LAO PEOPLE'S DEMOCRATIC REPUBLIC

Publication of an application for registration of Geographical Indications pursuant to article 39 of Intellectual Property Law (amendment) No. 39/NA, date 15 November 2017

Date of Publication: 15 July 2020

Pursuant to article 12 of Decision on Geographical Indications No. 2221/MOST, date 3 October 2019, any third party may file an opposition against the application for registration of geographical indication within 60 days from the date of publication on the Official Gazette on Industrial Property

1	Geographical Indications to be protected:	SCOTCH WHISKY
2	Country of Origin:	United Kindom
3	Number of filing:	GI/08
4	Date of filing:	5/6/2020
5	Name of applicant	The Scotch Whisky Association
6	Full address of applicant	Quartermile 2, 2 Lister Square, Edinburgh, EH3 9GL, United Kingdom
7	Type of product	Whisky (Under classification in Annex II of the Regulation (EC) 110/2008 and under the United Kingdom Scotch Whisky Regulations 2009) International class 33
8	Description of product to which the GI is applied	<u>Appearance</u> Scotch Whisky is a transparent liquid ranging in colour from pale yellow to deep amber. The product may exhibit a haze on storage at low temperatures, such as below 0ºC, but such a haze may also be apparent in some Scotch Whiskies after mixing with water and/or ice. <u>Aroma and flavour</u>

The aroma and flavour derive from the distillation of a fermented substrate, made from malted barley with or without other cereals, followed by maturation in oak casks. The characteristics of single whiskies are dependant inter alia on the specific distillery processes used and the subsequent maturation. Grain Scotch Whiskies are typically lighter in aroma and flavour than Malt Scotch Whiskies. Blended Scotch Whiskies derive their characteristics from the interaction of their single whisky components, which have been chosen to complement each other.
There is a wide range of aromas and flavours in individual Scotch Whiskies, for example, from the light, grainy slightly pungent characteristics of relatively young Grain Scotch Whisky to the rich, fruity and smooth characteristics of a well-matured Malt Scotch Whisky. Some Malt Scotch Whiskies, which have been made using malted barley that was dried over a peat fire, may exhibit distinctive "peaty" aromas.

Specific characteristics of Scotch Whisky compared to other whiskies

The common element of all whiskies is the distillation from cereals in such a way as to retain the aroma and flavour derived from the raw materials with the development of further complexity during years of maturation in wooden casks. However, whiskies produced in different countries have different characteristics. 4 29 August 2013 Although there are only around 100 Scotch Whisky distilleries in Scotland, there are thousands of different brands of Scotch Whisky each with its own character. Many of these are a result of blending Single Malt and Grain Scotch Whiskies. All of these brands share the distinctive qualities of Scotch Whisky, which set them apart from whiskies distilled in other countries. The three factors which distinguish Scotch Whisky from other whisky are: (a) the differences in the production process, including differences reflected in the legal definitions; (b) the geography, geology and climate of Scotland; and (c) the skills and knowhow of the distiller and the blender.

Method of production for Scotch Whisky

The basic production method is set out in the definition of Scotch Whisky in Regulation 3(1) of the Scotch Whisky Regulations 2009

9 Geographical concerned

Scotch Whisky is whisky distilled and matured in Scotland. Scotland is located in the northern region of the United Kingdom, which is off the North Western coastline of continental Europe. Scotland is bordered by England in the South, the Sea of the Hebrides, the Atlantic Ocean and the North Sea. Mainland Scotland lies roughly

between 55 degrees N and 60 degrees N, and between 1.7 degrees W and 6 degrees W The Shetland Islands, the most northerly part of Scotland are about 61 degrees N, and the islands of The Outer Hebrides are approximately 7 degrees West.

Specificity of the geographical area

Within the Scotch Whisky Geographical Indication are the following protected locality and regional geographical indications.

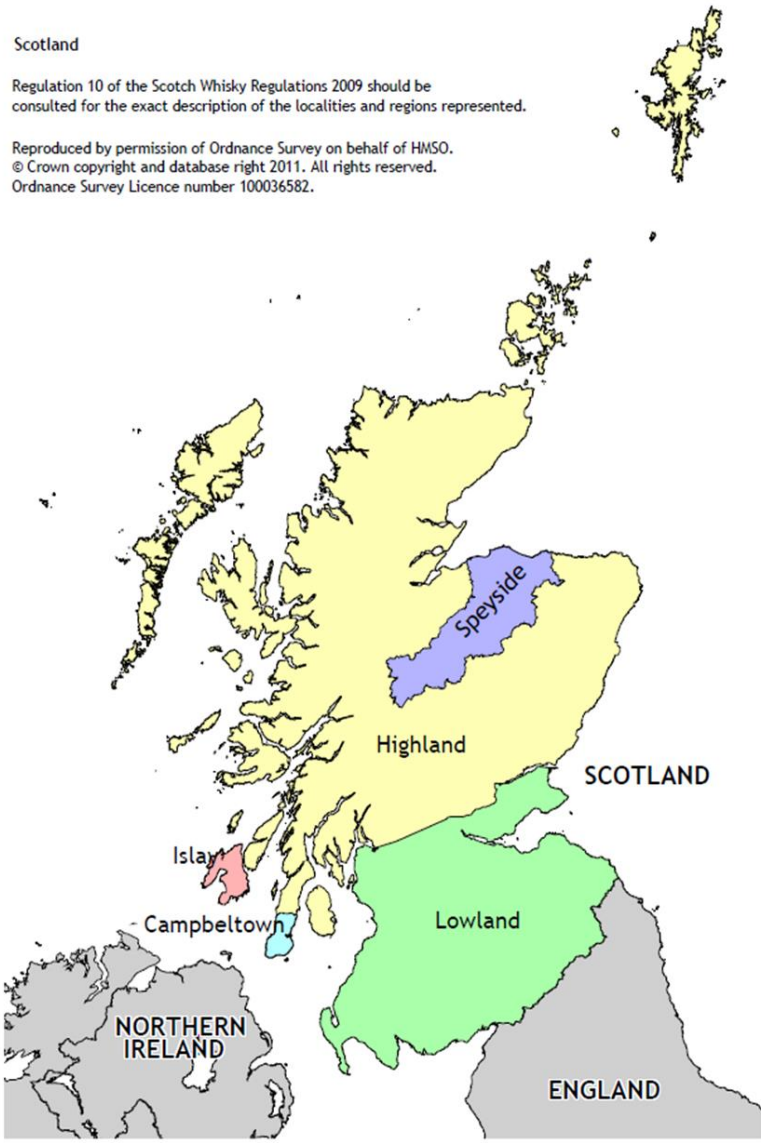
The protected localities are:

(a) "Campbeltown", comprising the South Kintyre ward of the Argyll and Bute Council local authority area as coloured light blue on the map below; and
(b) "Islay", comprising the Isle of Islay in Argyll as coloured pink on the map below.

The protected regions are:

(a) "Highland", comprising that part of Scotland that is north of the line dividing the Highland region from the Lowland region as coloured yellow on the map below;

(b) "Lowland", comprising that part of Scotland that is south of the line dividing the Highland region from the Lowland region as coloured green on the map below; and
(c) "Speyside", comprising
    (i) the wards of Buckie, Elgin City North, Elgin City South, Fochabers Lhanbryde, Forres, Heldon and Laich, Keith and Cullen and Speyside Glenlivet of the Moray Council local authority area); and
    (ii) the Badenoch and Strathspey ward of the Highland local authority areas as coloured purple on the map below:



10 Causal link between the geographical area and the quality, the reputation or other characteristics of the product

1. Natural factors in the geographical area

(a) The geology and geography of Scotland – Scotland comprises the northern one-third of the island of Great Britain and includes over 790 islands and archipelagos. It is divided into Highland and Lowland areas by the Highland Boundary Fault. The Highlands and Islands to the north and west of the fault make up about 60% of the land mass. Scotland has a varied but unique geology resulting from major seismic activity many years ago. Pure water, which is one of the principal natural raw materials in the manufacture of Scotch Whisky, varies according to the local rocks and countryside through which it flows on its way to each distillery.

(b) The climate of Scotland – The climate of Scotland also has a significant effect on the character of Scotch Whisky. The

prevailing wind is from the south west bringing warm moist air from the Atlantic. Although quite far north, Scotland has a cool, mild climate. The Highlands and Western Islands are one of the wettest areas in Europe with annual rainfall of up to 4577mm. The East is drier and suitable for the growth of barley and wheat. The cool, humid climate provides plentiful supplies of good quality water.

(c) Water – The wet climate of Scotland ensures that the country has an abundance of clean, fresh water. Scotch Whisky distilleries have always been built where there is a good reliable source of water of a particular quality, and distilleries frequently own the source of their water to ensure a continuous supply and that it remains pure and uncontaminated. Water is one of the three natural raw materials of Scotch Whisky.

(d) Peat – Used historically as a fuel both for firing stills and for drying barley during the malting process, peat is in plentiful supply in Scotland. Peat still plays an important role in the production of Scotch Whisky and its flavour.

(e) Factors influencing the fermentation – In the cool climate of Scotland the fermentation can be started at low temperatures and allowed to heat up naturally to a maximum of about 33ºC.

(f) Influence of climate on maturation – Scotland has a maritime climate heavily influenced by the Gulf Stream. During maturation the spirit permeates the oak cask, and alcohol and water can evaporate. In warmer, dryer climates more water evaporates than alcohol leading to an increase in alcoholic strength in the cask. This affects the various interactions which are occurring. In the cool, moist climate of Scotland, there is less of an overall rate of evaporation loss but proportionately more alcohol evaporates resulting in a reduction of the alcoholic strength.

2. Human and process factors in the geographical area

(a) Raw materials – Scotch Whisky is made with malted barley, with or without other cereals, yeast and water. In Scotland, in some cases, the malted barley is dried over a peat fire. In Scotland the cereals are made into a mash with hot water and the cereal starch is broken down by the amylase enzymes of the malted barley. In the Scottish process, no added enzymes are allowed.

(b) The stills – The whole process for the production of Scotch Whisky has been refined over the years to optimise quality and to produce a particular character. Each malt whisky distillery has its own unique copper stills. It is scientifically established that the different shapes of the stills lead to differences in the flavour of the Scotch Whiskies produced.

(c) The distiller – The distiller is responsible for ensuring that only the best quality spirit is filled into cask for maturation to become Scotch Whisky. Ethanol and other volatile substances are separated from the fermented wort by distillation, during which some of the volatile substances can interact to form new congeners. There is little rectification during the pot distillation used in the malt whisky process. Some rectification occurs in column distillation, but the permitted maximum distillation strength ensures that the grain whisky distillate has a flavour and aroma derived from the raw materials and is not neutral.

(d) The cooper – The type and quality of casks used to mature Scotch Whisky has a very significant effect on the quality and character of the final product. Although the great majority of the casks used to mature Scotch Whisky have previously been used for other spirits and wines, casks require to be reconditioned and repaired, reassembled, 'toasted' with heat, 'decharred' and 'charred'. This involves skills in working with the wood and heat to produce a good quality cask, which will also not leak.

(e) The blender – There are over 100 Scotch Whisky distilleries and many companies trade whiskies with each other to increase the variety of whiskies available to them for blending. Skilled blenders are the developers of brand recipes and custodians of their on-going maintenance in terms of quality and consistency. A Blended Scotch Whisky may contain over 50 different single whiskies, and these may have been matured in a range of sizes of casks, made of different types of oak and of different maturation potential. The blender's skill and know-how allows all of the different variables to be combined to result in a product which has a quality that is greater than the sum of each component. The blender will combine hundreds of casks of different whiskies of different ages from different distilleries to produce exactly the same quality and style of blend for every batch of his or her brand. As every cask of Scotch Whisky is different, this involves considerable skill relying largely on sense of smell to assess the quality and characteristics of each cask.

11 Controls on production

The United Kingdom Government has appointed Her Majesty's Revenue and Customs ("HMRC") as the authority for verifying and certifying whether a product described as Scotch Whisky (whether sold in the United Kingdom or exported from the United Kingdom) is Scotch Whisky. Any person wishing to use the Scotch Whisky geographical indication must be able to establish that the product on which it is used is Scotch Whisky produced in accordance with these Rules and verified by HMRC in accordance with their Verification Scheme.