

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 associated with 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 have the following meanings:

- a) Sakpatenti – the National Intellectual Property Centre of Georgia – Sakpatenti – an independent body operating in the field of intellectual property protection;
- b) State Registry of Appellations of Origin and Geographical Indications of Goods (the Registry) – a set of data on appellations of origin and geographical indications registered by Sakpatenti and protected by international treaties of Georgia, and on Georgian geographical indications recognised by Sakpatenti;
- c) application - an application for registration of an appellation of origin or geographical indication of goods or an application for amendment to the specification of goods;
- d) applicant - an association, where 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 the said area, or whose characteristics differ from those of goods produced in the geographical area bordering the said area; if an 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 the said trademark;
- e) association - any association of producers and/or processors of goods carrying out activities related to goods protected by an appellation of origin or geographical indication and/or association of other persons, regardless of its organisational and legal form;
- f) organoleptic characteristics – the characteristics of goods, the evaluation of which is carried out by means of human sense organs;
- g) generic concept - the name of goods which, regardless of its connection with the place, region or country where the good was originally produced or sold, has become the common name for that goods in Georgia;
- h) state control - action taken by a competent agency to determine the conformity of an appellation of origin or geographical indication with the specification of goods, as well as control over the use of an appellation of origin or geographical indication of goods included in civil circulation and/or placed on the market in accordance with the procedure established by law;
- i) competent agency - a state agency exercising state control;
- j) controlling body – a legal entity under private law accredited and authorised by a competent agency in accordance with the legislation of Georgia, the European Union or international standards, to which the said authority has delegated the authority to conduct state control in order to determine the compliance of the



registered appellation of origin or geographical indication with the specification of goods;

k) assessment of conformity with the specification - a set of procedures which determines whether the requirements set out in the specification of goods provided for by this Law for goods protected by an appellation of origin or geographical indication have been met;

l) certificate of conformity with the specification of goods (the certificate) - a document confirming the conformity of a registered appellation of origin or geographical indication with the specification of 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 goods protected by an appellation of origin or geographical indication, any substances and ingredients used therein, as well as the packaging materials of such goods, at the production and distribution stages;

o) traceability label - a label placed on a batch/lot of goods that allows identification of the producer of the goods and the specified batch/lot. If, due to the characteristics of the goods, it is not possible to place the traceability label 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 (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 agency, 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 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 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 gums, and any substance (including water) used in food that is used as a component of food during its production and processing. Food shall not include animal feed, live animals (except those prepared for placing on the market), plants (before harvest), medicinal and homeopathic material, tobacco and its products, drugs, psychotropic substances, cosmetics, waste and pollutants.

Article 3 – Appellations of origin and geographical indications

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

a) that come from the given geographical area;

b) the quality or characteristics of which are determined, wholly or essentially, solely by the environment (including natural and human factors) of that geographical area, which has determined the reputation of the goods;

c) the production, processing, and manufacturing of which takes place within the boundaries of the said geographical area.

2. A geographical indication is a designation that contains the name of a geographical place (area) or another



designation that refers to that geographical place and is used to designate goods:

- a) that come from the given geographical area;
- b) whose quality, reputation or other characteristics are mainly determined by its geographical origin;
- c) a stage of production, as minimum, of which is carried out within the boundaries of the said geographical area.

3. The geographical location (area) referred to in paragraphs 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 recognised Georgian geographical indication to a geographical indication that meets the requirements of Article 30(1) (a) (b) of this Law and that has traditionally been used in a specific location. The status may also be granted to a designation that, after the transitional period specified in Article 30(1) of this Law, no longer meets the requirements of Article 6 of this Law. The procedure for granting the status of a recognised Georgian geographical indication to a geographical indication shall be determined by the Instruction on the Registration of Appellations of Origin and Geographical Indications of Goods.

Article 4 – Protection of appellations of origin and geographical indications

1. Protection of an appellation of origin or geographical indication shall be provided by Sakpatenti on the basis of its registration, while protection of a recognised Georgian geographical indication is provided by Sakpatenti by granting it the appropriate status.

2. In Georgia, the protection of a foreign appellation of origin or geographical indication shall be ensured by Sakpatenti through its registration or on the basis of an international treaty of Georgia.

3. An appellation of origin or geographical indication registered or protected under an international treaty of Georgia and Georgian geographical indications recognised by Sakpatenti shall be entered in the Registry. The data entered into the Registry shall be public.

Chapter II – Registration of Appellations of Origin and Geographical Indications

Article 5 – Application for the registration of an appellation of origin or a geographical indication

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

- a) a request for registration of an appellation of origin or geographical indication;
- b) the name and surname/titles, identification numbers and legal addresses of the applicant and the competent agency or controlling 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 the goods for which the registration of the appellation of origin and geographical indication is sought;
- e) a document issued by the applicant confirming representation, if the application is submitted by a representative;
- f) the signature of the authorised person;
- g) the specification of goods provided for in Article 6 of this Law;
- h) a document confirming that the special quality, reputation or properties of the goods are determined by the



natural and/or human factors of the relevant geographical area;

i) a control plan that controls the production conditions of the goods as specified in the specification of goods;

j) a document confirming the protection of a foreign appellation of origin or geographical indication in the country of origin of the goods, if the applicant is a citizen of a foreign country;

k) a document confirming payment of the registration fee for the appellation of origin or geographical indication;

l) a single document containing:

l.a.) basic data of the specification of goods: the name and description of the goods, and where necessary, also the rules for packaging and labelling of goods as determined by the legislation of Georgia, and an accurate description of the relevant geographical area;

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

Article 6 – Specification of goods

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

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

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 necessary, also the description of authentic and unaltered local methods;

d) taking into account the connection referred to in sub-paragraph (f.a) and/or sub-paragraph (f.b) of this article, the boundaries of the relevant geographical area, and, where necessary, also information confirming the conformity of the goods with the requirements of Article 30(2) of this Law;

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

f) detailed data confirming that one of the following connection exists:

f.a) between the quality or characteristics of the goods and the geographical environment and the human factor, 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 the competent agency or controlling body determining the conformity of the specification of goods with the appellation of origin or geographical indication;

h) special rules for labelling 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, ensure the authenticity of their origin, or ensure state control.



Article 7 – Changes to the specification of goods

1. An applicant or any other person concerned shall have the right to submit an application to Sakpatenti for changes to the specification of goods.
2. If the application concerns a substantial change in the specification of the goods, it shall be submitted in accordance with Article 5 of this Law and the examination provided for by Article 8 of this Law shall be conducted thereon within the period specified in the same article.
3. If the application concerns a non-substantial change to the specification of goods, Sakpatenti shall make a decision within 1 month of its submission on granting, partially granting, or refusing to grant the request for a change to the specification of goods.
4. Changes to the specification of goods shall be considered substantial if they:
 - a) concern the main characteristics of the goods;
 - b) change the connection determined by Article 5 (h) of this Law;
 - c) involve a change in any part of the appellation of origin or geographical indication of the goods;
 - d) change the relevant geographical area;
 - e) expand restrictions related to the inclusion of goods or raw materials in civil circulation/placing them on the market.
5. In the event that a person concerned submits an application for changes to the specification of goods, the applicant shall be notified thereof within 5 days of the completion of the examination of the application of origin as provided for by Article 8 (1) of this Law. The applicant shall be entitled to submit his/her opinion on non-substantial changes to the specification of goods to Sakpatenti within 10 days of receiving the aforementioned application, and the opinion on substantial changes within 1 month of receiving the aforementioned application.
6. In the case of changes to the specification of goods, Sakpatenti shall publish relevant information in accordance with Article 11 of this Law.

Article 8 – Examination of applications

1. An application shall be examined by Sakpatenti.
2. Sakpatenti shall, within 2 months from the date of submission of the application, verify the application's compliance 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 will be set for its elimination. If the deficiency is not eliminated within the said period, Sakpatenti shall make a decision to refuse to review the application within 10 days.
4. If the application meets the requirements of Article 5 of this Law, Sakpatenti shall, within 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 periods of review, making changes to the specification of goods, publishing application materials, cancelling and invalidating the registration of an appellation of origin or geographical indication, as well as other rules related to the registration shall be determined by the Instruction on the Registration of Appellations of Origin and Geographical Indications of Goods.



6. If the application concerns an appellation of origin or a geographical indication of a foreign country, Sakpatenti shall only verify the existence of 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 the Review of Appellations of Origin and Geographical Indications

1. The National Commission for the Review of Appellations of Origin and Geographical Indications (the Commission) shall be established by an order of the chairperson of Sakpatenti, which reviews the matters related to the 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 shall consist of 5 members, of which 1 is a representative of the ministry in the relevant field, 2 are representatives of Sakpatenti, 1 is a representative of the relevant executive body of the municipality – the City Hall, and 1 shall be an invited specialist from the relevant field. The chairperson of the Commission shall be the chairperson of Sakpatenti.

3. The Commission shall be established:

a) within 15 days from the date of the decision by Sakpatenti to continue the examination of the application in accordance with Article 8(4) 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 specification of goods is no longer ensured, on the initiative of Sakpatenti or based on the request of a person concerned, within 15 days from the receipt of such request.

4. The Commission shall verify the conformity of the specification of goods with the requirements set forth in Article 6 of this Law within 6 months.

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

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

Article 10 – Grounds for refusal of registration of appellations of origin or geographical indications

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

a) fails to meet the requirements of Article 3 of this Law;

b) is considered a generic concept;

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

d) contravenes the designation of a plant variety (including a wine grape variety) or an animal breed, which may mislead the consumer about the origin of the goods.

Article 11 – Publication

1. In accordance with Article 9 (5) of this Law, within 1 month of making a 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 (the Bulletin), on its official website and in 1 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 of Sakpatenti to recognise a designation as a Georgian geographical indication adopted in accordance with Article 30(2) of this Law, the recognised Georgian geographical indication, the category of goods and the recognition number shall be published in the Bulletin.

Article 12 – Validity period 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 the application for registration of the appellation of origin or geographical indication.

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

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

4. A registered appellation of origin or geographical indication or a recognised Georgian geographical indication shall be protected for an indefinite term. The protection of an appellation of origin or geographical indication protected under an international treaty of Georgia shall terminate upon the expiry 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 – Procedures for appealing the decision

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

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

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

4. Any person concerned shall have the right to apply to a court in accordance with paragraph 2 of this article, and to the court or the Chamber of Appeals of Sakpatenti in accordance with paragraph 3 of this article, if the appellation of origin or geographical indication:

a) fails to 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 the existence of goods that were lawfully included in civil circulation/placed on the market no later than 5 years prior to the date of publication of the decision on the registration of the appellation of origin or geographical indication;

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

d) is considered a generic concept;

e) contravenes the designation of a plant variety (including a wine grape variety) or animal breed, which may



mislead the consumer about the origin of the goods;

f) is a homonym, in whole or in part, of a registered name and is not sufficiently different from the local and traditional use of that name, thereby misleading the consumer. A homonymous name that misleads the consumer about 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) contravenes public order or recognised principles of morality.

5. The term of appeal provided for by this article shall be calculated for the applicant from the date of official notification of the relevant decision, and for any other person concerned – from the date of publication of the application materials 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

Fees established by the legislation of Georgia shall be paid for examination of an application, making changes to the Registry, publishing application materials, issuing an extract from the Registry, 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 on the basis of an international treaty of Georgia, only after its registration in Georgia.

2. Sakpatenti shall be authorised to carry out the necessary measures for the registration and protection of a registered appellation of origin or geographical indication and/or a recognised Georgian geographical indication in a foreign country.

Chapter III – Scope of Protection of Appellations of Origin or Geographical Indication

Article 16 – Scope of protection of appellations of origin or geographical indications

1. Within the scope of protection of an appellation of origin or geographical indication, it shall be prohibited to:

a) make direct or indirect use of an appellation of origin or geographical indication in one of the following cases:

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

a.b) in the case of benefiting from 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 the event of any misuse, imitation of an appellation of origin or geographical indication, even if the place of origin of the goods concerned is indicated or the protected appellation of origin is presented in translation, transliteration, transcription or accompanied by the following words: ‘style’, ‘type’, ‘method’, ‘produced as’, ‘imitation’, ‘flavour’ and others, also when the said goods are used as an ingredients;

c) when any other false or misleading indication that misleads the consumer as to 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 put into circulation/placed on the market, also, in the case of packaging (placing the goods in containers) in a way that may mislead the consumer about the origin of the goods;



d) in the event of any other action that may mislead the consumer as to the origin of the goods.

2. A protected appellation of origin or geographical indication cannot be transformed into a generic concept.

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

4. The provisions of this article shall 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 when including the 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 or animal variety when including the goods in civil circulation/placing them on the market, except in the cases where the use of such a name misleads the consumer.

Article 17 – Cancellation and invalidation of the registration of an appellation of origin or geographical indication

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

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

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

Article 18 – Relationship between appellations of origin or geographical indications and trademarks

1. In the case of a registered appellation of origin or geographical indication, a trademark application 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 and the use of the said trademark may infringe the requirements of Article 16 (1) of this Law.

2. Notwithstanding the non-compliance with the requirements of Article 16 (1) 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, when submitting 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 by Article 16 (1) of this Law exists, the proceedings on the application for registration of the trademark shall be suspended until the decision on the registration of the appellation of origin or geographical indication enters into force.

Chapter IV – State Control

Article 19 – State control

1. The competent agency/controlling body shall determine the conformity of the 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 goods and issue a certificate.

2. The competent agency for goods protected by a registered appellation of origin or geographical indication in the



case of food (except for alcoholic beverages of grape origin, spirit drinks, ethyl alcohol of agricultural origin and distillate of agricultural origin) shall be the legal entity under public law called the National Food Agency, and in the case of alcoholic beverages of grape origin, spirit drinks, ethyl alcohol of agricultural origin and distillate of agricultural origin - a legal entity under public law called the National Wine Agency.

3. The competent agency for non-agricultural goods shall be determined by the Government of Georgia.

4. The competent agency shall delegate the function of determining the conformity of an appellation of origin or geographical indication with the specification of goods to one or more controlling bodies (if any) in accordance with the Instructions on the Authorisation and Supervision of Controlling Bodies.

5. The competent agency 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 agency shall delegate to the controlling body the authority to conduct state control related to the determination of the conformity of goods of appellations of origin or geographical indication with the specification of goods based on the plan of state control 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 the conditions under which state control shall be carried out;

b) the controlling body has 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 controlling body shall not have a conflict of interest in carrying out its activities.

7. The control of food products (including alcoholic beverages of grape origin, spirit drinks, ethyl alcohol of agricultural origin, and distillate of agricultural origin) included in civil circulation/placed on the market is carried out by a legal entity under public law called the National Food Agency, based on relevant analysis, and the control of other goods shall be carried out by the competent agency determined by the legislation of Georgia.

8. If, during the implementation of state control by the competent agency/controlling body, a minor non-conformity with the specification of the goods with an appellation of origin or geographical indication is identified, the competent agency/controlling body shall be authorised to set a reasonable period for the elimination of the non-conformity. If the non-conformity is not eliminated within the said period, the competent agency/controlling body shall make a decision to suspend the validity of the certificate until the non-conformity is eliminated.

9. If, during the implementation of state control by the competent agency/controlling body, a significant non-conformity with the specification of the goods with an appellation of origin or geographical indication is identified, the competent agency/controlling body shall make a decision to revoke the certificate.

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

Article 20 – Requirements related to state control

1. An association or a producer and/or processor of goods protected by a registered appellation of origin or geographical indication who desires to assess the conformity of specification of goods with the appellation of origin or geographical indication of the goods shall create appropriate conditions for the competent agency/controlling body and ensure its access to all necessary documents, premises, buildings, equipment and facilities.

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



3. The competent agency/controlling body shall exercise state control over the use of traceability labels.

Article 21 – Frequency of state control

1. In order to determine the traceability and movement of goods, as well as the conformity of the appellation of origin or geographical indication with the specification of the goods, the competent agency/controlling body shall carry out state control of the producer and processor of the goods at least once every 2 years, based on a selected sample of goods.

2. In the case of a registered geographical indication, the producer of the goods shall be checked annually based on 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 an operator includes goods of several manufacturers or processors in civil circulation/places them on the market, the state control of the corresponding samples of goods from the manufacturers or processors of the goods shall be carried out.

3. In the case of detection of non-conformity with the traceability, movement and specification of the goods with the appellations of origin or geographical indication, the control of the producer or processor of the goods shall be carried out 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/controlling body in accordance with the requirements of Article 6 of this Law. The association or applicant related to goods protected by a registered appellation of origin or geographical indication is obliged to cooperate with the competent agency/controlling body, where necessary.

2. Within 6 months from the registration of the appellation of origin or geographical indication, the controlling body shall submit the state control plan to the competent agency for approval. The competent agency is obliged to approve the aforementioned state control plan within 3 months.

3. In the absence of a controlling body, the state control plan shall be approved by the competent agency within 6 months from the registration of the appellation of origin or 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 agency in accordance with the Instructions on Authorisation and Supervision of Controlling Bodies.

2. The controlling body shall submit a report on each registered appellation of origin or geographical indication to the competent agency annually, within 3 months of the end of the calendar year, as well as upon request by the competent agency. The report shall include at least:

a) a list of persons subject to state control and information on such control;

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

c) information on the measures used to eliminate the non-conformity identified during the implementation of state control provided for by Article 21 of this Law and the information on the volume of such measures;

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

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

4. If, during the implementation of state control by the controlling body, a significant non-conformity is identified



with the specification of the goods of the registered appellation of origin or geographical indication, the controlling body is obliged to notify the competent agency thereof.

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

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

7. When conducting an audit of a controlling body, the competent agency shall verify the appropriateness of the decision made by the controlling body.

8. The competent agency shall be authorised to request from the controlling body any documents and information necessary for conducting an audit to supervise its activities.

9. The controlling body is obliged to provide the competent agency with the documents and information specified in paragraph 8 of this article no later than 10 working days from the request.

10. The audit provided for by 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 controlling body is unable to perform the tasks determined by the delegated authority and fails to take appropriate measures in a timely manner, the competent agency shall immediately terminate the delegation of authority to the controlling body.

Article 24 – Inspection of final goods

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

2. The implementation of state control over non-food goods shall include the checking of the physical and other basic characteristics of the goods.

3. The competent agency/controlling body shall take samples of goods to examine their organoleptic, physical and chemical characteristics.

Article 25 – Costs of determining the conformity of the appellation of origin or geographical indication of goods with the specification of goods and the costs of state control

1. The cost of determining the conformity of the appellation of origin or geographical indication with the specification of goods shall be borne by the association or the producer of the relevant product.

2. The State shall be authorised to co-finance the costs of state control. The procedure for reimbursement of state control costs shall be determined by an act of the Government of Georgia.

Article 26 – Powers of associations

An association shall be authorised 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, where necessary, provide the competent agency with relevant information in accordance with the Instructions on Monitoring the Activities of the Association;

b) take appropriate measures to ensure the legal protection of registered appellations of origin or geographical indications and intellectual property rights directly related thereto;



- c) prepare information materials and implement measures to provide consumers with information on the characteristics of goods that add value to the goods;
- d) take measures to ensure the conformity of the appellation of origin or geographical indication of goods with the specification of 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 goods and, where necessary, prevent actions that damage the reputation or pose risks to the goods;
- g) exercise other powers provided for by the legislation of Georgia.

Chapter V – Official Symbol and Inscription, Liability

Article 27 – Procedures for using the official symbol and 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 shall have 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 material or offers containing goods marked with a ‘Registered Appellation of Origin’ or a ‘Registered 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, near the trade name of the goods, in the principal field of vision, and if not possible, in the list of ingredients, next to the said ingredient.
3. In compliance with the requirements of paragraph 1 of this article, the relevant official symbol shall be placed on the front side 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. In compliance with the requirements of paragraph 1 of this article, the inscription ‘Registered Appellation of Origin’ or ‘Registered Geographical Indication’ shall be placed on the front side of the label of a wine marked with a ‘Registered Appellation of Origin’ or a ‘Registered Geographical Indication’. The registered appellation of origin or geographical indication of the wine must 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 only be used if no other colours are present on the label or packaging of the corresponding goods.
6. The official symbol shall be approved by the 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 the case of unlawful use of an appellation of origin or geographical indication, the association, competent agency, controlling body, or a person concerned shall be authorised to request:

a) the seizure of unlawful activities;

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/placing on the market in 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 clichés, 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 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 person concerned and on the condition that these goods do not pose a risk to human life or health.

3. An association or other person concerned 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 damages (including lost profits) if the infringer knew or should have known about the infringement of the law relating to the appellation of origin or geographical indication;

b) confiscation of earned income;

c) payment of one-time monetary compensation.

4. When determining the amount of one-time monetary compensation, the number 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 considered when determining the amount of compensation shall be taken into account.

Article 29 – Distribution of appellations of origin in accordance with the international treaty of Georgia

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

Chapter VI – Transitional and Final Provisions

Article 30 – Transitional provisions

1. Compliance with this Law of an appellation of origin or geographical indication for which an application for registration has been submitted to Sakpatenti or which has been registered by Sakpatenti prior to the entry into force of this Law shall be ensured by 1 January 2031. If the registration of an appellation of origin or geographical indication is not in compliance with this Law by the said date, such appellation of origin or geographical indication shall be entered in the Registry as a recognised Georgian geographical indication, if it meets the requirements of paragraph 2 (a) and (b) of this article. Any amendment required to bring an application under this paragraph into compliance with this Law shall be made without payment of a fee.



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 Article 3 (1) of this Law, in the event that the raw materials of the relevant goods have been originated in a geographical area that is wider than or different from the geographical area of origin of the said goods, it may be considered an appellation of origin if one of the following conditions is met:

- a) the boundaries of the geographical area of production of the raw materials of the goods are established;
- b) special conditions are established for the production of raw materials 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 sub-paragraphs (a) - (c) of this paragraph.

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

4. Appellation of origin and geographical indication approved by Decree No 88 of the President of Georgia of 28 February 2002 on Measures Related to the Entry into Force of the Law of Georgia on Appellation of Origin and Geographical Indication of Goods, except for the appellation of origin and geographical indication entered into the Registry, shall be granted the status of a recognised Georgian geographical indication upon the entry into force of this Law.

5. Within 1 year following the entry into force of this Law:

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

a.a) Instruction on the Registration of Appellations of Origin and Geographical Indications of Goods;

a.b) Regulations of the National Commission for the Review of Appellations of Origin and Geographical Indications;

a.c) official symbols of appellations of origin and geographical indications;

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

b.a) Instruction on Authorisation and Supervision of Controlling Bodies;

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

Article 31 – Invalidated normative act

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, Article 126).

Article 32 – Entry into force of this Law

1. This Law, except for Articles 1-29 and Article 31 of this Law, shall enter into force upon its promulgation.

2. Articles 1-29 and Article 31 of this Law shall enter into force from 1 November 2024.



Tbilisi,

21 September 2023

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