

Guide to applying for a geographical indication

Both New Zealand and foreign GIs for wines and spirits can be registered in New Zealand. This guide outlines the application process.

Once a geographical indication (GI) application has been filed, the examination **fee is non-refundable**. We recommend preparing thoroughly before submitting an application.

Note: You don't need to be an IPONZ registered user or have a RealMe login to apply to register a GI.

Who can apply

Any "interested person" can apply to register a GI. Typically this would be:

- a wine or spirits producer
- a wine or spirits trader
- an association of producers or traders.

If you're considering applying to register a GI, it's a good idea to contact your relevant industry organisation first. Their involvement is likely to streamline the process - plus they may have an application already underway.

What can be registered

A GI relating to a wine or a spirit that originates in New Zealand, or overseas, can generally be registered, as long as:

- its use or registration is not likely to be offensive
- it's not identical to:
 - a registered GI
 - the customary name of a grape variety (eg, 'Syrah')
- it's not identical or similar to a registered trade mark (see below)
- it's not the common name in New Zealand for the goods it identifies (eg, 'vodka' for spirits)
- for a foreign GI, it remains in use or protected in its country of origin.

Relationship with trade marks

Broadly, GIs identify a good as having certain characteristics linked to the particular location they come from. A trade mark identifies a good or service as coming from a particular owner, such as a company.

It is possible that some applications to register GIs will relate to trade marks that have priority as certification, collective trade marks, or ordinary trade marks.

Before you apply for a GI you should:

- check the [GI register](#) to see whether there are any previously filed GIs identical to the GI being applied for, and
- search the [TM register \(http://app.iponz.govt.nz/app/Extra/Default.aspx?op=EXTRA_tm_qbe&fcoOp=EXTRA_Default&directAccess=true\)](http://app.iponz.govt.nz/app/Extra/Default.aspx?op=EXTRA_tm_qbe&fcoOp=EXTRA_Default&directAccess=true) to see whether there are any potentially identical or similar trade marks in respect of identical or similar goods to those covered in the GI application.

Both of the above could be a restriction on registration.

For more detailed information about the relationship between trade marks and GIs, see the [Practice guidelines](#).

How to apply for a New Zealand GI

To apply for a New Zealand GI you need to complete the relevant details in the [online application form](#).

You will be asked to submit the geographical data demonstrating the boundary of the proposed GI and attach evidence documents to support your application.

Note: You don't need to be an IPONZ registered user or have a RealMe login to apply to register a GI.

Prepare geographical data

The online application form requires you to upload a data file containing the geographical coordinates that define the boundary of the proposed GI.

We recommend engaging an expert in the field of geographical information systems (GIS) to help you with this requirement.

If you prefer to create the data file yourself, you can use a GIS application, such as [QGIS](#) (free and open source). You will need to upload a single archive format file (acceptable formats are .zip, .rar, .7z, .tar.gz, and .tar.bz2).

[Contact us](#) if you need help with getting started, or see our [Practice Guidelines](#) for more detailed information about defining a GI boundary.

Prepare documentation

The online application form requires you to attach supporting documentation, submitted as a single PDF file.

You'll need to provide us with the following information, in the form of a sworn affidavit or statutory declaration which must be signed by an authorised person, such as a solicitor or a Justice of the Peace ([Oaths and Declarations Act 1957](#)).

This information should include:

- An explanation of the quality, reputation or other characteristic that is essentially attributable to the area within the GI boundaries.
- Evidence to support the given quality, reputation or other characteristic. See [Provide evidence \(https://www.iponz.govt.nz#evidence\)](https://www.iponz.govt.nz#evidence) for more details.
- A statement from the relevant national or regional industry organisation in support of the application (if applicable)..
- A description of any proposed conditions on the use of the GI.

Provide evidence

Providing evidence is of critical importance and should be thoroughly prepared. Applicants should provide credible evidence that demonstrates the extent of the reputation of the wines or spirits from the geographical area. This information will help us with our decision on your application.

The following is a list of information which may be included in your evidence documentation. Bear in mind that the particular

circumstances of each GI application will be unique so this information should be used as a guide only.

History and background

The quality, reputation and other characteristics of wine or spirits from a particular area will often be linked to the founding and development of the area for wine or spirit production. Background may also include a description of the history relating to the word that indicates the area as a GI.

Geographical features in the area

Geographical features may include general topography, elevation, natural features that provide shelter or that alter wind direction, ridges, valleys, plains, underground waterways and water tables, proximity to the coast or other bodies of water, slope, aspect and accessibility.

Soil composition in the area

Soil composition in the area may include the soil type or types (such as sandy, clay, silt or loamy soils), and the presence of particular rock (such as gravel, schist or slate). The characteristics of the soil such as its temperature, pH, drainage, salinity and nutrient/mineral profile may also be relevant.

Climate in the area

Applicants may choose to include relevant climate data from the geographical area such as rainfall, temperature, prevailing winds and hours of sunshine. Ideally, such evidence should comprise or be supported by research data from a reputable institution.

Methods of producing wines and spirits

Human factors such as viticulture, winemaking or spirit-making practices may also be relevant. These factors are likely to be linked closely to natural factors such as steep, inaccessible terrain which can mean that less mechanisation is feasible. This in turn may mean that the wines or spirits from that area must be premium goods that are sold at a high price point in order to be profitable.

Quality

The qualities of a wine or spirit from a particular area may include its aroma, flavour profile, sweetness, acidity, tannin, fruit, colour, structure, body, texture and viscosity, alcohol by volume, cellaring potential, typicity, signature characteristics, and varieties.

Reputation

Where relevant, applicants should provide evidence that shows the extent of the reputation of wines and spirits from the area. This may include:

- Evidence that wines or spirits are sold and/or promoted by reference to the GI.
- Statements from chambers of commerce and industry or other trade and professional associations that the wine or spirit has a reputation that is essentially attributable to its origin.
- Evidence that the GI influences consumer purchasing decisions.
- Evidence of tourism linked specifically to the wines or spirits from the relevant area, such as vineyard or distillery tours.
- Sales figures, export figures and/or market share (may be provided on a confidential basis).
- Marketing spend (may be provided on a confidential basis) and marketing activities such as advertising, tastings and other promotional events.
- References to the GI in books, articles, blogs, social media, websites and menus from restaurants and bars.
- Evidence of national and international awards won by wines and/or spirits from the relevant geographical area.

See the [Practice Guidelines](#) for more detailed information about these evidence requirements.

Apply using the online form

Once your documentation is ready you can apply for a GI using this online form:

How to apply for a foreign GI

To apply for a foreign GI you need to complete the relevant details in the online application form.

You will need to include:

- The name of the geographical indication.
- The language the name is in.
 - If in a language other than English or Maori, then an English translation of the name is required.
 - If the name uses non-Latin characters, then a transliteration of the name is required.
- The country of origin in which the GI is protected.
- A statement that the GI is protected in its country of origin and has not fallen into disuse in that country.
- Whether the GI relates to a wine or a spirit.

Prepare documentation

You'll also need to provide us with documentation that shows that the geographical indication is already protected in another country. This should include:

- Copies of the regulations, rules, or other documents that specify the protection given to the foreign GI in its country of origin, including any conditions on its use.
- A description of any proposed conditions on the use of the GI in New Zealand.
- Any other relevant information.

Unlike New Zealand GIs, you are not required to provide details of the geographical boundaries or documentation explaining the quality, reputation or other characteristic of the wine or spirit.

We may choose to request for a certified copy of any document filed in support of an application before the application can be accepted.

Apply using the online form

Once your documentation is ready you can apply for a foreign GI using this online form:

Next steps

We may need to ask for more information after the application is submitted.

Once the application meets all other filing requirements, we'll email you confirmation and an invoice for payment of the application fee. This must be paid within 10 working days.

When the application fee has been paid:

- the applicant will receive a filing date via email
- the application to register the GI will appear on the [GI Register](#)

See the [GI examination process](#) for more information on what happens next.
