

**LAW
OF THE REPUBLIC OF TAJIKISTAN
«ON GEOGRAPHICAL INDICATIONS»**

This Law shall govern relations arising in connection with the legal protection and use of geographical indications of origin of goods in the Republic of Tajikistan.

**SECTION 1.
GENERAL PROVISIONS**

Article 1. Basic terms

The basic terms used in this Law are as follows:

- geographical object – shall mean a territory with officially defined borders, in particular, a country, a region as a part of a country, a settlement, a locality;
- geographical indications – shall be a general term for designation of an appellation of origin and appellation of source;
- application– shall mean a set of documents necessary for registration and for acquiring the right to use an appellation of origin or for acquiring the right to use an appellation of origin already registered;
- applicant – shall mean a a natural person or a legal entity which filed an application with the authorized body for registration and grant of the right to use an appellation of origin;

SECTION 2.
GEOGRAPHICAL INDICATIONS AND THEIR LEGAL PROTECTION

Article 4. Designations not recognized as an appellation of origin

A designation shall not be recognized as an appellation of origin if it represents or includes a name of a geographical object, but is commonly used in the Republic of Tajikistan as a designation for a certain type of a good which is not associated with the place of its production.

Article 5. Indication of source

An indication of source may be represented in the form of a verbal designation, containing a name of a geographical object, or as a figurative representation.

Article 6. Legal protection of an appellation of origin

Legal protection of an appellation of origin in the Republic of Tajikistan shall originate from its state registration in accordance with the procedure prescribed by this Law or by virtue of international legal acts recognized by the Republic of Tajikistan.

An appellation of origin may be registered jointly by one or more natural persons or legal entities. A person who has registered an appellation of origin shall be entitled to use the same if the goods produced by such person meet the requirements set out in this Law.

The right to use the same appellation of origin may be granted to any natural person or legal entity located in the same geographical object and producing goods with the same basic properties.

The registration of an appellation of origin shall be valid indefinitely.

Article 7. Legal protection of an indication of source

Legal protection of an indication of source shall be realized on the basis of use of the indication of source.

Legal protection of an indication of source shall consist in non-admission of use of false indications of source, as well as of indications capable of confusing consumers in respect of the true place of origin of the good.

An indication of source shall not be subject to the State registration

SECTION 3.
REGISTRATION AND GRANT OF THE RIGHT TO USE AN APPELLATION OF ORIGIN

Article 8. An application and procedure for its filing

An application shall be filed with the Authorized State Body by a natural person(s) and/or legal entity (ies) either independently or through a patent attorney.

Natural persons permanently residing outside the Republic of Tajikistan, or foreign legal entities or their representatives shall deal with the Authorized Body through patent attorneys authorized by a power of attorney and who obtained the right to perform as patent attorneys according to the legislation of the Republic of Tajikistan.

An application shall relate to a single appellation of origin.

An application shall contain:

- a statement requesting the registration and grant of the right to use an appellation of origin or the grant of the right to use an appellation of origin already registered, naming the applicant(s) and its/his (their) location(s) or domicile(s).
- the claimed designation;
- an indication of a good for which the registration and grant of the right to use the appellation of origin or the grant of the right to use the appellation of origin already registered is sought;
- an indication of the place of origin of the good (borders of the geographical object);
- a description of the special properties of the good.

An application shall be filed in the official language.

An application shall be signed by the applicant or, if filed through a patent attorney, by the applicant or the patent attorney.

In the event that a geographical object, the name of which is claimed as an appellation of origin, is situated in the territory of the Republic of Tajikistan, an application shall be accompanied by a statement issued by a competent authority to confirm that the applicant produces goods the special properties of which are determined by the natural conditions and(or) human factors specific to such geographical object.

In the event that a geographical object, the name of which is claimed as an appellation of origin, is situated outside the territory of the Republic of Tajikistan, an application shall be accompanied by a document certifying the applicant's right in the appellation of origin applied for in the country of origin of the good;

An application shall be accompanied by a document confirming payment of the obligatory payment for filing of an application in the established amount;

The documents accompanying an application shall be filed in the official or another language. Where such documents are filed in another language, their translation into the official language shall be enclosed. The translation into the o

A formal examination of an application shall be carried out within two months from the date of

properties of the good in respect of which the appellation of origin has been registered, the information related to the registration and grant of the right to u

properties of the good, shall be published by the Authorized Body in its Official Bulletin without delay after their recodal in the Register.

Article 15. Registration of an appellation of origin in foreign countries

Natural persons and legal entities of the Republic of Tajikistan shall have the right to register an appellation of origin in foreign countries.

An application for registration of an appellation of origin in foreign countries shall be filed following the registration and acquisition of the right to use the appellation of origin in the Republic of Tajikistan.

SECTION 4 .

USE OF GEOGRAPHICAL INDICATIONS

Article 16. Use of geographical indications

The use of a geographical indication shall be understood to mean its use on goods, labels, packaging, in advertising, pamphlets, invoices, blank forms and other documentation connected with the commercial use of such goods.

The use of false indications of source and a registered appellation of origin by persons who do not possess an appropriate certificate, even if the genuine place of origin of a good is indicated or an appellation is used in translation or in combination with such expressions as "sort", "kind," "type," "imitation," and the like, just as the use of an identical designation for any good which may mislead the consumer as regards the place of origin and special features of the good (illegal use of an appellation of origin) shall not be permitted.

The assignment of the right to use a geographical indication and grant of the right to use it on the basis of a contract shall not be admitted.

Article 17. Precautionary Marking

A certificate holder may affix next to the appellation of origin a precautionary marking in the form of the Latin letter R, either –by itself or in a circle, or a verbal designation indicating that the applied designation is an appellation of origin registered in the Republic of Tajikistan.

SECTION 5.

CHALLENGING AND TERMINATION OF LEGAL PROTECTION OF AN APPELLATION OF ORIGIN

Article 18. Challenging of the registration of an appellation of origin, issuance of a certificate and invalidation thereof

The grant of legal protection to the appellation of origin may be challenged and invalidated at any time during the entire length of its validity term, if effected in breach of the requirements set out in this Law.

Issuance of a certificate may be challenged and the certificate itself may be invalidated at any time during the entire length of its validity term if issued in breach of the requirements set out in this Law, or in connection with the invalidation of the grant of legal protection to the appellation of origin.

Any person, on such grounds as are provided for by Parts 1 and 2 of this Article, may submit to the Appeals Board an appeal against the grant of legal protection to the appellation of origin and the issuance of the certificate.

