

REPUBLIC OF VANUATU

Assent 29 December 2000
Commencement

GEOGRAPHICAL INDICATIONS (WINE) ACT NO. 53 OF 2000

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GEOGRAPHICAL INDICATIONS (WINE) ACT NO. 53 OF 2000

An Act to control the use of false or misleading geographical indications for the origin of wine.

Be it enacted by the President and parliament as follows-

INTERPRETATION

1. In this Act, unless the contrary intention appears:
 - “Court” means the Supreme Court;
 - “geographical indication”, for wine, means:
 - (a) a word or expression used in the description and presentation of the wine to show the country, region or locality where the wine originated; or

“wine” means an alcoholic beverage produced by the complete or partial fermentation of fresh grapes or products derived solely from fresh grapes, or both.

MEANING OF “DESCRIPTION AND PRESENTATION”

2. In this Act, a reference to the description and presentation with which wine is sold, exported or imported is a reference to all names (including business names) or other descriptions, references (including addresses), signs, designs and trade marks used to distinguish the wine and appearing:
- (a) on the container (including on the device used to seal the container or on a label affixed to the container), on any tag attached to the container or, if the container is a bottle, on the sheathing covering the neck of the bottle; or
 - (b) on protective wrappings (such as papers and straw envelopes of all kinds), cartons and cases used in the packaging of the wine or the transport of the wine; or
 - (c) in documents relating to the transport of the wine or in other commercial documents (for example, invoices or delivery notes) relating to the sale or transport of the wine; or
 - (d) in advertisements relating to the wine.

WHERE WINE ORIGINATES

3. For the purposes of this Act:

- (b) the wine originated in that country, region or locality; and
- (c) the description and presentation indicates that the wine originated in that country, region or locality;

the description and presentation is not false merely because the word or expression included in the description and presentation is also a geographical indication, or a traditional expression, in relation to another country, region or locality.

- (5) The description and presentation of wine is not false merely because it includes:
 - (a)

- (a) it includes a geographical indication or a traditional expression; and
 - (b) the indication or expression is used in such a way in the description and presentation as to be likely to mislead as to the country, region or locality in which the wine originated.
- (2) Subject to subsection (5), the description and presentation of wine is misleading if:
 - (a) it includes a translation of a geographical indication or a traditional expression; and
 - (b) the inclusion of the translation is likely to mislead as to the country, region or locality where the wine originated.
- (3) The description and presentation of wine is misleading if:
 - (a) it includes:
 - (i) the name of an individual who manufactured, sold, exported or imported the wine; or
 - (ii) if an individual who manufactured, sold, exported or imported the wine lawfully carried on business under the name of another individual who previously carried on the business—the name of that other individual; or
 - (iii) the name or address of the winery where the wine was manufactured; and
 - (b) the name or address is used in such a way in the description and presentation as to be likely to mislead as to the country, region or locality where the wine originated.
- (4) Subsections (1), (2) and (3) do not limit what, apart from those subsections, is a misleading description and presentation of wine.
- (5) If:
 - (a) the description and presentation of wine includes a word or expression that:
 - (i) is a geographical indication, or a traditional expression, in relation to a country, region or locality; or

