

Adopted by Parliament June 22, 1999

LAW OF GEORGIA ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

ARTICLE 1. SPHERE OF REGULATION

This Law regulates the relations formed in connection with registration, protection and use of product (services) appellations of origin and geographical indications.

ARTICLE 2. MAIN DEFINITIONS USED IN THE LAW

1. Sakpatenti - National Intellectual Property Center of Georgia - a legal entity governed by the public law, which creates legal grounds for acquisition of the rights of natural persons and legal entities in the sphere of intellectual property.

2. The State Register of the Appellations

c) production, processing and preparation which take place within the defined geographical area.

2. Geographical indication is the name or any other indication designating a geographical place, district, region, in exceptional cases country (hereinafter - geographical area) and is used

b) has become a generic name, although it relates to the region where the products were produced, processed, or prepared;

c) where it conflicts with the name of a plant variety or an animal breed, that is likely to mislead the public as to the true origin of the product;

d) the list of the products for which the registration of the appellation of origin or geographical indication is sought;

e) the description of the products and if necessary of the raw material, with the indication of their chemical, physical, microbiological and/or organoleptical and other characteristics.

f) description of the geographical area, by indicating its exact bounds;

g) the document issued by the local administrative body confirming that the products originate from the geographical area;

h) the description of production specific conditions and methods characterizing the production technology of the products in a relevant geographical area, in case of existence of the mentioned.

i) the documents confirming, that the specific quality, or properties of the products are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, or specific quality, reputation or characteristics are attributable to this geographical area;

j) documents and data stipulated by the paragraphs e, f, g, h and i must be prepared and confirmed in accordance with the rule approved by legislation;

k) the document confirming the payment of the prescribed fee;

l) a power of attorney issued by an applicant in the name of his representative, if the application is filed by the representative;

m) the application must be signed by the applicant or his representative.

ARTICLE 8. EXAMINATION, PUBLICATION, REGISTRATION

1. Sakpatenti checks whether the application complies the requirements of the Article 7 of this Law, whether there exist the bases defined by the subparagraphs b, c, d, e Article 5 of this Law and conducts the search respect to the trademark, appellation of origin and geographical indication databases.

2. If the bases defined by the subparagraphs d, e Article 5 exist Sakpatenti takes the decision on refusal of the examination of the application.

3. If the application complies the requirements defined by the Article 7 paragraph 6 subparagraphs e, f, g, h and i for additional consideration the application is send to the Ministry of relevant field.

1. Proceeding from the registration of the appellation of origin or geographical indication is prohibited the following:

a) any direct or indirect commercial use of an appellation of origin or geographical indication registered in respect to the products not covered by the registration, insofar as those products are similar to the registered under that name or insofar as using the name exploits the reputation of the protected name;

b) any use of the registered appellation of origin and geographical indication, which word for word designates the real place of products manufacture, processing or preparing of the raw material, but is likely to mislead the public as to the true origin of the product; or

c) any use of such a name or indication, which is the imitation or evocation of registered appellation of origin or geographical indication, even in translation, or accompanied with such words as "type", "style", "similar", "as produced in", "method", etc.

d) any use of misleading indication as to the origin, essential qualities and features of the products on the packaging or advertising material, or on documents

3. The right to the use can be revised by the Ministry of relevant field on basis of inspection.

4. The use of the registered appellation of origin or geographical indication by the person, who is not registered as the holder of the right, is prohibited.

ARTICLE 13. INVALIDATION OF THE REGISTRATION OF AN APPELLATION OF ORIGIN OR GEOGRAPHICAL INDICATION

1. The registration of an appellation of origin or geographical indication can be invalidated if:

- a) the registration has taken place under violation of the requirements of this Law;
- b) due to changing or disappearing of natural and/or humane factors, characteristic of the given geographical area, becomes impossible to produce such products which would have the exclusive quality and properties indicated in the Register;

2. The protection of the appellation of origin or geographical indication of a foreign country shall be canceled in respect to the rule defined by inter-state agreement.

ARTICLE 14. RELATIONSHIP BETWEEN AN APPELLATION OF ORIGIN

4. If by the use of trademark or its registration was caused the infringement defined by the Article 11 of this Law, then appeal shall be drawn within 5 years from the day of the infringement of the rights of the appellation of origin or geographical indication or from the registration day of the trademark, if for this day the trademark has

- a) prevention of the acts of infringement;
- b) compensation of damages:
- c) confiscation of illegally produced product and the equipment used for production of said product;
- d) destruction of all those labels, tags, drawings, imprints, packing, packing materials and advertisements including the registered name.

ARTICLE 17. TRANSITIONAL PROVISIONS

1. In three months after publication of this Law Sakpatenti shall elaborate and approve in respect to the established rule the "Instruction on Presenting of the Application for the Appellation of Origin and Geographical Indication and Procedures Relating to the Registration".

2. Sakpatenti together with the Ministries concerned shall elaborate and submit to the President of Georgia the Regulations Defining of Geographical Area Boundaries Respecting the Product Appellation of Origin and Geographical Indication, on Studying, Defining and Control of the Product Characteristics Attributable to the Geographical Area.

3. Sakpatenti together with the Ministries concerned shall elaborate and submit to the President of Georgia for approval the list of the products of appellation of origin and geographical indication produced in the country to be provisioned in the international agreements.

ARTICLE 18. FINAL PROVISIONS

This Law shall enter into force from November 1, 1999.