

A PRACTITIONER'S GUIDE TO THE NATIONAL AND INTERNATIONAL LEGAL FRAMEWORK FOR THE PROTECTION OF GEORGIA'S WINE APPELLATIONS AND GEOGRAPHICAL INDICATIONS

I. Why is such a manual necessary?

There is a long list of Georgian laws, regulations and decrees that deal with both wine and vine and also appellations of origin and geographical indications. Georgia is also a signatory to a number of international agreements including the Lisbon Agreement and the Paris Convention. It is also a Member of the World Trade Organization and therefore bound by the TRIPs Agreement which contains important provisions on geographical indications. A number of bilateral agreements are also in negotiation. All these national laws as well as international agreements create many rights and obligations that all players in the wine sector should be fully aware of. At the moment, such information is only accessible to a few specialists. This leads to limited implementation especially for domestic laws.

For example, the Law on Wine and Vine was drafted in 2000 with FAO assistance and, following parliamentary discussions, amendments and various changes, was adopted on February 4th, 2003. It was then followed by various sets of normative acts and decrees. However, to date, there is generally a very degree of awareness of the obligations that the law creates, and in some instances, it is completely ignored. This situation leads to conflicts between the different stakeholders (including between the private sector and the government bodies) regarding ways and means to conduct business and administrative activities related to wine production and sales.

This situation is even more acute because of the high turn-over of government officials that are concerned with the wine sector, especially in the Ministry of Agriculture and SAMTRESTI. This manual will address both domestic steps and rules to be followed by stakeholders when dealing with wine production and sales, but will also address international obligations when Georgian wine export is concerned. The manual will serve as a ready and comprehensive reference guide to all stakeholders in the wine industry and also as a training tool for the staff of concerned government ministries and departments.

II. What will the manual contain?

The manual will have a general introduction in addition to commentaries and the texts of laws and international agreements in the following order:

Foreword [Mr. David Gabunia, General Director, SAKPATENTI]

General Introduction [SAKPATENTI, FAO]

Section I [SAMTRESTI, FAO]

Part A. Law on Wine and Vine adopted on February 4, 2003.

[*Comment and full text*]

1. Normative Acts, issued May, 2003:

- (a) General Rules and Regulations of Grape Wine Production
[*Comment and full text*]
- (b) Rules of Recording Technological Processes
[*Comment and full text*]
- (c) Rules of Compulsory Notification of Activities Relating to the Production and Selling of Commodity Output in the Fields of Viticulture and Winemaking
[*Comment and full text*]

2. Normative Acts, issued August 2003:

- (a) Order No. 2-220, Regulation for the Technical and Phytosanitary Control of the Production of Mother Vine Plantations, Grafting Material and Engrafted Seedlings [*Comment and full text*]
- (b) Certification Rules for Vine Grafting Material and Engrafted Seedlings [*Comment and full text*]
- (c) Rules for Special Zones and Grape Growing Regions [*Comment and full text*]
- (d) Rules for Removal of Grapes from the Zone in order to Produce Wines with the Denomination of Origin [*Comment and full text*]
- (e) Rules for controlling the labelling of Alcoholic Drinks of Grape Origin [*Comment and full text*]

3. Followed by the adoption on January 1, 2004 by the following normative acts:

- (a) Certification System of Alcoholic Drinks [*Comment and full text*]
- (b) Rules for Certification of Alcoholic Drinks [*Comment and full text*]
- (c) Rules for Accrediting of Testing Laboratories [*Comment and full text*]
- (d) Rules for Issuing Certificates of Origin [*Comment and full text*]
- (e) Rules for Wine Sorting [*Comment and full text*]

B. Law of Georgia on Appellations of Origin and Geographical Indications of Goods, adopted on July 4, 2002. As well as:

- (a) Order No. 2-37, Regulation on Identification, Registration, Use and Control of Appellations of Origin of Wine and Wine Brandy, issued February 28, 2002. [*Comment and full text*]
- (b) Order No. 2-57, Procedure for specifying and examining the information necessary for registration of denomination of origin of wine and wine brandy on issued February 20, 2003. [*Comment and full text*]
- (c) Order No. 2-221, Procedure for state control over production of wine and wine brandy with denomination of origin, issued February 20, 2003. [*Comment and full text*]

C. Law on Border Measures Relating to Intellectual Property.
[*Comment and full text*]

D. Law on Trademarks.
[*Comment and full text*]

E. Statute of the Legal Entity of Public Law: State Wine and Vine Department SAMTRESTI adopted on February 11, 2003. (Order No. 2-30)

[Comment and full text]

Section II [SAKPATENTI]

A. Paris Convention for Protection of Industrial Property

[Comment and full text]

B. Lisbon Agreement on the Protection of Appellations of Origin and their Registration

[Comment and full text]

C. WTO Agreement on Trade-Related Aspects of Intellectual Property Rights

[Comment and full text]

D. Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods

[Comment and full text]

III. How will the manual be authored and published?

SAKPATENTI will take the lead in coordinating the process, collecting the laws and international agreements and in making brief comments. The manual will be published jointly by FAO and SAKPATENTI with FAO covering the costs of printing. Printing will be done at SAKPATENTI.