các sản phẩm đặc sản ở Việt Nam, NXB. Nông nghiệp, 2007

¹⁹ Nguyen Manh Hoang, Pham Thi Phuong Mai, "Some recommendations on the use and protection of geographical indications for agricultural products in Vietnam", *Journal of Marine Science and Technology*, No. 68 (11-2021), 2021

with the production regulations according to the Description of Specific Characteristics approved by the State. For example, in the case of Phu Quoc fish sauce production facilities, there are problems in the product consumption stage. If they fully comply with the production regulations according to the Product Description, the product cost is quite high, the product will mainly be distributed in the high-end market segment while many facilities do not have enough capacity to develop this distribution channel. In addition, these production facilities also face difficulties in the lack of anchovy raw materials, bottling products at the production site... during the product production process²⁰.

One of the main reasons for this problem is that currently, organizations and individuals doing business in Vietnam have a rather vague role in the development of the Description of the specific characteristics of products with geographical indications, regulations on the management of geographical indications... In reality, these organizations and individuals are not the main participants in the process of developing the Description of the specific characteristics of products, participating in the development of regulations on the management of geographical indications. This leads to disagreements in the product production process as well as controlling the production of products according to the Description. In the case of developing registration dossiers, technical processes for geographical indications of Phu Quoc fish sauce on fishing techniques and fish soaking standards are a typical example. Only about 30% of manufacturing enterprises participate in the process of developing technical regulations and there is no participation of fishermen, raw material collectors, and regulations are developed by enterprises.

In addition, in the process of developing the description and regulations on management of geographical indications, other relevant organizations and individuals have not been mobilized to contribute their opinions to develop the description of specific characteristics of the product, technical process, regulations on management and control of products with geographical indications, etc. This can easily lead to conflicts of rights and interests between relevant entities, causing complications in the process of controlling product quality. Typically, the current ban on businesses bottling fish sauce with Phu Quoc label in Ho Chi Minh City has caused many reactions. These businesses said that there has been no research proving that bottling in Ho Chi Minh City causes changes in the quality and characteristics of Phu Quoc fish sauce. In addition, businesses in Ho Chi Minh City are the place where Phu Quoc fish sauce indications are developed and commercialized. If they are not allowed to bottle in Ho Chi Minh City, part of this industry will not develop. At the same time, bottling in Phu Quoc and transporting the product to Ho Chi Minh City will certainly increase the selling price of the product. Thus, the regulations on control are too tight and strict in the Management Regulations and technical processes of the geographical indication of Phu Quoc fish sauce, which restricts and discourages a part of the participants in using the geographical indication.

Some recommendations to improve the law on rights and obligations in self-control activities of organizations and individuals producing products with geographical indications

First, supplement regulations on cross-control rights between manufacturing enterprises in the same production area.

First of all, based on the theory of intellectual property, intellectual property rights are a worthy reward for investment in creative activities - as a driving force for the development of the whole society. For geographical indications, the community of producers and traders are those who have invested manual and intellectual labor to create the process, know-how and reputation of the product throughout history, so their legal rights to geographical indications must be higher than the right to use geographical indications simply granted by the State. In addition, reality shows that, from the

²⁰ Vu Xuan Truong, Le Thi Thu Ha, "Vietnam's control of geographical indications in the context of implementing the Vietnam – EU Free Trade Agreement: A case study of Phu Quoc fish sauce", *Journal of Commercial Science*, No. 93/2016, page 60

registration process to the management process of geographical indications, without the contribution of production and business entities in building specific criteria and standards of geographical indications and ensuring these criteria and standards in the production and business process, geographical indications do not exist. Therefore, production and business entities need to take a proactive role in controlling the use of geographical indications by their production establishments and have cross-control over the use of geographical indications by other production establishments.

However, it can be seen that the control here is only one-way, the enterprise itself implements control measures for its product production activities, without mentioning cross-control measures between enterprises in the same production area. Controlling internal deterioration and protecting against external infringement are necessary and must be done simultaneously. Therefore, the law needs to have regulations on the rights and responsibilities of organizations and individuals producing cross-control between organizations and individuals producing products with geographical indications.

Self-control is carried out by organizations and individuals who directly use geographical indications, so it can be understood that they control the quality and origin of their products with geographical indications, but at the same time it can be understood as mutual control between organizations and individuals using the same geographical indication. However, the law currently does not have any regulations allowing these organizations and individuals to control each other. Cross-control activities between organizations and individuals producing products with geographical indications are necessary because of their high efficiency. Because of the specificity that the producers of the products are often in the same locality or territory. Although people who use geographical indications have common benefits from using geographical indications, there is still a certain level of competition in the process of consuming products. As discussed above, products produced by manufacturers in a region, even within the same production association under the management of a collective management organization, can still have differences in product quality.

Therefore, the law needs to supplement regulations so that organizations and individuals in the production area of geographical indication products have the right to control each other. This will increase the efficiency in controlling product quality, while reducing financial and time waste of the organizations and individuals producing the products and of the State.

Second, supplement the control rights of production households over business households of products with geographical indications that they produce.

Self-control mechanism between the production facility and the business establishment of products with geographical indications. The production stage of products with geographical indications may have ensured the origin, quality, and specific characteristics of the products with geographical indications as stated in the Description, however, for the intermediary stage between the manufacturer and the consumer, there is a business department. And the product quality may be reduced and not guaranteed when the product is transferred to the hands of the business intermediary. Therefore, the law needs to have regulations on the self-control mechanism between the manufacturer and the business establishment.

In addition, organizations and individuals owning goods protected by geographical indications need to pay attention and closely monitor the packaging and preservation of goods. Clearly define the form, volume, and quantity in a packaging unit to avoid the situation of changing packaging that can easily cause mixing and deterioration of the characteristic quality of the protected product²¹.

²¹ Nguyen Manh Hoang, Pham Thi Phuong Mai, "Some recommendations on the use and protection of geographical indications for agricultural products in Vietnam", *Journal of Maritime Science and Technology*, No. 68 (11-2021), 2021

+ Third, supplement the regulations on a number of entities that are entitled to participate in giving opinions and developing control procedures and technical procedures for geographical indications.

Knowing that, in order to be able to use geographical indications, organizations and individuals must ensure the following control contents: control of product origin; control of compliance with regulations on production, processing, use of product labels and packaging; control of the quality of final products bearing geographical indications in commercial activities and other related contents. However, as analyzed in section 2, the regulation of technical procedures and control procedures is unreasonable - either too tight or too loose - leading to obstacles in the use and development of geographical indications. Therefore, the participants in giving opinions and building control procedures and technical procedures for geographical indications need to have representatives not only of production establishments but also of organizations and individuals trading in products bearing geographical indications to ensure the rights of all organizations and individuals in the chain of activities related to quality control and product origin. At the same time, it also increases the consensus of subjects using geographical indications and raises awareness of self-control of the use of geographical indications in all stages from production to the circulation of products bearing geographical indications on the market.

In summary, the composition of participants in developing regulations on management of geographical indications, developing control processes, technical processes for manufacturing products bearing geographical indications, etc. needs to include representatives of business households to ensure the rights of all organizations and individuals in the chain of activities related to management and control of geographical indications. First of all, organizations and individuals trading in products bearing geographical indications are allowed to participate in giving opinions on developing regulations on management of geographical indications, specifically amending and supplementing Point b, Clause 2, Article 38 of Decree 65/2023/ND-QP as follows: "Regulations on management of geographical indications must be consulted with organizations and individuals producing and trading in products bearing geographical indications before being promulgated."

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