

**LAW OF GEORGIA**  
**ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS OF GOODS**

**Chapter I**  
**General Provisions**

**Article 1 - Scope of the Law**

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

**Article 2 - Definitions of terms**

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

- a) Sakpatenti – the Legal Entity under Public Law, the National Intellectual Property Center of Georgia, called Sakpatenti, is an independent body operating in the field of protecting intellectual property;
- b) State Registry for Appellations of Origin and Geographical Indications of Goods (hereinafter ‘the Registry’) - a set of data on appellations of origin and geographical indications registered by Sakpatenti and protected under an international agreement of Georgia, as well as Georgian geographical indications recognised by Sakpatenti;
- c) application - an application for the registration of appellation of origin or geographical indication, or an application for the introduction of changes to the specifications of goods;
- d) applicant - an association and, where appropriate, a state agency or a legal entity under public law applying for the registration of an appellation of origin or a geographical indication; a natural person or legal entity who is the sole manufacturer of goods whose characteristics of geographical area of production significantly differ from those of neighbouring territories, or whose characteristics differ from the characteristics of goods produced in adjacent geographical areas; if the appellation of origin or geographical indication of a foreign country is protected in the country of origin of the goods as a collective or certification trademark, the applicant is the holder of this trademark;
- e) association - any association of manufacturers carrying out activities related to goods and/or processors of goods to be protected/protected by an appellation of origin or a geographical indication, or any other association of persons irrespective of its organisational legal form;
- f) organoleptic characteristics – the characteristics of the final goods that are assessed with human sensory organs;
- g) generic term - an appellation of goods which, irrespective of its original connection to a place, region or country where these goods were initially manufactured or sold, has become a common name for these goods in Georgia;
- h) state control - an action carried out by a competent authority to determine the compliance of an appellation of origin or a geographical indication with specifications of goods, as well as control over the application of a rule established by the Law on Appellations of Origin or Geographical Indications of Goods involved in civil circulation and/or placed on the market;
- i) competent authority - a state agency exercising state control;
- j) controlling body - a legal entity under private law accredited by the legislation of Georgia in accordance with EU or international standards and authorised by a competent authority, which, by the said authority, has been delegated the power to exercise state control, in order to determine the compliance of a registered appellation of origin and a geographical indication with the specifications of goods;
- k) evaluation of the compliance with specifications - a set of procedures used to determine whether the requirements defined in the product specification for goods protected by an appellation of origin or geographical indication have been met;
- l) certificate verifying the compliance of goods with its specifications (hereinafter ‘certificate’) - a document confirming that the goods bearing a registered appellation of origin or geographical indication comply with the specifications of goods;
- m) production stage - any stage of production, processing or manufacturing of goods protected by appellations of origin or geographical indications;
- n) traceability - the possibility to identify data (information) on goods protected by appellations of origin or geographical indications, on any substances and ingredients to be used therein, as well as on the packaging of those goods at the production and distribution stages;
- o) traceability mark - a mark placed on a batch/lot of goods that enables identification of the manufacturer and the specific batch/lot. Where, due to the characteristics of goods, the traceability mark cannot be placed directly on the goods, it may be placed on the label of goods intended for consumer use;
- p) official symbol of appellation of origin or geographical indication (hereinafter ‘official symbol’) - a symbol approved in accordance with this Law, referring to goods protected by an appellation of origin or a geographical indication;



- q) final goods - goods that have undergone all stages of production and are ready for civil circulation/placement on the market, or are already involved in civil circulation/placed on the market;
- r) audit - a systemic and independent inspection of a controlling body conducted by a competent authority to determine whether the activities of the controlling body and outcomes thereof are in compliance with the assigned tasks, whether these tasks were effectively performed, and whether the intended goals are being achieved;
- s) operator - a person whose activities are related to the production, primary production, processing, and distribution of goods, who is responsible for ensuring the compliance of such activities with the requirements defined by 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 (including water) to be used in food, which is used in the composition of food during its production and processing. Food does not include feed, live animals (except those prepared for the placement on the market), plants (prior to harvest), medicinal and homeopathic products, tobacco and its products, narcotic drugs, psychotropic substances, cosmetics, residues and contaminants.

### **Article 3 - Appellations of origin and geographical indications**

1. An appellation of origin is the name of a geographical area or a designation containing this appellation or another indication that refers to the given geographical area and is used to designate goods:
  - a) originating from this geographical area;
  - b) the quality or characteristics of which are entirely or primarily determined only by the environment of this geographical area (including natural and human factors), which has shaped the reputation of the goods;
  - c) the production, processing, and preparation of which take place within the boundaries of this geographical area.
2. A geographical indication is a designation that contains the name of a geographical area or another indication referring to that geographical area and is used to designate goods:
  - a) that originate from this geographical area;
  - b) the quality, reputation, or other characteristics of which are primarily attributable to their geographical origin;
  - c) for which at least one stage of production is carried out within the boundaries of this geographical area.
3. The geographical area referred to in paragraphs 1 and 2 of this article may consist of a place, a region or an entire territory of a country.
4. A Georgian geographical indication that meets the requirements of Article 30(2)(a) and (b) of this Law and has traditionally been used at a specific place shall be granted the status of a recognised Georgian geographical indication by Sakpatenti. This status may also be granted to a designation that, after the transitional period defined by paragraph 1 of Article 30 of this Law, no longer complies with the requirements of Article 6 of this Law. The procedure for granting the status of a recognised Georgian geographical indication to a Georgian geographical indication shall be defined by the Instruction on the Registration of Appellations of Origin and Geographical Indications of Goods.

### **Article 4 - Protection of appellations of origin or geographical indications**

1. The protection of appellations of origin or geographical indications shall be ensured by Sakpatenti on the basis of their registration, while the protection of a recognised Georgian geographical indication shall be ensured by Sakpatenti through the granting of the corresponding status.
2. In Georgia, the protection of foreign appellations of origin or geographical indications shall be ensured by Sakpatenti through their registration or on the basis of an international agreement of Georgia.
3. Appellations of origin and geographical indications registered or protected on the basis of an international agreement of Georgia, as well as Georgian geographical indications recognised by Sakpatenti, shall be entered in the Registry. The data in the Registry shall be public.

## **Chapter II**

### **Registration of appellations of origin and geographical indications**

#### **Article 5 - Application for registration of an appellation of origin or a geographical indication**

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

- a) a request for the registration of the appellation of origin or a geographical indication;
- b) the name(s), surname(s)/name(s), identification number(s) and legal address(es) of the applicant and, if applicable, a competent authority or controlling body;
- c) the appellation of origin or geographical indication for which the registration is requested. If the appellation of origin or geographical indication is not performed in the Georgian language, its transliterated form in Georgian shall be submitted;
- d) the category of goods for which the registration of an appellation of origin or geographical indication is requested;
- e) a document issued by the applicant verifying representation, if the application is submitted by a representative;
- f) the signature of an authorised person;



- g) the specifications of goods provided for by Article 6 of this Law;
- h) a document confirming that the special quality, reputation, or properties of the goods are attributable to the natural and/or human factors of the relevant geographical area;
- i) a control plan through which the production conditions of the goods provided for in the specifications of goods are monitored;
- j) a document confirming that an appellation of origin or geographical indication of a foreign country is protected in the country of origin of goods, if the applicant is foreign person/entity;
- k) a document confirming payment of the registration fee for the appellation of origin or geographical indication;
- l) a single document containing:
  - l.a) key data of the specifications of goods: the name and description of the goods and, where appropriate, the rules for packaging and labelling the goods as defined by the legislation of Georgia, and a precise description of the relevant geographical area;
  - l.b) a description of the connection between the quality or characteristics of the goods and the geographical environment and human factors, in accordance with Article 3(1) or (2) of this Law, and, where appropriate, specific elements of the description of the goods confirming such connection or the specific elements of production methods.

## **Article 6 - Specifications of goods**

The specifications of goods shall include at least the following information:

- a) the appellation of origin or geographical indication of the goods involved in civil circulation/placed on the market, in the Georgian language and in the language(s) used or currently used in the relevant geographical area for describing the goods;
- b) a description of the goods (including raw materials, if any), as well as the physical, chemical, microbiological, and 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, where appropriate, also of authentic and unchanged local methods;
- d) The boundaries of the relevant geographical area, taking into account the connection referred to in paragraphs (f.a) and (f.b) of this article, and, where appropriate, also information confirming the compliance of the goods with the requirements of Article 30(2) of this Law;
- e) proof that the goods originate within the boundaries of the geographical area provided for by Article 3(1) or (2) of this Law;
- f) detailed data confirming one of the following connections:
  - f.a) between the quality or characteristics of the goods and the geographical environment and human factors, in accordance with Article 3(1) of this Law;
  - f.b) between the quality, reputation or other characteristics of the goods and the geographical origin, in accordance with Article 3(2) of this Law;
- g) the name, identification number, and legal address of a competent authority or controlling body responsible for determining the compliance of the appellation of origin or geographical indication with the specifications of the goods;
- h) a special labelling rule, if any, for the goods;
- i) information, if any, about the packaging of the goods, and the applicant's justification for the need to package those goods within the relevant geographical area to ensure the quality protection of the goods, the authenticity of their origin, or state control.

## **Article 7 - Changes in specifications of goods**

1. An applicant or any other interested person has the right to submit an application to Sakpatenti for introduction of changes into the specifications of goods.
2. If an application concerns the introduction of substantial changes into the specifications of goods, it shall be submitted in accordance with Article 5 of this Law and it shall undergo examination as provided for by Article 8 of this Law, within the timeframe specified therein.
3. If the application concerns the introduction of non-substantial changes into the specifications of goods, Sakpatenti shall make a decision on whether to approve, partially approve, or reject the requested changes to the specifications of goods, within one month after its submission.
4. A change to be introduced into the specifications of goods shall be considered substantial if it:
  - a) applies to the essential characteristics of the goods;
  - b) alters the connection defined by subparagraph (h) of Article 5 of this Law;
  - c) covers the modifications of any part of the appellation of origin or geographical indication;
  - d) alters the relevant geographical area;
  - e) expands restrictions related to the placement of goods or raw materials in civil circulation/on the market.
5. If an interested person submits an application for the introduction of changes into the specifications of goods, the applicant shall be notified within five days of the completion of the examination defined in paragraph 1 of Article 8 of this Law. The applicant shall be entitled to submit his/her opinion on the introduction of non-substantial changes into the



specifications of goods to Sakpatenti within 10 days, after receiving the said notification, and in the case of introducing essential changes within one month.

6. In the case of introducing changes into the specifications of goods, Sakpatenti shall publish appropriate information in accordance with Article 11 of this Law.

### **Article 8 - Examination of the application**

1. The application shall be examined by Sakpatenti.

2. Within two months from the date of submission, Sakpatenti shall verify the compliance 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 granted a one-month period to correct it. If the deficiency is not remedied within this period, Sakpatenti shall decide, within ten days, to reject the examination of the application.

4. If an application complies with the requirements of Article 5 of this Law, Sakpatenti shall, within three months, verify the existence of grounds for the refusal of registration of the appellation of origin or geographical indication provided for by Article 10 of this Law, and based on that shall decide either to continue the examination or to refuse registration of the appellation of origin or geographical indication.

5. The procedures for documenting and submitting the application, its examination, the appeal of decisions regarding registration of the appellations of origin or geographical indication, the suspension, extension and restoration of review periods, the introduction of changes into the specifications of the goods, the publication of application materials, the cancellation and invalidation of registration of the appellation of origin or geographical indication, and other rules related to registration, shall be determined by the Instruction on the Registration of Appellations of Origin and Geographical Indications of Goods.

6. Where the application applies to an appellation of origin or geographical indication of a foreign country, Sakpatenti shall verify only the existence of grounds for the refusal of registration of the appellations of origin or geographical indications as defined in Article 10 of this Law.

### **Article 9 - National Commission for the review of appellations of origin and geographical indications**

1. By an order of the Head of Sakpatenti, a national Commission for the Review of Appellations of Origin and Geographical Indications (hereinafter 'the Commission') shall be set up, which shall review matters related to the registration of appellations of origin or geographical indications, the refusal of registration, the cancellation of registration, or the refusal to cancel registration.

2. The Commission shall consist of five members, one representative from the relevant sectoral ministry, two representatives from Sakpatenti, one representative from the executive body of the relevant municipality (the mayor), and one invited sectoral specialist. The Head of Sakpatenti shall serve as Chairperson of the Commission.

3. The Commission shall be set up:

a) in accordance with Article 8(4) of this Law, within 15 days after Sakpatenti makes a decision to continue the examination of an application;

b) in cases concerning the cancellation of registration of the appellation of origin or geographical indication, when the goods no longer meet the requirements of the specifications of goods, either at the initiative of Sakpatenti or at the request of an interested person, within 15 days of receiving such request.

4. The Commission shall verify, within six months, the compliance of the specifications of the goods with the requirements determined by Article 6 of this Law.

5. The Commission shall make a decision by a majority vote regarding the registration of the appellation of origin or geographical indication, the refusal of registration, the cancellation of registration, or the refusal to cancel registration.

6. Other issues related to the activities of the Commission (including the invitation and remuneration of sectoral specialists) shall be determined by the Statute of the Commission.

### **Article 10 - Grounds for refusal of registration of appellations of origin or geographical indication**

An appellation shall not be registered as an appellation of origin or geographical indication if it:

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

b) is considered a generic term;

c) contradicts public order or accepted principles of morality;

d) conflicts with the name of a plant variety (including vine species intended for wine making) or the name of an animal breed, which may mislead customers as regarding the origin of the goods.

### **Article 11 - Publication**

1. Within one month of the decision to register an appellation of origin or geographical indication, in accordance with Article 9(5) of this Law, Sakpatenti shall publish the specifications of goods in the Official Journal of Industrial Property (hereinafter 'the Journal'), on its official website and in one local newspaper (if any).

2. On the basis of a decision made by Sakpatenti to grant protection to an appellation of origin or geographical indication



of a foreign country, a transliterated form in Georgian of the appellation of origin or geographical indication, the category of goods and the registration number of the appellation of origin or geographical indication (if any) shall be published in the Journal.

3. On the basis of a decision to recognise an indication adopted by Sakpatenti in accordance with Article 30(2) of this Law as a Georgian geographical indication, the recognised Georgian geographical indication, the category of goods and the recognition number of the indication shall be published in the Journal.

#### **Article 12 - Validity period of appellations of origin and geographical indications**

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

2. The validity period of appellations of origin and geographical indications protected by an international agreement of Georgia shall be specified by a relevant agreement.

3. A recognised Georgian geographical indication shall be protected from the date of its publication. If a recognised Georgian geographical indication that was registered by Sakpatenti as an appellation of origin or geographical indication was transferred to the Registry in accordance with Article 30(1) of this Law, the date of its protection shall be deemed the date of the submission of the application for registration of the recognised Georgian geographical indication.

4. A registered appellation of origin or a geographical indication or a recognised Georgian geographical indication shall be protected indefinitely. The validity period of the protection of an appellation of origin or a geographical indication protected on the basis of an international agreement of Georgia shall be terminated upon the expiry of the term provided for by paragraph 2 of this article, or in case of the cancellation of its registration of the appellation of origin and geographical indication in the country of origin of goods.

#### **Article 13 - Rules for appealing a decision**

1. An applicant shall be entitled to appeal a decision to reject an application, in accordance with Article 8(3) of this Law, or a decision to refuse registration of the appellation of origin or geographical indication, in accordance with Article 8(4), within one month in court or within three months to the Chamber of Appeals of Sakpatenti.

2. A decision made in accordance with Article 9(5) of this Law may be appealed in court within one month.

3. A decision published by Sakpatenti in accordance with Article 11(2) and (3) of this Law on the registration of appellations of origin and geographical indications may be appealed in court within one month or to the Chamber of Appeals of Sakpatenti within three months.

4. Any interested person shall have the right to apply to the court in accordance with paragraph 2 of this article, or to the court or the Chamber of Appeals of Sakpatenti in accordance with paragraph 3 of this article, if the appellation of origin of 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 designation or trademark, or of goods that were lawfully in civil circulation/on the market no later than five years prior to the publication of the decision on the registration of appellations of origin and geographical indications;

c) may mislead a customer about the origin of appropriate goods, taking into account the reputation, awareness and duration of use of the trademark;

d) is considered a generic term;

e) conflicts with the name of a plant variety (including vine species intended for wine making) or the name of an animal breed, which may mislead customers about the origin of the goods;

f) the homonym of the appellation is wholly or partially entered in the Registry and does not sufficiently differ from the local and traditional use of this appellation, thereby misleading customers. An homonymic appellation that misleads customers as regards the origin of goods also may not be registered when it is the name of a territory, region or factual place of origin of goods;

g) contradicts public order or accepted principles of morality.

5. The time limits for appeals under this article shall be calculated from the date the applicant is officially notified of the relevant decision, and for any other interested person, from the date the application materials are published in the Journal.

6. A decision to refuse the registration of appellations of origin or geographical indications protected on the basis of an international agreement of Georgia may be appealed according to the rule established by the appropriate agreement.

#### **Article 14 - Fees**

Fees established by Georgian legislation shall be paid for the examination of an application, the introduction of changes into the Registry, the publication of application materials, the issuance of extracts from the Registry, as well as other actions related to the registration of appellations of origin or geographical indications.

#### **Article 15 - Registration and protection of appellations of origin or geographical indications in a foreign country**

1. An appellation of origin or geographical indication may be submitted for registration in a foreign country either



directly or based on an international agreement of Georgia, only after it has been registered in Georgia.

2. Sakpatenti is authorized to carry out the necessary measures for the registration and protection of registered appellations of origin and geographical indications and/or recognised Georgian geographical indications in a foreign country.

### Chapter III Scope of Protection of Appellations of Origin and Geographical Indications

#### **Article 16 - Scope of protection of appellations of origin or geographical indications**

1. In view of the scope of the protection of an appellation of origin or a geographical indication, the following are prohibited:

a) any direct or indirect commercial use of the appellation of origin or geographical indication in the following cases:

a.a) when the goods protected by the appellation of origin or the geographical indication and the goods not covered by the registration are of the same type;

a.b) where the reputation of the registered or protected appellation of origin or geographical indication is exploited, even when the appropriate goods are used as ingredients;

b) in the case of any misuse, imitation, or evocation of the appellation of origin or geographical indication, even if the place of origin of the appropriate goods is indicated, or the protected appellation of origin is presented in the form of translation, transliteration, transcription or accompanied by the following words such as: 'style', 'type', 'method', 'manufactured as', 'imitation', 'aroma', etc. as well as when those goods are used as ingredients;

c) when any other false or misleading indication that may deceive customers about the origin of goods, place of origin, designation, or special quality, whether on the internal or external packaging of goods in civil circulation/ on the market, advertising materials, or documentation related to goods, as well as in the case of packaging (placement in a container), which may mislead customers as regards the origin of goods;

d) any other action that may mislead customers as regards the origin of the goods.

2. A protected appellation of origin or geographical indication may not be transformed into a generic term.

3. If a protected appellation of origin or a geographical indication contains the name of goods considered a generic term, the prohibitions defined by paragraphs (a) and (b) of paragraph 1 of this article shall not apply to the use of that generic term.

4. The provisions of this article may not restrict a natural person's right to use his/her own name or the name of a person whose heir he/she is when placing goods in civil circulation/on the market, unless such use misleads customers.

5. The provisions of this article may not restrict any natural person's right to use the name of a plant or animal breed when placing goods in civil circulation/on the market, unless such use misleads customers.

#### **Article 17 - Cancellation or invalidation of the registration of appellations of origin and geographical indications**

1. The registration of an appellation of origin or a geographical indication shall be invalidated in accordance with Article 9(3)(b) of this Law.

2. At the request of an interested person, the court shall invalidate the registration of an appellation of origin or geographical indication, if the requirements of Article 9(4) or Article 10 of this Law were violated during the registration of an appellation of origin or geographical indication.

3. Information on the cancellation or invalidation of registration of an appellation of origin or geographical indication shall be entered into the Registry and published in the Journal.

#### **Article 18 - Relationship between appellations of origin or geographical indications and trademarks**

1. If a registered appellation of origin or geographical indication exists, any trademark application submitted after the registration of the appellation of origin or geographical indication shall be refused if the goods protected by the registered appellation of origin or geographical indication and the goods to which the trademark refers are of the same type and the use of that trademark may violate the requirements of Article 16(1) of this Law.

2. Notwithstanding non-compliance with the requirements of Article 16(1) of this Law, the use or renewal of a trademark shall be permitted if the application for its registration was submitted or the trademark was registered with bona fide intention, prior to the submission of the application for registration of the appellation of origin or geographical indication.

3. If, at the time of submission of an application for registration of an appellation of origin or geographical indication, a trademark application has already been filed with Sakpatenti that contains or consists of the appellation of origin or geographical indication or and the protection of that appellation of origin or geographical indication will result in any of the conditions defined in Article 16(1) of this Law, proceedings related to 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.



### **Article 19 - State control**

1. The compliance of a registered appellation of origin and geographical indication (except for an appellation of origin or geographical indication of a foreign country) with the specifications of goods shall be determined, and a certificate shall be issued by a competent authority/controlling body.
2. As regards goods protected by a registered appellation of origin or geographical indication, in the case of food (except for alcoholic drinks of grape origin, spirit drinks, agricultural ethyl spirits and agricultural distillates), the competent authority shall be the Legal Entity under Public Law called the National Food Agency, and for alcoholic drinks of grape origin, spirit drinks, agricultural ethyl spirits and agricultural distillates, the competent authority shall be the Legal Entity under Public Law called the National Wine Agency.
3. For non-agricultural goods, a competent authority shall be determined by the Government of Georgia.
4. The function of determining the compliance of an appellation of origin or geographical indication with specifications of goods shall be conferred by the competent authority to one or more controlling body/bodies, if any, in accordance with the Instruction on the Authorisation and Supervision of Controlling Bodies.
5. A competent authority shall carry out activities based on principles of objectivity and impartiality, using other resources required for the performance of functions of qualified personnel and its own functions.
6. The delegation of state control authority to a controlling body to verify the compliance of an appellation of origin or geographical indication with the specifications of goods shall be carried out by a competent authority based on the state control plan provided for by Article 22 of this Law, only if:
  - a) it contains a precise description of the tasks to be performed by the controlling body and a list of conditions under which exercising state control must be implemented;
  - b) the controlling body has the appropriate infrastructure and equipment, employs a required number of qualified and experienced personnel and carries out activities on the principles of objectivity and impartiality. Moreover, a controlling body may not have any conflict of interest in the performance of its duties.
7. The control of food products placed in civil circulation/on the market (including alcoholic drinks of grape origin, spirit drinks, agricultural ethyl spirits and agricultural distillates) shall be carried out by the Legal Entity under Public Law called the National Food Agency, based on appropriate analysis. The control of other goods shall be carried out by a competent authority as determined by the legislation of Georgia.
8. Where minor non-compliance of the appellation of origin or geographical indication with the specifications of goods is identified during state control by the competent authority or controlling body, the competent authority/controlling body shall be authorised to specify a reasonable period to correct the discrepancy. If the discrepancy is not corrected within this period, the competent authority/controlling body shall make a decision to suspend the validity of the certificate until the discrepancy is resolved.
9. Where significant non-compliance of the appellation of origin or geographical indication with specifications of goods is identified during state control exercised by the competent authority/controlling body, the competent authority/controlling body shall make a decision to revoke the certificate.
10. The degree of non-compliance of an appellation of origin or geographical indication with specifications of goods provided for by paragraphs 8 and 9 of this article shall be determined by the state control plan.

### **Article 20 - Requirements relating to state control**

1. An association or a manufacturer and/or a processor of goods protected by an appellation of origin or a geographical indication, who wishes to have their goods assessed for compliance with the specifications of goods protected by the appellation of origin or geographical indication, shall provide the competent authority/controlling body with proper conditions and ensure access to all necessary documents, places, premises, equipment and devices.
2. When exercising state control, the competent authority/controlling body shall examine all the production stages of the goods protected by the appellation of origin or geographical indication, the entire supply chain, the storage conditions of goods, the place of origin of raw materials, and all circumstances necessary to determine the compliance of the appellation of origin or geographical indication with the specifications of goods.
3. A competent authority/controlling body shall exercise state control of the use of traceability marks.

### **Article 21 - Frequency of state controls**

1. To determine the traceability and movement of goods, as well as the compliance of an appellation of origin or geographical indication with the specifications of goods, the competent authority/controlling body shall conduct state control of manufacturers and processors of goods at least once every two years, based on selected samples of goods.
2. In the case of a registered geographical indication, a manufacturer of goods shall be inspected annually based on samples of a final product. In the case of a registered appellation of origin, an annual inspection shall apply to a manufacturer or a processor who places the goods in civil circulation/on the market. If a single operator places goods from several manufacturers or processors into civil circulation/on the market, state control shall be conducted on appropriate



samples from each manufacturer or processor.

3. If non-compliance is identified in traceability, movement, or the specification of goods bearing an appellation of origin or geographical indication, the manufacturer or processor shall be subject to state control up to twice per year for a period of two years.

#### **Article 22 - State control plan**

1. The state control plan shall be developed by a competent authority/controlling body in accordance with the requirements of Article 6 of this Law. An association or an applicant related to goods protected by a registered appellation of origin or geographical indication is obliged, where appropriate, to cooperate with the competent authority/controlling body.

2. Within the period of six months after the registration of an appellation of origin or a geographical indication, the controlling body shall submit the state control plan to the competent authority for approval. The competent authority is obliged to approve the state control plan within three months.

3. If no controlling body exists, the state control plan shall be approved by the competent authority within six months after registration of an appellation of origin or a geographical indication.

#### **Article 23 - Accountability of the controlling body**

1. In the case provided for by Article 19(4) of this Law, the activities of the controlling body shall be supervised by the competent authority in accordance with the Instruction on the Authorisation and Supervision of Controlling Bodies.

2. The controlling body shall submit an annual report to the competent authority for each registered appellation of origin and geographical indication within three months after the end of the calendar year, as well as upon request of the competent authority. This report shall include at least:

a) a list of persons subject to state control and information about the control conducted;

b) information on the quantity of goods protected by a registered appellation of origin or geographical indication that were placed in civil circulation/on the market;

c) information on measures taken and their number to address non-compliance identified during state control provided for by Article 21 of this Law;

d) information on the number of certificates that were revoked or suspended.

3. Upon request, the controlling body shall submit the information defined in paragraph 2 of this article to Sakpatenti, not later than 15 days.

4. If significant non-compliance of an appellation of origin or a geographical indication with specifications of goods is identified when the controlling body exercises state control, the controlling body is obliged to notify the competent authority.

5. The competent authority shall be authorised to conduct an audit of the controlling body based on a substantiated decision.

6. When conducting an audit of the controlling body, the competent authority shall adhere to the principles of legality, objectivity, independence, transparency, appropriateness and equality.

7. When conducting an audit of the controlling body, the competent authority shall examine the appropriateness of decisions made by the controlling body.

8. The competent authority shall be authorised to require from the controlling body any documents and information necessary to supervise its activities.

9. The controlling body is obliged to deliver the documents and information provided for by paragraph 8 of this article to the competent authority not later than 10 working days after a request.

10. An audit provided for by this article shall be completed not later than one month from its commencement.

11. If the audit reveals that the controlling body is unable to fulfill its delegated responsibilities or fails to take timely appropriate measures, the competent authority shall immediately terminate the delegation of powers to the controlling body.

#### **Article 24 - Inspection of final goods**

1. In order to determine the compliance of an appellation of origin or geographical indication of food or alcoholic drinks with the specifications of final goods, state control shall include the sampling of goods for an analysis of organoleptic, physical and chemical characteristics.

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

3. The sampling for analysis of organoleptic, physical and chemical characteristics shall be carried out by the competent authority/controlling body.

#### **Article 25 - Costs of determining compliance of appellations of origin or geographical indications with specifications of goods and costs of state control**

1. The costs of determining compliance of appellations of origin or geographical indications with the specifications of



goods shall be covered by an association or a manufacturer of the relevant goods.

2. The State shall be authorised to cover the costs of state control by joint participation. The procedure for reimbursement of state control costs shall be defined by an act of the Government of Georgia.

#### **Article 26 - Powers of an association**

An association is authorized to:

- a) monitor the use of appellation of goods placed in civil circulation/on the market to ensure quality, the reputation and authenticity of goods and, where appropriate, provide relevant information to the competent authority in accordance with the Instruction on Monitoring the Activities of the Associations;
- b) take appropriate measures to ensure the legal protection of appellations of origin or geographical indications and intellectual property rights directly related to them;
- c) prepare informational materials and carry out activities to provide customers with information on the value-added characteristics of goods;
- d) implement measures to ensure compliance of an appellation of origin or geographical indication with the specifications of goods;
- e) take appropriate measures to effectively implement procedures provided for by this Law, including conducting economic analysis, providing relevant information and providing consultation to manufacturers of goods protected by a registered appellation of origin or geographical indication;
- f) take appropriate measures to enhance the value of goods and, where appropriate, to prevent actions that may damage the reputation or pose risks to goods;
- g) exercise other powers provided for by the legislation of Georgia.

### **Chapter V Official Symbol and Inscription, Responsibility**

#### **Article 27 - The rule for applying the official symbol and the inscription 'Registered Appellation of Origin' or 'Registered Geographical Indication' on goods protected by an appellation of origin or a geographical indication**

1. Any natural or legal person holding a certificate shall have the right to apply 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 the trade name or alongside it, as well as on packaging, advertising, or offers related to goods bearing a registered appellation of origin or geographical indication, provided that:
  - a) the goods do not contain any other ingredients that may partially or fully substitute the goods bearing the registered or protected appellation of origin or geographical indication;
  - b) the number of used ingredients is sufficient to impart the essential characteristics of the goods;
  - c) the percentage of the ingredient of goods shall be indicated alongside the registered appellation of origin or geographical indication, near the trademark of product, in the main zone of visibility, or, if not possible, in the list of ingredients along with that ingredient.
3. In accordance with the requirements of paragraph 1 of this article, goods (excluding wine) bearing a registered appellation of origin or geographical indication shall display the official symbol on the front label. The registered appellation of origin or geographical indication of the product shall also appear in the same zone of visibility. The product label may also bear the inscription 'Registered Appellation of Origin' or 'Registered Geographical Indication'.
4. In accordance with the requirements of paragraph 1 of this article, for wine bearing a registered appellation of origin or geographical indication, the front label shall include the inscription 'Registered Appellation of Origin' or 'Registered Geographical Indication'. The registered appellation of origin or geographical indication of the wine shall appear in the same zone of visibility. The wine label may also bear an appropriate official symbol.
5. A black and white version of the official symbol may be used only if no other colours are represented on the label or packaging of a relevant product.
6. The official symbol shall be approved by an order of the Head of Sakpatenti.

#### **Article 28 - Liability for illegal 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 the case of the illegal use of an appellation of origin or a geographical indication, an association, a competent authority, a controlling body, or an interested person is entitled to request:
  - a) termination of the unlawful act;
  - b) the withdrawal of goods bearing an appellation of origin or a geographical indication in violation of the requirements of this Law from circulation/the market, including goods imported or stored (warehoused) for placement in civil circulation/on the market in the territory of Georgia, or goods which are in-transit through the territory of Georgia;



- c) the destruction of any image, label, imprint, package, packaging or promotional materials or posters containing an appellation of origin or a geographical indication, or its copy or imitation, including the removal of such content from the Internet, which contains an appellation of origin or a geographical indication;
  - d) the destruction of any cliché, matrix, other devices, technical equipment or instruments intended for producing the appellation of origin or geographical indication;
  - e) the destruction of the goods bearing the appellation of origin or geographical indication in violation of the requirements of this Law. Goods to be destroyed may be used for humanitarian or charitable purposes after the removal of images, labels, imprints and packages containing the appellation of origin or geographical indication, only with the consent of the interested person, provided that these goods pose no risk to human life or health.
3. An association or another interested person shall be entitled to request the performance of one of the following actions, in addition to the actions provided for by paragraph 1 of this article:
- a) compensation for damages (including revenues not received), if the infringer knew or should have known about the violation of law related to the appellation of origin or geographical indication;
  - b) the confiscation of profits obtained;
  - c) payment of a one-time monetary compensation.
4. When determining the amount of one-time monetary compensation, the quantity of goods bearing the appellation of origin or geographical indication in violation of the special right, the intent of the infringer, and/or any other circumstances that may be taken into account when determining the amount of received compensation shall be considered.

### **Article 29 - Distribution of appellations of origin in accordance with an international agreement of Georgia**

An applicant shall submit an application for the international registration of appellations of origin to the International Bureau of the World Intellectual Property Organization (WIPO) through Sakpatenti, in accordance with an international agreement of Georgia.

## **Chapter VI Transitional and Final Provisions**

### **Article 30 - Transitional provisions**

1. The compliance of an appellation of origin or a geographical indication with this Law shall be ensured by 1 January 2032 for any appellation of origin or geographical indication for which an application was submitted to Sakpatenti or which is registered by Sakpatenti prior to the entry of this Law into force. If the compliance of the registration of appellations of origin and geographical indications with this Law is not ensured by that date, appellations of origin or geographical indications shall be entered into the Registry as a recognised Georgian geographical indications, provided they meet the requirements of paragraphs (a) and (b) of paragraph 2 of this article. Any changes necessary to ensure the compliance of an application provided for by this paragraph with this Law shall be made free of charge.
2. An appellation of origin which has been registered by Sakpatenti, or has been submitted to Sakpatenti for registration prior to the entry of this Law into force, may be considered an appellation of origin, notwithstanding the requirements of Article 3(1) of this Law, if the raw materials of the relevant goods originate from a geographical area broader than or different from the geographical area of the origin of the goods, provided one of the following conditions is met:
  - a) the boundaries of the geographical area for the production of raw materials are established;
  - b) special conditions for the production of raw materials are established;
  - c) the appellation of origin has historically and traditionally been used outside the boundaries of the relevant geographical area;
  - d) a control mechanism exists to ensure compliance with the conditions defined in paragraphs (a) to (c) of this paragraph.
3. For the purposes of paragraph 2 of this Article, the raw materials of goods imply live animals, milk and meat.
4. Appellations of origin and geographical indications approved by Ordinance N88 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, except for appellations of origin and geographical indications already entered into the Registry, shall be granted the status of recognised Georgian geographical indications upon the entry of this Law into force.
5. Within one year after the entry of this Law into force:
  - a) Sakpatenti shall develop and approve, in accordance with an established rule:
    - a.a) the Instruction on the Registration of Appellations of Origin and Geographical indications of Goods;
    - a.b) the Statute of the National Commission for the review of appellations of origin and geographical indications;
    - a.c) official symbols for appellations of origin and geographical indications;
  - b) The Ministry of Environmental Protection and Agriculture of Georgia shall develop and approve, in accordance with an established rule:
    - b.a) the Instruction on the Authorisation and Supervision of Controlling Bodies;
    - b.b) the Instruction on Monitoring the Activities of Associations.



**Article 31 - Invalidated normative acts**

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

**Article 32 - Entry into force of the Law**

1. This Law, except for Articles 1 to 29 and Article 31 thereof, shall enter into force upon its promulgation.
2. Articles 1 to 29 and Article 31 of this Law shall enter into force on 1 November 2024.

President of Georgia

Salome Zourabichvili

Tbilisi

September 21, 2023

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