JURNAL CITA HUKUM (Indonesian Law Journal)
FSH UIN Syarif Hidayatullah Jakarta
Vol.14 No. 1 (2026), pp. 367-388, DOI: 10.15408/jch.v14i1.50966

Cross-border Protection of Geographical Indications between China and ASEAN under the Regional Comprehensive Economic Partnership*

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10.15408/jch.v14i1.50966

Abstract
Following the entry into force of the RCEP, trade in agricultural products and specialty foods between China and ASEAN has grown, highlighting the role of geographical indications in enhancing quality reputation and market bargaining power. However, cross-border circulation also brings risks such as counterfeiting, free-riding on reputation, and squatting. Existing legal protections struggle to match the risks brought by trade expansion. This paper employs qualitative analysis, comparative analysis, and rule interpretation methodologies. From the perspective of integrating the RCEP framework with China's domestic institutional practices, it proposes advancing procedural alignment and directory-based mutual recognition based on the premise of unified expression through rights information packages. By refining conflict resolution rules and establishing coordinated enforcement mechanisms, it aims to forge an enforceable and sustainable path for regional cooperation.
Keywords: Geographical Indications; RECP; ASEAN; China; Regional Cooperation; Cross-border Protection

* Received: January 14, 2026; revised: February 14, 2026; accepted: March 21, 2026; published: March 30, 2026.
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A. INTRODUCTION

The entry into force of the Regional Comprehensive Economic Partnership (RCEP) has provided a more stable institutional framework for East Asian regional economic integration, while also objectively promoting higher-frequency and higher-density economic and trade exchanges between China and ASEAN. As tariff reductions, customs clearance facilitation, and rule harmonization are progressively implemented, the growth trend in intra-regional agricultural and food trade has become more pronounced. Against this backdrop, geographical indication (GI) products, which serve as both "indicators of origin" and "endorsements of quality", have become a key tool for member economies to capture market share and enhance the value-added of agricultural products. China and ASEAN share geographical proximity and a mix of complementary and competitive industries, with many traditional agricultural products and processed foods enjoying strong market recognition within the region. While expanded trade brings opportunities, it simultaneously amplifies risks of unfair competition such as counterfeiting and free-riding on reputations, making cross-border protection of geographical indications more urgent.

Geographical indications are not ordinary commercial symbols. They are often intrinsically linked to the natural conditions, traditional craftsmanship, and cultural history of specific regions, embodying not only economic value but also cultural and social significance. Precisely for this reason, once geographical indications enter cross-border supply chains, they inevitably encounter the tension between "territorial rights" and "the realities of cross-border trade": intellectual property protection typically relies on national laws and exhibits pronounced territoriality, while the trade and circulation of geographical indication products inherently transcend national borders. The greater the institutional differences and the weaker the enforcement cooperation, the higher the cost for rights holders to enforce their rights abroad, and the greater the likelihood of counterfeit goods circulating in the market. Ultimately, this harms not only the interests of specific rights holders but also consumer trust and the fair competitive order within the region.

From the perspective of international rules, the intellectual property arrangements under RCEP represent a regional advancement built upon existing multilateral frameworks. On one hand, they respect the varying levels of development and legal traditions among member states; on the other, they seek to enhance the predictability of regional protection through procedural rules and cooperative principles. Regarding geographical indications, RCEP does not mandate a uniform protection model for member states. Instead, it acknowledges

that parties may choose different paths to achieve protection and remedies based on their domestic laws. This design preserves institutional flexibility for member states and provides an interface for China and ASEAN to explore mutual recognition and mutual preservation. However, in practice, diverse approaches often imply inconsistent standards and varying procedures, meaning cross-border protection will not automatically become seamless merely because an agreement framework exists.

Against the backdrop of the Regional Comprehensive Economic Partnership (RCEP), the core challenge for cross-border protection of geographical indications between China and ASEAN lies in addressing the following questions: How can we prevent geographical indications from being counterfeited or having their reputations exploited in cross-border transactions as regional trade becomes more convenient and market circulation more frequent? How can we establish more stable and enforceable mechanisms for rights confirmation, examination, remedies, and law enforcement cooperation—despite the objective existence of institutional differences—to safeguard the interests of rights holders while maintaining consumer trust and a fair competitive order?

Literature Review

Before discussing the cross-border protection of geographical indications between China and ASEAN under the RCEP framework, it is essential to clarify several fundamental concepts. The reason why geographical indications often spark disputes in cross-border trade is not merely because "someone is counterfeiting"—it stems from the fact that different jurisdictions have inconsistent legal classifications, methods of establishing rights, and avenues for redress for the same subject matter. Without first clarifying these concepts, subsequent analyses of the issues and challenges will lack a common context. It also becomes difficult to explain why, even with an "agreement framework" in place, the actual protection outcomes may still fall short.

1. Geographical Indication

First, we must define the term "geographical indication (GI)" itself. According to the prevailing interpretation in international intellectual property rules, a geographical indication is a "mark" used to identify that a particular product originates from a specific country or region, and that the product's specific quality, reputation, or other characteristics are essentially attributable to that geographical origin. The key here lies not in whether it is a place name, but

in its ability to establish a stable link between the "place of origin" and the "product characteristics." Consumers are often willing to pay higher prices for certain products based on long-established reputation of the origin, natural conditions, and quality expectations derived from traditional craftsmanship. Therefore, geographical indications serve not only as market identifiers but also as quality guarantees and reputation accumulators. Numerous studies further emphasize that GI is not merely a commercial symbol; it often embodies local knowledge, cultural traditions, and industrial organization methods, a phenomenon particularly evident in the agricultural and food sectors.

The concept of GI is closely related to historically earlier expressions such as "Appellation of Origin" and "Place of Origin Marking." These can be understood as different stages within the same lineage: early international regulations primarily addressed the relationship between place of origin and quality through "source identification" and "appellation of origin." Later, with the development of international trade and intellectual property systems, the clearer and more universally applicable concept of "geographical indication" gradually emerged. These terms are not simply synonymous: Place names typically emphasize the close connection between product quality and the region's natural and cultural factors, sometimes requiring a stronger "linkage intensity." In contrast, the scope of geographical indications is relatively broader; in principle, any product whose quality, reputation, or other characteristics can be primarily attributed to its geographical origin may be eligible for protection. Understanding the evolution of these concepts is significant because cross-border protection often involves situations where the same product is identified and protected under different legal names in different countries, creating challenges for institutional coordination and mutual recognition and protection.

2. Legal Nature of GI

The second point to clarify is the "legal nature of geographical indications," as this directly influences the choice of protection model. The defining characteristic of geographical indications is their "collective nature": they are not identifiers created out of thin air by individual enterprises, but are linked to a region's public resources and shared reputation. Consequently, much research tends to view geographical indications as a form of intangible property, advocating for their recognition as an independent asset within the intellectual property framework. This approach seeks to address their protection and utilization needs through a relatively stable rights structure. At the same time, however, geographical indications possess distinct public and industry-specific

characteristics: they are typically used collectively by qualified producers within a defined area, maintaining quality and reputation through uniform standards. It is precisely this intertwined nature of "private rights and public powers" and "market and regulation" that has led to different approaches to GI protection across countries: some nations prefer to manage them as trademark-like identifiers, while others emphasize specialized systems that comprehensively regulate product standards, geographical boundaries, and oversight procedures.

3. Protection Approaches for GI

From a comparative law perspective, the internationally influential approaches to protecting geographical indications can be broadly categorized into two types. One type centers on specialized systems, typically establishing comprehensive arrangements through dedicated legislation or specific chapters governing the application, examination, registration, usage conditions, quality control, and administrative oversight of geographical indications. This pathway often emphasizes the objective correspondence between "product-origin-standard" and institutionally strengthens public regulation and quality control. The other approach centers on trademark systems, commonly registering geographical indications as collective or certification marks to integrate them into the rights framework and remedies of trademark law. This approach formally aligns more closely with the logic of "identification rights," often prioritizing market recognition and the potential for confusion, and is typically influenced by the institutional structures governing trademark terms and renewals. In practice, many countries adopt a hybrid model, allowing both trademark and specialized pathways to operate concurrently, or employing different tools for different product categories or stages.

China's institutional practices are closely tied to this comparative framework and require clear conceptual distinctions. China has long maintained a multi-path system: on one hand, geographical indications can enter the trademark law framework through collective trademarks or certification trademarks. On the other hand, a separate system exists for protecting geographical indication products, with an additional management system for agricultural products established within the agricultural sector. For this paper, this multi-path coexistence is not merely institutional diversity; it impacts the unified external expression of cross-border protection. When the same object may correspond to different registration channels, competent authorities, and documentation requirements domestically, clearly communicating the rights status, applicable standards, and remedy pathways to foreign partners becomes

a prerequisite for cross-border cooperation. Therefore, when discussing institutional coordination later, the integrability and exportability of domestic systems must be examined as a key dimension.

4. Cross-border Protection for GI

The concept of cross-border protection for GI extends beyond mere "anti-counterfeiting" or "rights enforcement" abroad; it constitutes a comprehensive institutional framework. It encompasses at least three elements: establishing a recognizable legal basis in foreign jurisdictions (such as registration, recognition, or protection through treaty arrangements); ensuring access to effective remedies when rights are infringed (including administrative enforcement, judicial relief, and border measures); and reducing the likelihood of infringement in daily trade through information disclosure, traceability, and compliance mechanisms. The complexity of cross-border protection largely stems from the territorial nature of intellectual property rights: rights granted or recognized by one country do not automatically take effect in another unless acknowledged by that country's domestic law or facilitated through treaties, agreements, or reciprocal arrangements. For geographical indications, this territoriality is even more pronounced in practice. This is because countries differ significantly on whether geographical indications should be subject to "strong protection" or "weak protection," and whether they should be primarily governed by specialized laws or trademark laws. This divergence results in higher thresholds for the transfer of rights and mutual recognition and protection.

5. RCEP Framework for GI

The intellectual property provisions of RCEP adopt a relatively pragmatic approach to geographical indications: while emphasizing the need for protection, it does not mandate a single model for members. Instead, it recognizes that protection can be achieved through trademark systems, specialized systems, or other legal avenues, while setting out compatible requirements for procedural aspects such as applications, oppositions, and cancellations. In other words, RCEP functions more as a communicable, interoperable minimum common framework. This allows members with differing institutional traditions to preserve their domestic regulatory space while gradually advancing procedural transparency and facilitating cooperation. Precisely because it offers a framework rather than a unified code, the successful implementation of cross-border protection ultimately hinges on whether members can establish more detailed

collaborative mechanisms for specific aspects, such as how rights are established, conflicts are resolved, and infringements are remedied.

6. Conflicting Concepts

Finally, several "conflicting concepts" frequently arise in cross-border protection discussions and warrant clarification here. The first is "prior rights," particularly the relationship between geographical indications and pre-existing registered trademarks: in many systems, trademark rights acquired in good faith and established before the geographical indication may impose restrictions on subsequent GI protection. Striking a balance between safeguarding GIs and respecting existing trademark rights is a frequent source of cross-border disputes. The second is "generic terms," where names originally carrying geographical connotations may, through prolonged commercial use, become perceived by the market as generic designations for goods. Once deemed generic, the scope and strength of protection for such terms typically diminish significantly. Third is the handling of "identical or similar geographical indications." Different production regions may share identical or similar place names or traditional designations, which can easily lead to confusion and disputes in cross-border markets. Institutionally, conflicts are typically mitigated through restricted labeling methods, supplementary explanations, or differentiation rules. While these concepts may appear highly technical, they ultimately translate into compliance costs and enforcement expenses in real-world transactions, directly impacting the operational feasibility of the mutual recognition and protection mechanism between China and ASEAN.

7. Problems Statement

Following the entry into force of the RCEP, the flow of goods and services between China and ASEAN has intensified, enabling agricultural products, foodstuffs, and goods with distinct regional characteristics to expand rapidly within the regional market. The GI falls precisely into this category of rights—the more they circulate, the more valuable they become, yet the more susceptible they are to counterfeiting. Relying on the reputation accumulated over time in their place of origin, once entering cross-border markets, GIs face risks of source confusion, reputation exploitation, and even systematic counterfeiting. In reality, these risks are far from abstract. Relevant studies examining the current state of China-ASEAN cooperation directly point out that the depth of existing collaboration does not match the scale of trade volume. This disparity means

products still encounter significant intellectual property barriers when entering each other's markets. Examples cited include high rates of counterfeiting in cross-border trade and the preemptive registration of geographical indication-related labels.

Against this backdrop, the RCEP does indeed provide an institutional platform for alignment, but a platform is not equivalent to a mechanism. The agreement adopts an open approach to geographical indication protection, allowing members to choose between trademark systems, specialized systems, or other legal avenues. It emphasizes establishing transparent domestic application procedures, granting stakeholders the right to raise objections and seek legal remedies, while also recognizing pathways for protecting or recognizing geographical indications through international agreements. These arrangements imply that members can at least reach a consensus on fundamental principles like procedural transparency and rights remedies, laying the groundwork for future mutual recognition and mutual protection. The issue, however, is that RCEP does not directly provide a list of mutually recognized and protected products that can be automatically implemented. Nor does it further codify key elements such as the scope of protection and recognition criteria into uniform rules. The agreement largely remains at the level of "framework-based minimum standards." Specific details on mutual recognition, enforcement cooperation, and conflict resolution still primarily depend on subsequent arrangements and bilateral/multilateral collaboration among members. This creates a core contradiction: while trade facilitation accelerates the cross-border circulation of GI products, the confirmation of rights and enforcement cooperation have not simultaneously established replicable, enforceable regional mechanisms.

Looking further, China and ASEAN have not adopted consistent approaches to protecting geographical indications. Research generally indicates that Europe and the United States have long established two primary traditional pathways: dedicated legislation and trademark law. Through institutional transplantation and localization, China and ASEAN countries have gradually formed a coexisting framework of trademark-based, dedicated, and hybrid models. On the surface, this multi-model coexistence appears to accommodate differences. However, in cross-border protection scenarios, these divergences directly translate into variations in rights confirmation pathways, examination priorities, and the delineation of rights boundaries. This makes mutual recognition, reciprocal protection, and enforcement cooperation difficult to align directly. More practical obstacles lie in the uneven legislative and administrative capacities across nations. Some systems have encountered "cultural

incompatibility" during transplantation, resulting in inconsistent protection levels that objectively slow down the pace of regional cooperation.

Beyond institutional differences, deficiencies in the cooperation mechanisms themselves also constitute a significant part of the problem. Regarding specialized cooperation, China and ASEAN's dedicated collaboration in the field of geographical indications remains relatively limited. More representative cooperation has been concentrated in memoranda of understanding and pilot mutual recognition initiatives between China and Thailand. While projects like the "China-Thailand 3+3" initiative have achieved some progress, they still fall short of covering the breadth of China-ASEAN trade overall. When cooperation remains confined to localized pilot initiatives, infringement and unfair competition in cross-border markets become more susceptible to emerging in a scaled and covert manner. The materials indicate that while China imports substantial quantities of Thai jasmine rice annually, counterfeit products accounted for a high proportion of Thai jasmine rice repackaged in China for a period. Simultaneously, Vietnamese coffee brands with significant market influence faced trademark squatting of their Chinese and English labels upon entering the Chinese market. These phenomena reveal that the real challenge in cross-border protection lies not in the difficulty of individual rights enforcement, but in the incomplete chain of "rights confirmation—market supervision—relief collaboration."

For China, there remains a more structural prerequisite issue. The coexistence of multiple intellectual property legal systems within China has led to inconsistencies in the definition, rights confirmation, and management of geographical indications. This, in turn, affects the expression of rights and the export of systems during international cooperation. Research has clearly pointed out that China's protection of geographical indications has long been characterized by the parallel operation of trademark law protection, regulations for geographical indication products, and regulations for geographical indications of agricultural products. Inevitably, conflicts and constraints arise between these systems, hindering not only domestic development but also creating obstacles to participation in international collaboration. Similar concerns extend to conceptual levels. Terminology and constitutive elements vary across different systems, and conceptual inconsistencies directly impede subsequent rights confirmation and protection. When China struggles to define rights status through a clear, stable, and internationally communicable framework domestically, achieving efficient and predictable cross-border mutual recognition and protection becomes even more challenging procedurally.

Therefore, raising the issue of "cross-border protection of China-ASEAN geographical indications" under the RCEP framework does not fundamentally address whether protection is needed, but rather three more specific and challenging questions: First, how to establish a recognizable and enforceable rights foundation for geographical indications in each other's markets despite existing institutional differences among members. Second, how to integrate transparent application and opposition procedures with effective remedies and enforcement cooperation to address the frequent occurrences of counterfeiting and squatting in practice. Third, how to advance pilot-based cooperation toward more stable institutional arrangements at the regional level, preventing cross-border protection from remaining fragmented and low-coverage over the long term, a state that struggles to match the growing scale of trade and market risks.

B. METHODS

First, a qualitative research approach was employed to systematically organize existing research and policy materials. On one hand, by reviewing domestic and international discussions on the geographical indication system, the primary divergences between China and ASEAN in protection model selection, rights structures, and regulatory logic were identified. On the other hand, drawing on studies related to regional cooperation and trade practices, frequently occurring institutional bottlenecks in cross-border protection were distilled to avoid drawing conclusions based solely on case-specific experiences.

Second, comparative research methods were employed to analyze China and ASEAN member states (along with representative extra-regional models). Geographical indication protection has long been shaped by distinct international traditions, with cross-border disputes often stemming from differing "protection pathways" rather than mere variations in enforcement strength. The comparative analysis focuses not merely on listing institutional differences but on interrogating the underlying institutional objectives. For instance, specialized systems emphasize the holistic relationship between "origin-standards-regulation," while trademark-based approaches prioritize the rights logic of "mark-market-confusion." Through comparison, we can more accurately discern which differences constitute technical issues that can be bridged through procedural coordination, and which represent structural issues requiring institutional arrangements via treaty provisions or mutual recognition rules. Existing research has also emphasized comparing the similarities and differences in GI protection between China and ASEAN to summarize

experiences and draw on applicable outcomes, providing direct reference for this paper's methodological choices.

Third, this study adopts a normative interpretation approach to focus on rules related to geographical indications within RCEP's intellectual property provisions, contextualizing them within existing international frameworks like TRIPS. RCEP provides "framework rules" and procedural requirements for GI protection, but the practical effectiveness of cross-border protection often hinges on the operational feasibility of key processes—including applications, oppositions, revocations, conflict resolution, and remedial coordination. Accordingly, this paper deconstructs key institutional elements at the textual level and compares them with domestic law and existing international rules to more clearly delineate the institutional space and boundaries RCEP leaves for China-ASEAN cooperation. Relevant studies discussing the RCEP intellectual property chapter have also adopted an approach of first introducing the provisions and then comparing them with domestic and international rules, providing a methodological reference for this paper's treaty interpretation path.

Finally, to prevent discussions from remaining purely abstract, this paper will incorporate practical observations and case analyses. It will contextualize cross-border protection challenges within real transaction chains, examining questions such as: "How do differences in rights confirmation pathways affect market access in the other party?" "Why are trademark squatting and counterfeiting more prevalent in certain product categories?" and "How do administrative oversight and judicial remedies fail to coordinate effectively in cross-border scenarios?" These practical observations do not pursue strict statistical empiricism but emphasize testing institutional reasoning against verifiable real-world scenarios. This approach ensures that subsequent proposed solutions are more actionable and targeted.

C. RESULTS AND DISCUSSION

1. Existing Challenges and Obstacles

The most immediate difficulty in advancing cross-border protection of GI under the RCEP framework between China and ASEAN stems from institutional differences that do not automatically disappear upon signing the agreement. RCEP functions more as a minimal common platform, emphasizing transparent procedures, remedy channels, and a degree of convergence space. However, it does not establish uniform rules governing the entities responsible for GI protection, the level of protection, or the avenues for redress. Consequently, as

GI products circulate more frequently within the regional market, rights confirmation, examination, enforcement, and remedies still primarily rely on each country's domestic systems. These differences are amplified in cross-border scenarios, often leaving rights holders aware of infringements yet struggling to resolve them in a low-cost, predictable manner. The current challenges and obstacles faced by China and ASEAN in advancing cross-border GI protection under RCEP manifest primarily across the following dimensions.

The first layer involves the alignment costs stemming from differing institutional approaches. China and ASEAN countries do not follow a single model for protecting geographical indications: some rely more heavily on collective or certification trademarks under the trademark system, others favor dedicated legislation or administrative registration, while others adopt hybrid approaches. On the surface, this diversity offers flexibility. However, cross-border protection requires rights expressions that are compatible and verifiable. Different approaches entail distinct examination priorities, varying methods of defining rights boundaries, and differing logics for authorization and oversight. For the same product, what may be recognized as a trademark right in one country could be interpreted as an administratively regulated geographical indication in another. This discrepancy can lead to inconsistencies in required evidence, eligibility criteria for rights holders, usage conditions, and revocation standards. The result is that rights holders must re-adapt to an entirely new set of rules when entering another market. They must understand the procedures while navigating potential conflicting regulations, making cross-border protection inherently challenging from the outset.

The second layer stems from external communication challenges arising from multiple parallel systems within China. Domestic practices have long featured a multi-channel framework for rights confirmation and management, with differences across channels in concept usage, supporting documentation, competent authorities, and regulatory approaches. For domestic governance, this parallel system incurs coordination costs; for cross-border cooperation, it further complicates external communication. Overseas partners typically seek a clear, stable, and verifiable rights status. However, the same geographical indication may correspond to different registration categories or management systems within China, and rights holders may involve diverse structures such as industry associations, local organizations, or administrative departments. When discussing mutual recognition and protection abroad, failure to articulate rights attribution, usage standards, regulatory responsibilities, and remedy pathways through a consistent framework risks leaving cooperation at the level of principles, hindering further institutionalization.

The third layer of challenges involves the high incidence of rights conflicts, particularly concerning prior trademarks, similar identifiers, and risks of genericization. Cross-border markets often see earlier instances of trademark squatting and free-riding compared to domestic markets. Some operators may preemptively register trademarks identical or similar to geographical indications, or create associations with the reputation of the place of origin through packaging, translations, or spelling variations. Even if rights holders can prove their geographical indication is recognized domestically, they may still face prior trademark objections when entering foreign markets. More complexly, certain names may become genericized in specific markets through long-term trade. Once deemed generic in certain jurisdictions, protection strength significantly diminishes, potentially making it difficult to prevent others from using the term. For GI holders, such conflicts are not merely legal issues but also involve market education, industry self-regulation, and long-term brand management. However, when these conflicts occur in cross-border scenarios, the costs and time required for resolution are often significantly higher and longer.

The fourth challenge lies in the insufficient coordination between enforcement and remedies. In practice, geographical indication infringements often manifest as chain-like violations. Counterfeiting occurs at the production stage, adulteration at the distribution stage, traffic diversion at the platform stage, and borderline labeling at the retail stage. Relying solely on addressing one stage makes comprehensive governance difficult. This is especially true in cross-border scenarios, where infringements may span multiple jurisdictions, making evidence collection, standard application, and jurisdictional coordination more challenging. Even if one country possesses a relatively mature administrative enforcement system, differences in another country's enforcement resources, practices, or judicial remedy efficiency can prevent rights holders from receiving equivalent levels of protection when facing infringement. Simultaneously, the coordination between border measures, customs enforcement, and domestic market regulation directly impacts whether counterfeit goods can be intercepted early in the trade chain. Insufficient coordination often forces rights holders into reactive measures only after products enter the market, diminishing both the effectiveness of governance and the deterrent effect.

The fifth challenge lies in the absence of sufficiently comprehensive, routine cooperation mechanisms. While pilot projects and memoranda of understanding have emerged in certain countries and product categories, the depth and breadth of regional cooperation remain disproportionate to the scale of trade. Sustainable cross-border protection of GI cannot rely indefinitely on individual projects or ad hoc cases; it requires more stable, institutionalized

interfaces. Examples include information sharing, mutual access to registries, standard comparisons, review coordination, enforcement liaison, and dispute resolution channels. Without these routine tools, cross-border protection often manifests in two extremes. One relies solely on rights holders navigating the process independently, resulting in high costs and uncertainty. The other depends solely on ad hoc administrative coordination, lacking replicability. Over time, this makes it difficult to achieve stable improvements in protection outcomes.

The sixth challenge relates to industrial organization and quality control capabilities, which is particularly critical in the field of geographical indications. The core competitiveness of geographical indications stems from consistent quality and verifiable links to their place of origin. If production area standards are unclear, producer organizations are underdeveloped, and quality control and traceability systems are insufficiently rigorous, then even with legal rights secured, trust can easily be diluted in the marketplace, leaving room for counterfeiters. In cross-border protection, overseas regulatory authorities and market entities often focus on whether you can prove the product genuinely originates from the designated region and meets the specified standards. When significant gaps exist between countries in inspection and testing capabilities, industry standard systems, and certification and traceability infrastructure, the technical foundation for mutual recognition and protection becomes unstable. This instability can lead to bottlenecks in specific cases and for specific products.

In summary, these challenges do not exist in isolation; they often compound one another. Institutional differences make it difficult to establish rights, conflicts of rights hinder market entry, insufficient enforcement coordination complicates remedies, and weak information and standards infrastructure complicates proof. Precisely because these difficulties form a chain, solutions cannot remain mere declarations of principle. Instead, they must integrate rule coordination, procedural alignment, mutual trust in standards, and law enforcement cooperation within a single framework. Only then can the transaction costs and enforcement expenses of cross-border protection be genuinely reduced.

2. Recommendations

To ensure that the cross-border protection of geographical indications between China and ASEAN under the RCEP framework is truly effective, user-friendly, and sustainable, our approach must move beyond abstract slogans of

protection. Instead, we should break down cross-border protection into a functional chain. First, ensure that rights are visible and recognized in each other's markets. Then, enable timely intervention and effective remedies when infringements occur. Simultaneously, make it easier for the market to distinguish genuine products from counterfeits and foster greater willingness to pay for authentic goods. The value of RCEP lies precisely in preserving institutional flexibility for members while establishing foundational requirements such as procedural transparency and objection remedies. Within this framework, China and ASEAN must translate these minimum common rules into operational regional cooperation mechanisms and ensure domestic systems are exported externally in a clearer and more consistent manner.

First, address the prerequisite obstacles to international cooperation by leveraging the compatibility of China's own institutional framework. The initial step in cross-border protection is ensuring counterparties can accurately understand "what rights are being asserted, where the boundaries of those rights lie, who is authorized to use them, and how compliance can be demonstrated." If China's GI system continues operating with multiple parallel frameworks and inconsistent standards, international discussions on mutual recognition and protection will face high communication costs, difficulties in verifying rights status, and challenges in building trust among partners. Therefore, domestic efforts should prioritize standardizing GI rights expressions and enhancing their international interpretability. At a minimum, stable and consistent presentation methods must be established for key elements such as concepts, product specifications (standard documents), production area boundaries, eligibility criteria for users, and quality control and regulatory responsibilities. This does not necessarily require immediately overturning existing approaches, but rather ensuring that different pathways converge into a single "verifiable, traceable, and interoperable" rights information package when presented internationally. This reduces the difficulty for foreign review authorities and market entities to understand and validate the information.

Building on this foundation, the second step involves translating the procedural common requirements provided by RCEP into a clearer "mutual recognition and mutual protection pathway" between China and ASEAN. While RCEP does not mandate a single protection model for its members, it emphasizes establishing transparent application procedures, allowing stakeholders to raise objections, providing avenues for revocation and remedies, and acknowledging the possibility of achieving GI protection through international agreements or mutual arrangements. To enhance the institutional effectiveness of these rules within the region, China and ASEAN can adopt a "layered advancement"

strategy for mutual recognition and protection. This begins with procedural alignment and information sharing, establishing a shared database of basic GI information and verification mechanisms. This enables competent authorities and rights holders in each country to quickly access details on mutually recognized GIs, corresponding product standards, production areas, usage conditions, and contact points. Building on this foundation, they can then gradually advance a "list-based mutual recognition" mechanism. This approach would initially cover key products with high trade volumes, frequent disputes, and mature industries, creating replicable rule templates and collaborative review processes. Subsequently, the scope could expand to more product categories and additional member states. This phased approach avoids the pitfalls of overly hasty implementation while steadily accumulating mutual trust and experience through rolling expansion.

The third step involves directly addressing the most challenging issue of rights conflicts in cross-border protection by institutionalizing conflict resolution rules in advance, rather than waiting for disputes to arise before coordinating on a case-by-case basis. The most frequent conflicts between China and ASEAN in cross-border markets primarily involve prior trademark preclusion, disputes over genericization of names, and confusion arising from identical or similar names. The key to resolving these issues lies in establishing handling principles and evidentiary requirements as early as possible, while providing predictable resolution pathways. For instance, regarding conflicts between geographical indications and prior trademarks, efforts can be made to establish clearer examination cooperation and communication mechanisms. For GI applications or recognition requests entering each other's markets, early searches should identify potential prior trademark risks. Rights holders should be permitted to fully present arguments regarding bona fide use, historical use, likelihood of confusion, and consumer perception. Simultaneously, encouraging approaches like restricted labeling, supplementary explanations, or coexistence agreements can balance interests without compromising consumer recognition. For genericization disputes, emphasis should be placed on market evidence as the core, establishing more consistent evidentiary rules and evaluation frameworks to avoid subjective judgments. For homonymous or similar geographical indications, greater emphasis should be placed on presenting distinguishing information. For instance, confusion can be reduced through measures such as production area restrictions, standardized translations, and standardized packaging labels, institutionally establishing distinctiveness as a prerequisite for protection and coexistence.

The fourth step is to make law enforcement and remedies more routine and standardized in cross-border collaboration. The challenge in addressing geographical indication infringements lies in the fact that they are rarely isolated incidents but rather chain-like activities spanning production, distribution, platforms, and end-users. In cross-border scenarios, these chains become longer, evidence more dispersed, and resolution slower. To enhance overall efficiency, more stable regional enforcement cooperation mechanisms must be established. On one hand, promote the creation of liaison systems between competent authorities, enabling rights holders to identify contact points more quickly and shorten the time required for cross-border complaints and evidence exchange. On the other hand, facilitate coordination between border controls and domestic market supervision. For instance, establish risk warning and information-sharing mechanisms at key ports and for critical product categories, reducing the diffusion costs of counterfeit goods entering the market through earlier interception. Furthermore, given that e-commerce platforms have become a major arena for cross-border infringement, platform governance must be incorporated into the regional cooperation agenda. Rules for identifying and handling "high-risk keywords" and "high-risk packaging elements" related to geographical indications should be formulated. Consistent operational standards should be established for complaint handling, removal speed, evidence preservation, and repeat offender penalties, reducing the reliance on rights holders to pursue individual cases for online governance.

The fifth step is to establish mutual trust in standards and traceability capabilities as the technological foundation for cross-border protection. The effectiveness of geographical indication protection ultimately hinges on whether the market is willing to trust and distinguish products with authentic origins and genuine standards. If regional standards are ambiguous, quality control is weak, and traceability systems are absent, even legal victories may lose market trust, making it easier for counterfeiters to exploit loopholes. To address this, China and ASEAN can advance standard alignment and mutual recognition for key product categories. At minimum, core elements of product specifications should be made translatable, verifiable, and comparable. Evidence capabilities can be enhanced through third-party testing, regional certification, and digital traceability. For products with high cross-border circulation, unified or compatible traceability labeling rules can be explored. This enables consumers, platforms, and regulators to verify origins more conveniently without imposing excessive burdens. Once this technological foundation is established, the cost of evidence for cross-border enforcement and judicial remedies will significantly decrease, thereby enhancing the enforceability of rights.

The sixth step is to enhance the institutionalization of cooperation by replacing pilot programs with formal cooperative mechanisms. Existing cooperation experiences demonstrate that while individual projects can yield results, they lack sufficient coverage and sustainability, and struggle to keep pace with the regional trade growth spurred by RCEP. A more viable approach is to build upon existing bilateral cooperation to establish a permanent coordination arrangement for China-ASEAN geographical indications cooperation. This should include fundamental modules such as regular communication, information sharing, capacity building, case assistance, and standards exchange, while setting clear work objectives and measurable deliverables. Examples include annually updating mutual recognition lists, issuing risk warnings, conducting joint training, and developing guidance based on typical cases. Institutionalization does not equate to bureaucratization. The key lies in consolidating fragmented experiences into replicable operational rules, enabling rights holders and market entities to develop stable expectations rather than starting coordination from scratch each time an issue arises.

Step seven involves clarifying dispute resolution and remedial cooperation mechanisms. In cross-border protection, many disputes extend beyond simple questions of infringement to involve complex issues such as conflicting rights, evidentiary rules, translation standards, and regulatory benchmarks. Without clear communication channels and dispute resolution pathways, conflicts may become entangled in repeated back-and-forth between administrative and judicial bodies, resulting in high costs, prolonged timelines, and uncertain outcomes. China and ASEAN can establish tiered processing pathways within their cooperative mechanisms. Initial fact-checking and preliminary coordination should be handled by liaison points from competent authorities. When necessary, technical assessments and standard interpretations at the expert level can be initiated before proceeding to formal administrative or judicial processes. This approach reduces the costs of immediately escalating all issues to litigation while enabling faster damage control when disputes can still be resolved through technical clarification and procedural correction. For cases that genuinely require legal proceedings, efforts should be made to facilitate evidence assistance and document communication, thereby enhancing the accessibility of cross-border rights protection.

In essence, the core of the solution lies not in pursuing a completely unified legal system, but in establishing a closed-loop system within the RCEP framework that integrates compatible information, enforceable procedures, collaborative law enforcement, and verifiable standards. Only when rights confirmation becomes easier, conflict resolution more predictable, infringement

governance timelier, and genuine product identification more convenient can the cross-border protection of geographical indications truly serve the trade growth and industrial upgrading of China and ASEAN. This will also advance regional cooperation from the level of principles to a sustainably functioning institutional framework.

D. CONCLUSION

The Regional Comprehensive Economic Partnership has deepened regional market integration and clarified the strategic value of geographical indications in China-ASEAN economic and trade cooperation. This extends to both the quality trust and brand premium of agricultural products and food, as well as the regional fair competition order and consumer interests. The practical challenges of cross-border protection stem not only from frequent infringements but also from the inherent structural tension between the "territorial nature of rights" and the "cross-border nature of trade" inherent in geographical indications. When protection pathways are fragmented, procedural standards vary, conflict resolution rules remain ambiguous, and collaborative mechanisms are inefficient, infringement governance becomes high-cost and low-certainty, thereby undermining the positive role geographical indications play in industrial upgrading and trade expansion.

To ensure cross-border protection truly aligns with trade growth under RCEP, cooperation objectives must shift from declarations of principle to institutional development. On one hand, unified, verifiable rights expressions and standard documents should enhance the system's external interpretability, reducing the costs of mutual recognition and protection. On the other hand, procedural transparency, objection remedies, conflict resolution, and enforcement collaboration must be integrated to form a closed-loop system spanning rights confirmation to supervision, from ports to platforms, and from markets to judicial remedies. Simultaneously, mutual trust in standards and traceability capabilities are not ancillary elements but the technical foundation for the enforceability of cross-border protection. Only by clearly defining procedural norms can mutual recognition and enforcement cooperation become more stable and efficient.

Looking ahead, China-ASEAN cooperation on geographical indications is best pursued through a gradual, phased approach that leverages pilot projects to drive broader implementation. By first establishing replicable rules and tools in key product categories, major trade corridors, and high-risk scenarios, and then

gradually expanding to broader areas, this approach can continuously reduce compliance and enforcement costs while enhancing identification and enforcement efficiency. Cross-border GI protection will thus transcend being merely an intellectual property issue, becoming a crucial institutional pillar for deepening industrial synergy, promoting high-quality trade, and strengthening regional trust within the RCEP framework.

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