

**Law of Georgia**  
**On Appellation of Origin and Geographical Indication of Goods**

**Chapter I**

**General Provisions**

**Article 1. Scope of Regulation of the Law**

This Law regulates issues related to the registration, protection and use of appellations of origin and geographical indications of goods.

**Article 2. Definition of Terms**

For the purposes of this Law, the terms used herein shall have the following meanings:

a) Sakpatenti – the Legal Entity under Public Law – the National Intellectual Property Center of Georgia – “Sakpatenti” – an independent body operating in the field of intellectual property protection;

b) State Register of Appellations of Origin and Geographical Indications of Goods (hereinafter – the Register) – the unity of data on appellations of origin and geographical indications registered by Sakpatenti and protected by international treaties of Georgia, and on Georgian geographical indications recognized by Sakpatenti;

c) Application – an application for registration of an appellation of origin or geographical indication of goods or an application for amendment of the specification of the goods;

d) Applicant – a union, if necessary – a state agency or a legal entity under public law, requesting registration of an appellation of origin or geographical indication; a natural person or legal entity that is the sole producer of goods whose geographical area of production has characteristics that significantly differ from those of the territory adjacent to this area or whose characteristics differ from those of goods produced in the geographical area bordering this area; if a foreign appellation of origin or geographical indication is protected in the country of origin of the goods as a collective or certification trademark – the owner of this trademark;

e) **Union** – any union of producers and/or processors of goods carrying out activities related to goods protected/to be protected by an appellation of origin or geographical indication and/or union of other persons, regardless of its organizational and legal form;

f) Organoleptic characteristics – characteristics of the final goods that are evaluated by human sense organs;

g) Generic concept – the name of goods which, regardless of its connection with the place, region or country where these goods were originally produced or sold, has become the common name for those goods in Georgia;

h) State control – activity performed by a competent authority to determine the compliance of an appellation of origin or geographical indication with the specification of the goods, as well as

control whether the use of an appellation of origin or geographical indication of goods included in civil circulation and/or placed on the market are in accordance with the rules established by law;

i) Competent authority – a state authority carrying out state control;

j) **Control** body – a legal entity under private law accredited and authorized by a competent authority in accordance with the legislation of Georgia, with the European Union's or international standards, to which the said authority has delegated the authority to conduct state control to determine the compliance of the registered appellation of origin or geographical indication with the specification of the goods;

k) **Assessment of compliance with specifications** – unity of procedures by which it is determined whether the requirements set out in the specification of the goods provided for by this Law for goods protected by an application of origin or geographical indication have been met;

l) Certificate of compliance with the specification of the goods (hereinafter – the Certificate) – a document certifying the compliance of the registered appellation of origin or geographical indication with the specification of the goods;

m) Production stage – any stage of production, processing or manufacture of goods protected by an appellation of origin or geographical indication;

n) Traceability – the ability to identify data (information) about the goods protected by an appellation of origin or geographical indication, any substances and ingredients used in them, as well as the packaging of such goods, at the production and distribution stages;

o) Traceability mark – a mark placed on a batch/lot of goods that allows the identification of the manufacturer of the goods and the said batch/lot. If, due to the characteristics of the goods, it is impossible to place the traceability mark directly on the goods, it may be placed on the label of the goods intended for consumption;

p) Official symbol of an appellation of origin or geographical indication (hereinafter – the official symbol) – a symbol approved in accordance with this Law, which indicates goods protected by an appellation of origin or geographical indication;

q) Final goods – goods that have passed all stages of production and are ready to be included in civil circulation/placed on the market or are included in civil circulation/placed on the market;

r) Audit – a systematic and independent examination of a controlling body by a competent authority, which is carried out to determine whether the activities of the controlling body and its results comply with the tasks to be performed, whether these tasks have been effectively performed, and to what extent the set goals are achieved by their performance;

s) Operator – a person whose activities are related to the production, primary production, processing and distribution of goods and who is responsible for the compliance of these activities with the requirements specified in the legislation of Georgia;

t) Food – any processed, partially processed or unprocessed product intended for human consumption. Food also includes all types of beverages (including drinking water), chewing gum and any substance to be used in food (including water) that is used as a component of food during its production and processing. Food does not include animal feed, live animal (except those

prepared for placing on the market), plant (before harvest), medicinal and homeopathic products, tobacco and its products, narcotic drugs, psychotropic substances, cosmetics, waste and contaminants.

### **3. Appellation of Origin and Geographical Indication**

1. An appellation of origin is the name of a geographical place (area) or a name containing this name or another indication that refers to the said geographical place and is used to designate goods:

a) which originate from this geographical area;

b) whose quality or characteristics are due, entirely or essentially, solely to the environment (including natural and human factors) of this geographical area, which has determined the reputation of the goods;

c) whose production, processing and manufacture take place within the boundaries of this geographical area.

2. A geographical indication is an appellation containing the name of a geographical place (area) or another appellation indicating that geographical place and used to designate goods:

a) originating in that geographical area;

b) the quality, reputation or other characteristics of which are essentially due to its geographical origin;

c) at least one stage of production of which takes place within the boundaries of that geographical area.

3. The geographical place (area) referred to in paragraph 1 and 2 of this Article may consist of a place, a region or the entire territory of a country.

4. Sakpatenti shall grant the status of a recognized Georgian geographical indication to a Georgian geographical indication that meets the requirements of subparagraphs "a" and "b" of paragraph 2 of Article 30 of this Law and has traditionally been used in a specific place. This status may also be granted to an indication that, after the transitional period specified in paragraph 1 of Article 30 of this Law, no longer meets the requirements of Article 6 of this Law. The procedure for granting the status of a recognized Georgian geographical indication to a Georgian geographical indication is determined by the Instruction on the Registration of Appellations of Origin and Geographical Indications.

### **Article 4. Protection of Appellation of Origin or Geographical Indication**

1. Protection of an appellation of origin or geographical indication is carried out by Sakpatenti on the basis of its registration, and protection of a recognized Georgian geographical indication is carried out by Sakpatenti on the basis of granting it the appropriate status.

2. Protection of appellation of origin or geographical indication of a foreign country in Georgia is carried out by Sakpatenti on the basis of its registration or an international treaty of Georgia.

3. A registered appellation of origin or geographical indication protected on the basis of an international treaty of Georgia and a Georgian geographical indication recognized by Sakpatenti shall be entered in the Register. The data of the Register are public.

## **Chapter II**

### **Registration of an Appellation of Origin or Geographical Indication**

#### **Article 5. Application for Registration of an Appellation of Origin or Geographical Indication**

An application for registration of an appellation of origin or geographical indication submitted to Sakpatenti shall include:

- a) a request for registration of the appellation of origin or geographical indication;
- b) the name and surname/titles, identification numbers and legal addresses of the applicant and the competent authority or control body (if any);
- c) the appellation of origin or geographical indication for which registration is requested. If the appellation of origin or geographical indication is not in Georgian, its transliterated form into Georgian shall be submitted;
- d) the category of goods for which registration of the appellation of origin or geographical indication is requested;
- e) a document issued by the applicant confirming representation, if the application is submitted by a representative;
- f) the signature of the authorized person;
- g) the specification of the goods provided for in Article 6 of this Law;
- h) a document confirming that the special quality, reputation or properties of the goods are due to the natural factors and/or human factors of the relevant geographical area;
- i) a control plan that controls the conditions of production of the goods provided for in the specification of the goods;
- j) a document confirming the protection of the appellation of origin or geographical indication of a foreign country in the country of origin of the goods, if the applicant is a foreigner;
- k) a document confirming payment of the registration fee for the appellation of origin or geographical indication;
- l) a single document containing:
  - l.a) the main data of the specification of the goods: the name and description of the goods, and if necessary – also the rules for packaging and labeling of the goods specified in the legislation of Georgia and an accurate description of the relevant geographical area;

l.b) the quality or characteristics of the goods and the description of the relationship between the geographical environment and the human factor in accordance with paragraph 1 or 2 of Article 3 of this Law, and if necessary – also specific elements of the description of the goods or the method of their production confirming the said relationship.

## **Article 6. The Specification of the Goods**

The specification of the goods shall contain at least the following data:

a) the name of the place of origin or geographical indication of the goods put into civil circulation/placed on the market in the Georgian language and in the language(s) that was/were or is/are used to describe these goods in the relevant geographical area;

b) a description of the goods (including the raw materials (if any)), as well as the physical, chemical, microbiological, organoleptic characteristics of the goods that determine their special properties and/or reputation;

c) a description of the methods of production and processing of the goods, and, if necessary, also authentic and unchanging local methods;

d) taking into account the connection referred to in subparagraph “f.a” and/or subparagraph “f.b” of this Article, the boundaries of the relevant geographical area, and, if necessary, also information confirming the compliance of the goods with the requirements of paragraph 2 of Article 30 of this Law;

e) proof of origin of the goods within the boundaries of the geographical area specified in paragraph 1 or 2 of Article 3 of this Law;

f) detailed data proving that there is one of the following links:

f.a) between the quality or characteristics of the goods and the geographical environment and the human factor, in accordance with paragraph 1 of Article 3 of this Law;

f.b) between the quality, reputation or other characteristics of the goods and the geographical origin, in accordance with paragraph 2 of Article 3 of this Law;

g) the name, identification number and legal address of the competent authority or control body that determines the compliance of the appellation of origin or geographical indication with the specification of the goods;

h) the special rules for labeling the goods (if any);

i) information on the packaging of the goods (if any) and the applicant’s justification for the need to package these goods in the relevant geographical area in order to protect the quality of the goods, the authenticity of their origin or ensure state control.

## **Article 7. Amendment of the Specification of the Goods**

1. The applicant or any other interested person has the right to submit to Sakpatenti an application for amendment of the specification of the goods.

2. If the application concerns a substantial amendment of the specification of the goods, it shall be submitted in accordance with Article 5 of this Law and the examination provided for in Article 8 of this Law shall be conducted in respect thereof within the period specified in the same Article.
3. If the application concerns a non-substantial amendment of the specification of the goods, Sakpatenti shall, within 1 month of its submission, make a decision on granting, partially granting, or refusing to grant the request to amend the specification of the goods.
4. An amendment of the specification of the goods shall be considered substantial if it:
  - a) concerns the essential characteristics of the goods;
  - b) changes the link defined in subparagraph “h” of Article 5 of this Law;
  - c) requires an amendment of any part of the appellation of origin or geographical indication of the goods;
  - d) changes the relevant geographical area;
  - e) expands the restrictions related to the inclusion in civil circulation/placing on the market of goods or raw materials.
5. In the event of an application by an interested person to amend the specification of the goods, the applicant shall be notified thereof within 5 days from the completion of the examination of the application provided for in paragraph 1 of Article 8 of this Law. The applicant shall be entitled to submit his/her opinion on a non-substantial amendment to be made to the specification of the goods to Sakpatenti within 10 days from the receipt of the said notification, and on a substantial amendment – within 1 month.
6. In case of amendment of the specification of the goods, Sakpatenti shall publish relevant information in accordance with Article 11 of this Law.

#### **Article 8. Examination of the Application**

1. Sakpatenti shall conduct the examination of the application.
2. Sakpatenti shall, within 2 months from the date of submission of the application, verify the conformity of the application with the requirements of Article 5 of this Law.
3. If the application does not meet the requirements of Article 5 of this Law, the applicant shall be notified of the deficiency and a 1-month period shall be set for its elimination. If the deficiency is not eliminated within this period, Sakpatenti shall, within 10 days, make a decision to refuse to examine the application.
4. If the application meets the requirements of Article 5 of this Law, Sakpatenti shall, within a period of 3 months, verify the existence of grounds for refusal to register the appellation of origin or geographical indication provided for in Article 10 of this Law, as a result of which it shall make a decision on continuing the examination of the application or on refusing to register the appellation of origin or geographical indication.

5. The rules for drawing up and submitting an application, conducting its examination, appealing a decision on the registration of an appellation of origin or geographical indication, suspending, extending and restoring the examination periods, amending the specification of the goods, publishing application files, cancelling and invalidating the registration of an appellation of origin or geographical indication, as well as other rules related to registration are determined by the Instruction on the Registration of Appellations of Origin and Geographical Indications.

6. If the application concerns an appellation of origin or a geographical indication of a foreign country, Sakpatenti shall only verify the existence of the grounds for refusal to register the appellation of origin or geographical indication provided for in Article 10 of this Law.

### **Article 9. National Commission for Consideration of an Appellations of Origin and a Geographical Indication**

1. By order of the Chairperson of Sakpatenti, a National Commission for Consideration of an Appellations of Origin and a Geographical Indication (hereinafter – the Commission) shall be established, which shall examine the issues of registration, refusal to register, cancellation of registration or refusal of a request for cancellation of registration of an appellation of origin or geographical indication.

2. The Commission consists of five members, one of whom is a representative of the relevant sectoral ministry, two – representatives of Sakpatenti, one – a representative of the relevant municipal executive body – the City Hall, and one – an invited sectoral specialist. The Chairperson of the Commission is the Chairperson of Sakpatenti.

3. The Commission shall be established:

a) within 15 days from the date of the decision of Sakpatenti to continue the examination of the application in accordance with paragraph 4 of Article 8 of this Law;

b) on the issue of cancellation of the registration of an appellation of origin or geographical indication, in the event that the conformity of the goods with the requirements of the product specification is no longer ensured, on the initiative of Sakpatenti or at the request of an interested person, within 15 days from the date of receipt of this request.

4. The Commission shall verify, within 6 months, the compliance of the specification of the goods with the requirements specified in Article 6 of this Law.

5. The Commission shall make a decision by a majority of votes on the registration of an appellation of origin or geographical indication, refusal to register, cancellation of registration or refusal of a request for cancellation of registration.

6. Other issues related to the activities of the Commission (including the issue of inviting a sectoral specialist and his/her remuneration) shall be determined by the Statute of the Commission.

### **Article 10. Grounds for Refusal to Register an Appellation of Origin or Geographical Indication**

A designation shall not be registered as an appellation of origin or a geographical indication if it:

a) does not meet the requirements of Article 3 of this Law;

b) is considered to be a generic concept;

c) is contrary to public order or recognized principles of morality;

d) conflicts with the designation of a plant variety (including a wine grape variety) or an animal breed, which may create a false impression on the consumer about the origin of the goods;

#### **Article 11. Publication**

1. In accordance with paragraph 5 of Article 9 of this Law, within 1 month from the date of making the decision on the registration of an appellation of origin or geographical indication, Sakpatenti shall publish the specification of the goods in the Official Bulletin of Industrial Property (hereinafter – the Bulletin), on its official website and in one local newspaper (if any).

2. Based on the decision of Sakpatenti on granting protection to a foreign appellation of origin or geographical indication, the Georgian transliterated form of the appellation of origin or geographical indication of the goods, the category of the goods and the international registration number of the appellation of origin or geographical indication (if any) shall be published in the Bulletin.

3. Based on the decision on recognition of a designation as a Georgian geographical indication made by Sakpatenti in accordance with paragraph 2 of Article 30 of this Law, the recognized Georgian geographical indication, the category of goods and the indication recognition number shall be published in the Bulletin.

#### **Article 12. Term of Validity of an Appellation of Origin or Geographical Indication**

1. A registered appellation of origin or geographical indication shall be protected from the date of submission of an application for registration of the appellation of origin or geographical indication.

2. The term of validity of appellation of origin or geographical indication protected under an international treaty of Georgia shall be determined by the relevant treaty.

3. A recognized Georgian geographical indication shall be protected from the date of its publication. If a recognized Georgian geographical indication, which was registered by Sakpatenti as an appellation of origin or a geographical indication, has been transferred to the Register in accordance with paragraph 1 of Article 30 of this Law, the date of its protection shall be the date of submission of the application for registration of the recognized Georgian geographical indication.

4. A registered appellation of origin or geographical indication or a recognized Georgian geographical indication shall be protected for indefinite period. The protection of an appellation of origin or geographical indication protected under an international treaty of Georgia shall terminate upon the expiration of the period provided for in paragraph 2 of this Article or upon the cancellation of the registration of the appellation of origin or geographical indication in the country of origin of the goods.

#### **Article 13. Rules for Appealing a Decision**

1. The applicant is entitled to appeal a decision to refuse to consider an application received in accordance with paragraph 3 of Article 8 of this Law or a decision to refuse to register an

appellation of origin or geographical indication received in accordance with paragraph 4 of Article 8 of this Law to a court within 1 month or to the Appeals Chamber of Sakpatenti within 3 months.

2. The decision made in accordance with paragraph 5 of Article 9 of this Law shall be appealed to the court within 1 month.

3. A decision published by Sakpatenti in accordance with paragraphs 2 and 3 of Article 11 of this Law on the registration of an appellation of origin or geographical indication shall be appealed within 1 month in court or within 3 months in the Appeals Chamber of Sakpatenti.

4. Any interested person has the right to apply to the court in accordance with paragraph 2 of this Article, and to the court or the Appeals Chamber of Sakpatenti in accordance with paragraph 3 of this Article, if the appellation of origin or geographical indication:

a) does not meet the requirements of Articles 3 and 6 of this Law;

b) prevents the existence of an identical or partially identical appellation or trademark or the existence of goods that were lawfully included in civil circulation/placed on the market no later than 5 years before the date of publication of the decision on the registration of the appellation of origin or geographical indication;

c) taking into account the reputation, awareness and duration of use of the trademark, creates a false impression on the consumer about the origin of the relevant goods;

d) is considered to be a generic concept;

e) conflicts with the appellation of a plant variety (including a wine grape variety) or an animal breed, which may create a false impression on the consumer about the origin of the goods;

f) is wholly or partially homonymous with a registered appellation and is not sufficiently different from the local and traditional use of that appellation, thereby creating a false impression on the consumer. A homonymous appellation that creates a false impression on the consumer as to the origin of the goods shall not be registered even if it is the name of a territory, region or actual place of origin of the goods;

g) is contrary to public order or recognized principles of morality.

5. The time limit for appeal provided for in this Article shall be calculated for the applicant from the date of official notification of the relevant decision, and for any other interested person – from the date of publication of the application files in the Bulletin.

6. A decision to refuse to register an appellation of origin or geographical indication protected under an international treaty of Georgia shall be appealed in accordance with the procedure established by the relevant treaty.

#### **Article 14. Fees**

A fee established by Georgian legislation shall be paid for examination of an application, amending the Register, publishing application files, issuing an excerpt from the Register, as well as for other actions related to the registration of an appellation of origin or geographical indication.

## **Article 15. Registration and Protection of an Appellation of Origin or Geographical Indication in a Foreign Country**

1. An appellation of origin or geographical indication may be submitted for registration in a foreign country directly or under an international treaty of Georgia, only after its registration in Georgia.
2. Sakpatenti is authorized to carry out the necessary measures for the registration and protection of a registered appellation of origin or geographical indication and/or a recognized Georgian geographical indication in a foreign country.

### **Chapter III**

#### **Scope of Protection of an Appellation of Origin or Geographical Indication**

### **Article 16. Scope of Protection of an Appellation of Origin or Geographical Indication**

1. Within the scope of protection of an appellation of origin or geographical indication, the following shall be prohibited:
  - a) any direct or indirect commercial use of an appellation of origin or geographical indication in one of the following cases:
    - a.a) when the goods protected by an appellation of origin or geographical indication and the goods not subject to registration are of the same type;
    - a.b) in the case of taking advantage of the reputation of a registered or protected appellation of origin or geographical indication, even if the relevant goods are used as an ingredient;
  - b) in case of any misuse, imitation or mimicking of an appellation of origin or geographical indication, even if the place of origin of the relevant goods is indicated or the protected appellation of origin is presented in translation, transliteration, transcription or together with the following words: “style”, “type”, “method”, “produced as”, “imitation”, “aroma” and others, as well as if the said goods are used as an ingredient;
  - c) when any other false or such indication that creates a false impression on the consumer about the origin, place of origin, name or special quality of the goods is given on the inner or outer packaging, advertising material or documentation related to the goods included in civil circulation/placed on the market, as well as in the case of packaging (placing the goods in containers) that may create a false impression on the consumer about the origin of the goods;
  - d) in the event of any other action that may create a false impression on the consumer about the origin of the goods.
2. A protected appellation of origin or geographical indication may not be converted into a generic concept.
3. If a protected appellation of origin or geographical indication contains the name of a good that is considered to be a generic concept, the prohibitions specified in subparagraphs “a” and “b” of paragraph 1 of this Article shall not apply to the use of the said generic concept.

4. The provisions of this Article do not restrict the right of a natural person to use his/her own name or the name of the person to whom he/she is the heir/heirress when including goods in civil circulation/placing them on the market, except in cases where the use of such a name creates a false impression on the consumer.

5. The provisions of this Article shall not restrict the right of any person to use the name of a plant variety or animal breed when including goods in civil circulation/placing them on the market, except in cases where the use of such a name creates a false impression on the consumer.

#### **Article 17. Cancellation and Invalidation of Registration of an Appellation of Origin or Geographical Indication**

1. The registration of an appellation of origin or a geographical indication shall be cancelled in accordance with subparagraph “b” of paragraph 3 of Article 9 of this Law.

2. The court shall, upon request of an interested person, declare the registration of an appellation of origin or a geographical indication invalid if the requirements of paragraph 4 of Article 9 or Article 10 of this Law were violated during the registration of the appellation of origin or a geographical indication.

3. Information on the cancellation or invalidation of the registration of an appellation of origin or a geographical indication shall be entered in the Register and published in the Bulletin.

#### **Article 18. Relationship between an Appellation of Origin or Geographical Indication and a Trademark**

1. In the case of a registered appellation of origin or geographical indication, an application for a trademark filed after the filing of an application for registration of the said appellation of origin or geographical indication shall be refused registration if the goods protected by the registered appellation of origin or geographical indication and the goods to which the trademark relates are of the same type of goods and the use of the said trademark may infringe the requirements of paragraph 1 of Article 16 of this Law.

2. Notwithstanding the non-compliance with the requirements of paragraph 1 of Article 16 of this Law, it is permissible to use and/or extend the term of validity of a trademark for which an application for registration was filed or registered in good faith prior to the submission of an application for registration of an appellation of origin or geographical indication.

3. If, at the time of filing an application for registration of an appellation of origin or geographical indication, an application for registration of a trademark containing or consisting of an appellation of origin or geographical indication has already been filed with Sakpatenti, and as a result of the protection of the said appellation of origin or geographical indication, one of the conditions provided for in paragraph 1 of Article 16 of this Law exists, the proceedings on the application for registration of the trademark shall be suspended until the decision on registration of the appellation of origin or geographical indication enters into force.

### **Chapter IV**

#### **State Control**

##### **Article 19. State Control**

1. The competent authority/control body shall establish and certify the conformity of a registered appellation of origin or geographical indication (except for a registered appellation of origin or geographical indication of a foreign country) with the specification of the goods.
2. The competent authority for goods protected by a registered appellation of origin or geographical indication in respect of food (except for alcoholic beverages of grape origin, spirits, ethyl alcohol of agricultural origin and distillates of agricultural origin) is the Legal Entity under Public Law – the National Food Agency, and in respect of alcoholic beverages of grape origin, spirits, ethyl alcohol of agricultural origin and distillates of agricultural origin – the Legal Entity under Public Law – the National Wine Agency.
3. The competent authority for non-agricultural goods shall be determined by the Government of Georgia.
4. The competent authority shall delegate the function of determining the compliance of an appellation of origin or geographical indication with the specification of the goods to one or more control bodies (if any) in accordance with the Instruction on Authorization and Supervision of Control Bodies.
5. The competent authority shall carry out its activities based on the principles of objectivity and impartiality, using qualified personnel and other resources necessary to perform its functions.
6. The competent authority shall delegate the state control authority related to the determination of the compliance of an appellation of origin or geographical indication with the specification of the goods to the control body on the basis of the state control plan provided for in Article 22 of this Law only if:
  - a) it contains a precise description of the tasks to be performed by the control body and a list of the conditions in accordance with which state control shall be carried out;
  - b) the control body has the appropriate infrastructure and equipment, has the necessary number of qualified and experienced personnel and carries out its activities based on the principles of objectivity and impartiality. In addition, the control body shall not have a conflict of interest when carrying out its activities.
7. The control of food products (including alcoholic beverages of grape origin, alcoholic beverages, ethyl alcohol of agricultural origin and distillate of agricultural origin) included in civil circulation/placed on the market is carried out on the basis of appropriate analysis by the Legal Entity under Public Law – the National Food Agency, while the control of other goods is carried out by a competent authority specified by the legislation of Georgia.
8. If, during the exercising state control by the competent authority/control body, a minor non-compliance of an appellation of origin or geographical indication with the specification of the goods is established, the competent authority/control body is authorized to set a reasonable period for the elimination of the non-compliance. In case of failure to eliminate the non-compliance within this period, the competent authority/control body shall take a decision to suspend the validity of the certificate until the non-compliance is eliminated.
9. If, during the exercising state control by the competent authority/control body, a significant non-compliance with the specification of the goods of an appellation of origin or geographical indication

is established, the competent authority/control body shall make a decision to revoke the certificate.

10. The degree of non-compliance of an appellation of origin or geographical indication with the specification of the goods provided for in paragraphs 8 and 9 of this Article shall be determined by the state control plan.

#### **Article 20. Requirements Related to State Control**

1. An union or a producer and/or processor of the goods protected by a registered appellation of origin or geographical indication, who wishes to assess the compliance of an appellation of origin or geographical indication with the specification of the goods, shall create appropriate conditions for the competent authority/control body and shall ensure access to all necessary documents, places, premises, devices and equipment.

2. When exercising state control, the competent authority/control body shall verify all stages of production of goods protected by a registered appellation of origin or geographical indication, their entire supply chain, storage conditions of the goods, the place of origin of the raw materials and all circumstances necessary to determine the compliance of the appellation of origin or geographical indication with the specification of the goods.

3. The competent authority/control body shall exercise state control over the use of traceability marks.

#### **Article 21. Frequency of State Control**

1. To determine the traceability and movement of goods, as well as the compliance of an appellation of origin or geographical indication with the specification of the goods, the competent agency/control body shall exercise state control of the producer and processor of goods at least once every 2 years, based on a sample of goods selected by it.

2. In the case of a registered geographical indication, the producer of the goods shall be checked annually on the basis of a sample of the final goods, and in the case of a registered appellation of origin, the producer or processor of the goods who puts their goods into civil circulation/places them on the market. If one operator puts the goods of several producers or processors into civil circulation/places them on the market, state control of the corresponding samples of the goods of the producers or processors of the goods shall be exercised.

3. In case of detection of non-compliance of an appellation of origin or geographical indication with the traceability, movement and the specification of the goods, the control of the producer or processor of the goods shall be exercised for 2 years, no more than twice a year.

#### **Article 22. State Control Plan**

1. The state control plan shall be developed by the competent agency/control body in accordance with the requirements of Article 6 of this Law. The union or applicant related to goods protected by a registered appellation of origin or geographical indication shall cooperate with the competent agency/control body, if necessary.

2. Within 6 months from the registration of the appellation of origin or geographical indication, the control body shall submit a state control plan to the competent authority for approval. The competent authority shall approve the said state control plan within 3 months.

3. In the absence of a control body, the state control plan shall be approved by the competent authority within 6 months from the registration of the appellation of origin or geographical indication.

### **Article 23. Accountability of the Control Body**

1. In the case provided for in paragraph 4 of Article 19 of this Law, the competent authority shall supervise the activities of the control body in accordance with the Instruction on Authorization and Supervision of Control Bodies.

2. The control body shall submit to the competent authority a report on each registered appellation of origin or geographical indication annually, within 3 months of the end of the calendar year, and also upon request by the competent authority. This report shall contain at least:

a) a list of persons who came under the state control and information on the said control;

b) information on the number of goods protected by an appellation of origin or geographical indication, included in civil circulation/placed on the market;

c) information on the measures taken to eliminate the non-compliances identified during the state control provided for in Article 21 of this Law and their number;

d) information on the number of certificates that have been revoked or the validity of which has been suspended.

3. The information provided for in paragraph 2 of this Article shall be submitted to Sakpatenti, upon its request, no later than 15 days.

4. If, during the exercise of state control by the control body, a significant non-compliance of the registered appellation of origin or geographical indication with the specification of the goods is detected, the control body is obliged to notify the competent authority thereof.

5. The competent authority is authorized to conduct an audit of the control body based on a reasoned decision.

6. When conducting an audit of a control body, the competent authority shall be guided by the principles of legality, objectivity, independence, transparency, appropriateness and equality.

7. When conducting an audit of a control body, the competent authority shall verify the appropriateness of the decision taken by the control body.

8. The competent authority shall be entitled to request from the control body any documents and information necessary for the conduct of the audit in order to supervise its activities.

9. The control body shall provide the competent authority with the documents and information specified in paragraph 8 of this Article no later than 10 working days from the request.

10. The audit specified in this Article shall be completed no later than 1 month from the date of its commencement.

11. If, during the audit, it is determined that the control body is unable to perform the tasks defined by the delegated authority and fails to take appropriate measures in a timely manner, the competent authority shall immediately terminate the delegation of authority to the control body.

#### **Article 24. Inspection of Final Goods**

1. The exercise of state control to determine the compliance of a registered appellation of origin or geographical indication of a food or alcoholic beverage with the specification of the final goods shall include taking a sample of the goods to examine the organoleptic, physical and chemical characteristics of the goods.

2. The exercise of state control of non-food goods shall include checking the physical and other essential characteristics of the goods.

3. A sample of the goods to examine the organoleptic, physical and chemical characteristics of the goods shall be taken by the competent authority/control body.

#### **Article 25. Costs of Determining the Compliance of the Appellation of Origin or Geographical Indication with the Specification of the Goods and State Control**

1. The cost of the determination of compliance of the appellation of origin or geographical indication with the specification of the goods shall be covered by the union or the producer of the relevant goods.

2. The state is authorized to co-finance the cost of state control. The procedure for reimbursement of the cost of state control shall be determined by an act of the Government of Georgia.

#### **Article 26. Powers of Union**

The union is authorized to:

a) ensure the quality, reputation and authenticity of goods, monitor the use of the names of goods included in civil circulation/placed on the market and, if necessary, provide the competent authority with relevant information in accordance with the Instruction on Monitoring the Activities of union;

b) take appropriate measures to ensure the legal protection of registered appellation of origin or geographical indication and intellectual property rights directly related to them;

c) prepare information materials and implement measures to provide consumers with information about the characteristics of goods that add value to the goods;

d) take measures to ensure compliance of the appellation of origin or geographical indication with the specification of the goods;

- e) take appropriate measures for the effective implementation of the procedures provided for by this Law, including conducting economic analysis, providing relevant information and consulting to the producer of goods protected by a registered appellation of origin or geographical indication;
- f) take appropriate measures to increase the value of the goods and, if necessary, prevent actions that damage the reputation of the goods or pose a risk to them;
- g) exercise other powers provided for by the legislation of Georgia.

## **Chapter V**

### **Official Symbol and Inscription,**

#### **Responsibility**

#### **Article 27. Rules for Using the Official Symbol and the Inscription “Registered Appellation of Origin” or “Registered Geographical Indication” on Goods Protected by an Appellation of Origin or Geographical Indication**

1. Any natural or legal person holding a certificate has the right to use the inscription “registered appellation of origin” or “registered geographical indication”.
2. The inscription “registered appellation of origin” or “registered geographical indication” may be used in or together with the trade name of the goods, as well as on the packaging or in advertising or offers containing goods marked with a registered appellation of origin or geographical indication, if:
  - a) there is no other ingredient in the goods that could partially or completely replace the goods marked with a registered or protected appellation of origin or geographical indication;
  - b) the quantity of ingredients used is sufficient to give the goods their essential characteristics;
  - c) the percentage of an ingredient of the goods shall be indicated together with the registered appellation of origin or geographical indication, in the vicinity of the trade name of the goods, in the principal field of vision, and if this is not possible, in the list of ingredients, next to this ingredient.
3. Subject to the requirements of paragraph 1 of this Article, the relevant official symbol shall be placed on the front of the label of goods (except wine) marked with a registered appellation of origin or geographical indication. The registered appellation of origin or geographical indication of the goods shall be placed in the same field of vision. The label of the goods may also bear the inscription “registered appellation of origin” or “registered geographical indication”.
4. Subject to the requirements of paragraph 1 of this Article, the front of the label of a wine marked with a registered appellation of origin or a geographical indication shall bear the inscription “registered appellation of origin” or “registered geographical indication”. The registered appellation of origin or geographical indication of the wine shall be placed in the same field of vision. The corresponding official symbol may also be placed on the wine label.
5. The black and white version of the official symbol may be used only if no other colors are present on the label or packaging of the corresponding goods.

6. The official symbol is approved by order of the Chairperson of Sakpatenti.

### **Article 28. Liability for the Unlawful Use of an Appellation of Origin or Geographical Indication**

1. The use of an appellation of origin or geographical indication contrary to the requirements of this Law shall entail liability in accordance with the legislation of Georgia.

2. In case of unlawful use of an appellation of origin or geographical indication, an union, competent authority, control body, or interested person shall be entitled to request:

a) cessation of unlawful activity;

b) withdrawal from civil circulation/market of goods marked with an appellation of origin or geographical indication in violation of the requirements of this Law, as well as withdrawal of goods imported or stored (placed for storage) for inclusion in civil circulation/market on the territory of Georgia or goods transiting through the territory of Georgia;

c) destruction of any image, label, print, packaging, wrapping or advertising material or sign that contains an appellation of origin or geographical indication or is a copy or imitation thereof, including the deletion of any image or material posted on the Internet that contains an appellation of origin or geographical indication;

d) destruction of cliché, matrices, other devices, technical equipment and tools intended for the production of appellation of origin or geographical indication;

e) destruction of goods marked with an appellation of origin or a geographical indication in violation of the requirements of this Law. Goods to be destroyed, after removal of the image, label, print and packaging containing the appellation of origin or geographical indication, may be used for humanitarian or charitable purposes, only with the consent of the interested person and on the condition that these goods do not pose a risk to human life or health.

3. An union or other interested person shall be entitled, in addition to the actions provided for in paragraph 1 of this Article, to request the implementation of one of the following actions:

a) compensation for the damage caused (including lost income), if the infringer knew or should have known about the violation of the law related to the appellation of origin or geographical indication;

b) confiscation of the income received;

c) payment of a one-time monetary compensation.

4. When determining the amount of one-time monetary compensation, the quantity of goods marked in violation of the exclusive right to an appellation of origin or geographical indication, the intention of the infringer and/or any other circumstances that may be taken into account when determining the amount of compensation shall be taken into consideration.

### **Article 29. Notification of Appellations of Origin in accordance with International Treaties of Georgia**

The applicant shall submit an application for international registration of an appellation of origin to the International Bureau of the World Intellectual Property Organization through Sakpatenti in accordance with the international treaty of Georgia.

## **Chapter VI**

### **Transitional and Final Provisions**

#### **Article 30. Transitional Provisions**

1. The compliance with this Law of an appellation of origin or geographical indication, the application for registration for which has been submitted to Sakpatenti or which has been registered by Sakpatenti before the entry into force of this Law, shall be ensured by 1 January 2031. If the compliance of the registration of an appellation of origin or geographical indication with this Law is not ensured by the said date, this appellation of origin or geographical indication shall be entered in the Register as a recognized Georgian geographical indication, if it meets the requirements of subparagraphs “a” and “b” of paragraph 2 of this Article. The amendments necessary to ensure the compliance of the application provided for in this paragraph with this Law shall be made free of charge.

2. An appellation of origin registered by Sakpatenti or submitted for registration to Sakpatenti before the entry into force of this Law, notwithstanding the requirements of paragraph 1 of Article 3 of this Law, may be considered an appellation of origin if the raw materials of the relevant goods originate in a geographical area that is wider than or different from the geographical area of origin of the said goods, if one of the following conditions is met:

a) the boundaries of the geographical area of production of the raw material of the goods have been established;

b) special conditions have been established for the production of the raw material of the goods;

c) the appellation of origin has historically and traditionally been used outside the relevant geographical area;

d) there is a control mechanism to ensure compliance with the conditions specified in subparagraphs “a”–“c” of this paragraph.

3. For the purposes of paragraph 2 of this Article, raw materials of the goods shall mean live animal, milk and meat.

4. The appellation of origin and geographical indication approved by the Decree No. 88 of 28 February 2002 of the President of Georgia “On Measures Related to the Entry into Force of the Law of Georgia “On Appellations of Origin and Geographical Indications of Goods”, in addition to the appellation of origin and geographical indication entered in the Register, shall be granted the status of a recognized Georgian geographical indication upon the entry into force of this Law.

5. Within 1 year from the entry into force of this law:

a) Sakpatenti shall develop and approve in accordance with the established procedure:

a.a) Instruction on the Registration of Appellation of Origin and Geographical Indication;

a.b) Statute of the Commission for Examination of Appellations of Origin and Geographical Indications;

a.c) Official symbols of appellation of origin and geographical indication;

b) The Ministry of Environmental Protection and Agriculture of Georgia shall develop and approve in accordance with the established procedure;

b.a) Instruction on Authorization and Supervision of Control Bodies;

b.b) Instruction on Monitoring the Activities of Union.

### **Article 31. Invalidated Normative Act**

The Law of Georgia on Appellation of Origin and Geographical Indication of Goods, dated 22 June 1999 (Legislative Herald of Georgia, No. 25(32), 1999, Art. 126), shall be declared invalid.

### **Article 32. Entry into Force of the Law**

1. This Law, except for Articles 1–29 and 31 of this Law, shall enter into force upon its publication.

2. Articles 1–29 and 31 of this Law shall enter into force on 1 November 2024.

**President of Georgia**

**Salome Zourabichvili**

**Tbilisi**

**21 September 2023**

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