

REGULATIONS
ON GEOGRAPHICAL
INDICATIONS AND
DESIGNATIONS OF ORIGIN
OF PRODUCTS
AND SERVICES

REGULATIONS
SUPPLEMENTING THE REGULATIONS
ON GEOGRAPHICAL INDICATIONS AND
DESIGNATIONS OF ORIGIN
OF PRODUCTS AND SERVICES*

NN 72/2004, in force from June, 1 2004
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Zagreb, December 2007

REGULATIONS ON GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN OF PRODUCTS AND SERVICES

GENERAL PROVISIONS

SUBJECT MATTER OF THE REGULATIONS

Article 1

The Regulations on Geographical Indications and Designations of Origin of Products and Services (hereinafter referred to as: the Regulations) shall in detail regulate administrative proceedings laid down under the Law on the Protection of Geographical Indications and Designations of Origin of Products and Services (hereinafter: the Law) that are conducted before the State Intellectual Property Office (hereinafter: the Office).

HOMONYMS

Article 2

The homonyms under Article 9 of the Law shall be used as follows:

- a) Name of the country of origin of the product shall be indicated immediately after or under the protected indication of the place of origin of a product and the name of the place of origin of a product and thus in all the forms indicating a product and its packaging as well as in the documents, promotional material and shall be identically presented in the media messages;
- b) Name of the country of origin of the service shall be indicated immediately to the protected name of the country of origin of a service and the name of the place of origin of a service in the documents, promotional material and shall be identically presented in the mediessage

REGISTRATION OF GEOGRAPHICAL INDICATIONS OR DESIGNATIONS OF ORIGIN

CONTENTS OF APPLICATION

Article 3

- (1) The application for the registration of a geographical indication or a designation of origin under Article 20 of the Law shall be made on the application forms (G-1 or G-2) being an integral part under the

Regulations, or on the forms that by their contents and appearance fully comply with these forms.

Next to the information provided under Article 20 to 22 of the Law, the application shall also be accompanied by:

1. Information in relation to Article 22, paragraph (1) of the Law referring to the
2. Information in relation to Article 22, paragraph (1) of the Law referring to the name of a company or the name of a legal entity or the surname and forename of a natural person;
3. address or head office of the applicant (telephone and facsimile number of the appointed contact person, where possible);
4. data of a document on grounds of which the protection has been claimed by a foreign person according to Article 21, paragraph (3) under the Law (the name of the country and the authority having issued the document, the date of issue and the number and name of the document);
5. list of all annexes filed under the application;
6. signature or seal of the applicant, his/her plenipotentiary or representative.
7. Attached to the forms pursuant to paragraph (1) of this Article the following shall be filed to the Office: A statement containing information on the common representative, or the common plenipotentiary in case the application has been filed by several persons, and other evidence provided under the Law or by special provisions.

APPLICATION FOR REGISTRATION OF AUTHORISED USERS

CONTENTS OF APPLICATION

Article 4

- (1) The application for the registration of rights to use a geographical indication or a designation of origin shall be filed on the application forms (K-1 or K-2) being an integral part of the Regulations, or on the forms that by their contents and appearance fully comply with these forms.
- (2) Next to the information provided under Article 25 and 26 of the Law, the application shall also be accompanied by:
- (3) Express indication whether the application is filed for the grant of a capacity of authorised user of a geographical indication or a designation of origin;
- (4) information in relation to Article 26, paragraph (1) under the Law referring to the name of the company or legal entity or the surname and forename for natural person;
 1. address or head office of the applicant (telephone and facsimile number of the appointed contact person where possible);
 2. information identifying the representative or plenipotentiary, where an application has been filed through the representative or plenipotentiary;
 3. name of a geographical indication or a designation of origin;
 4. data concerning a document on grounds of which protection has been claimed by a foreign person according to Article 21, paragraph (3) under the Law (name of the country and the authority having issued the document, the date of issue and the number and name of the document);
 5. list of all annexes filed under the application;
 6. evidence on the pursuit of a specific activity, or production of a specific product, bearing a geographical indication or a designation of origin;
 7. indication of the authority exercising control of products, and the evidence on the completed control containing data featuring the number and date of issue of a Certificate on the checked and determined quality of the products.
 8. The forms pursuant to paragraph (1) of this Article shall be filed to the Office and accompanied by: A

statement containing information identifying the common representative or the common plenipotentiary if the application has been filed by several persons, and other evidence provided under the Law or by special provisions.

SUPPORTING DOCUMENT ON PURSUIT OF ACTIVITIES

Article 5

The evidence on the pursuit of specific activities, or production of a specific product may be a certificate issued by the competent authority of the local or regional self-government, or an excerpt from the register at the commercial court, and shall contain:

1. Company's name or the corporate name, or the forename and surname and head office, or address of the applicant;
2. information on the pursuit of specific activity performed by the applicant, or on the production of products concerned bearing a geographical indication or a designation of origin;
3. information identifying the person accredited for representation, where the person filing the application for the grant of a capacity of authorised user- is a legal person;
4. signature or seal of the authorised person.

SUPPORTING DOCUMENT ON COMPLETED CONTROL

Article 6

The supporting document of completed control of the products shall contain the following information:

1. Company's name or corporate name and head office of the competent authority exercising control of the product indicated under a geographical indication or a designation of origin;
2. geographical name granted protection under a geographical indication or a designation of origin;
3. true denomination of the product being indicated;
4. result and opinion of the competent authority on the checked and determined quality of products;

5. seal and signature of the authorised person.

8. information on the mode of completing administrative proceedings;
9. information on the changes incurred pending administrative proceedings.

PUBLICATION OF APPLICATION

INFORMATION FOR PUBLICATION

Article 7

In the Office Official Gazette shall be published the following information under the application:

1. Number of the application;
2. date of filing of the application;
3. company's name or corporate name or forename and surname and head office, or the address of the applicant;
4. information identifying the plenipotentiary or representative, if the applicant has any;
5. name of the product or service granted protection under the indication;
6. name of the geographical indication or designation of origin.

ENTRY IN THE REGISTER OF APPLICATIONS

REGISTER OF APPLICATIONS ON GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN

Article 8

Registers of the applications on geographical indications and designations of origin are kept, in which the following information are recorded:

1. Number of the application for the registration of a geographical indication or a designation of origin;
2. date of filing of the application;
3. indication of the kind of application;
4. company's name or corporate name or the forename and surname and head office, or address of the applicant;
5. information identifying the plenipotentiary or representative, if they are applicants;
6. a geographical name granted protection under a geographical indication or a designation of origin;
7. the name of the region or place of origin of the product marked under a geographical indication or a designation of origin;

REGISTER OF APPLICATIONS FOR GRANTING RIGHTS OF USE

Article 9

The registers of applications for granting a capacity of authorised user of a geographical indication or a designation of origin are kept, in which the following information shall be entered:

1. Number of the application for the grant of a capacity of authorised user of a geographical indication or a designation of origin;
2. date of filing of the application;
3. company's name or corporate name or the forename and surname and head office, or address of the applicant;
4. geographical name granted protection under a geographical indication or a designation of origin;
5. number of the registration of a geographical indication or a designation of origin to which the application for the grant of the capacity of authorised user refers;
6. indication whether the application refers to the grant of authorised user of a geographical indication or a designation of origin;
7. name of the region in the pursuit of specific activities, or production of a specific product, marked under a geographical indication or a designation of origin;
8. mode of completing administrative proceedings;
9. information on the changes incurred pending administrative proceedings.

REGISTRATION

RECORDING IN THE REGISTER OF GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN

Article 10

Information laid down under Article 35 of the Law shall be recorded in the Register of geographical indications or the Register of

designations of origin and accompanied by the following information:

1. Number of the protected indication;
2. date of issuing of the Office decision on the grant of a designation and the entry in the register;
3. date of publication of the protected indication in the Office Official Gazette;
4. company's name or corporate name or the forename and surname and head office, or address of the applicant;
5. date of filing of the application;
6. date of publication of the application;
7. opposition, if any (the number, date, information identifying the applicant);
8. document used as the basis for the grant of the international designation (number, date, name of the country of origin, name of the authority having issued the document);
9. In case of a foreign application, country of origin;
10. Termination of protection of a geographical indication or a designation of origin and the legal basis thereof.

REGISTER OF AUTHORISED USERS

Article 11

Information laid down under Article 36 of the Law shall be entered in the Register of geographical indications or the Register of designations of origin and accompanied by the following information:

1. Registration number of the user;
2. date of issuing of the Office decision on the acquisition of the right of use and recording in the Register;
3. company's name or corporate name, or forename and surname and head office, or the address of the applicant;
4. date of filing of the application;
5. in case of a foreign application, name of the country of origin;
6. name of the product or service under which a geographical indication or a designation of origin shall be protected;
7. validity date of the right to use a geographical indication or a designation of origin;
8. changes referring to the legal status of the right holder and the right as such;

9. renewal of the right of use;
10. expiration of the right of use and the legal basis thereof.

PUBLICATION OF INFORMATION

INFORMATION ON PROTECTED INDICATION

Article 12

In the Office Official Gazette the following information on a protected geographical indication or a designation of origin shall be published:

1. Registration number of a geographical indication or a designation of origin;
2. date of recording in the Register;
3. geographical name granted protection under a geographical indication or a designation of origin;
4. product or service under which a geographical indication or a designation of origin is protected;
5. date of the application referring to a geographical indication or a designation of origin;
6. name of the region or the place of origin of products marked under the protected indication.

INFORMATION ON AUTHORISED USERS

Article 13

In the Office Official Gazette the following information on authorised users of a geographical indication or a designation of origin shall be published:

1. The registration number of the authorised user;
2. the company or the corporate name or the forename and surname and head office, or the address of the authorised user;
3. the date of entry in the Register of authorised users;
4. a protected geographical indication or a designation of origin and the registration number thereof;
5. a mention whether it is a right to use a geographical indication or a designation of origin;
6. the name of the region or the place of origin of the product that is indicated;

7. the validity date of the granted capacity of authorised user.

OTHER INFORMATION FOR PUBLICATION

Article 14

In the Office Official Gazette the following information shall also be published:

1. Expiration of a geographical indication or a designation of origin;
2. expiration of the capacity of authorised user;
3. the changes referring to authorised users;
4. renewal of the right of use.

CERTIFICATE

Article 15

- (1) At the written request of the user the Office shall issue him/her a Certificate on the right to use a geographical indication or a designation of origin.
- (2) The Certificate on the right to use a geographical indication or a designation of origin shall contain:
 1. Registration number of the authorised user, and date of recording in the Register of authorised users of a geographical indication or a designation of origin;
 2. company's name or corporate name or the forename and surname and head office, or address of the authorised user;
 3. protected name and registration number of the indication;
 4. mention whether it is the right to use a geographical indication or a designation of origin;
 5. name of the product or service granted protection under the indication;
 6. date of validity for granted capacity of authorised user.

RENEWAL OF RIGHTS OF USE

Article 16

Information on renewal of the right to use the geographical indication or designation of origin are identical to the information for acquiring the right of use and shall be established upon request of the right holder and filed on the form (K-1A or K-2A) being an integral part of the

Regulations, or on the form that by its contents or appearance entirely comply with this form.

PROCEDURE FOR RECORDING OF AMENDMENTS

Article 17

- (1) In the Registers of authorised users shall be entered the changes of status and other changes referring to the authorised user of a geographical indication or a designation of origin.
- (3) Procedure for recording of any kind of amendments shall be lodged upon a written request on the form K-3 being an integral part of the Regulations. The form shall contain the following information:
 1. Company's name or corporate name, or the forename and surname and head office or address of the authorised user according to situation in the Registers;
 2. registration number of the authorised user;
 3. protected name and the registration number of the indication;
 4. information identifying the representative or plenipotentiary, if they are applicants;
 5. indication of kind and contents of the change.
- (3) Under the request pursuant to paragraph (2) of this Article, the following shall be submitted:
 1. evidence of the legal basis for the change applied for registration;
 2. power of attorney, if applied for by the plenipotentiary;
 3. evidence on the paid fees and costs of procedure for the registration of a change.

Article 18

- (1) Where a request for the registration of a change contains no information pursuant to Article 17, paragraph (2) under the Regulations, the Office shall call upon the applicant to remedy the request within 30 days from the date of receipt of the call.
- (2) Where the applicant fails to proceed accordingly within the set time limit, the Office shall reject the request for the registration of the change.

Article 19

- (1) Where a request for the registration of a change contains no legally valid basis, or is non compliant with the prescribed requirements under the Law, or the information under request differ from those in the register, the Office shall call upon the applicant to submit observations on the grounds of non-registrability of a change within 30 days from the date of receipt of the notice.
- (2) Where the applicant fails to submit or submits observations on the grounds of non-registrability of a change within the prescribed time limit pursuant to paragraph (1) under this Article, and the Office deems the registration of the change may not be carried out, the Office shall reject the request for the registration of a change in a decision.

PROCEDURE AT THE PROPOSAL FOR DECLARATION OF INVALIDITY

Article 20

- (1) Procedure for declaration of invalidity of a decision for the registration of a geographical indication or a designation of origin or a decision on the right of use shall be lodged by filing a proposal to the Office.
- (2) The proposal shall contain:
 1. Company's name or corporate name, or the forename and surname and head office, or the address of the applicant;
 2. company's name or corporate name, or the forename and surname and head office, or the address of the person under decision requesting a declaration of invalidity;
 3. indication identifying kind of a decision under paragraph (1) of this Article for which a declaration of invalidity has been requested;
 4. protected name and registration number of the indication;
 5. registration numbers of authorised users;
 6. reasons for requesting a declaration of invalidity of a decision and the evidence for the mentioned reasons;
 7. power of attorney if the procedure has been instituted by the plenipotentiary or accredited representative;

8. evidence on the paid administrative fees and costs of procedure for the filed proposal.
9. Where a proposal does not contain all the elements laid down under paragraph (2) of this Article, the Office shall call upon the applicant to remedy the filing within 30 days from the delivery of the call. If the applicant fails to proceed pursuant to the call, the Office shall reject the proposal for a declaration of invalidity of a decision.

Article 21

- (1) Where the filed proposal according to Article 20 under the Regulations is compliant, the Office shall forward it to all the authorised users and call upon them to submit observations within 30 days from the receipt of the call. Where at least one authorised user submits observations in the event of several users, the Office may schedule a hearing and call upon the applicant of a declaration of invalidity of a decision and authorised users.
- (2) After completing the procedure in the meaning of paragraph (1) under this Article, the Office may issue a decision on declaration of invalidity of a decision on the protection of a geographical indication or a designation of origin, or on the grant of a capacity of authorised user, or a decision rejecting the proposal.

Article 22

- (1) Where the Office issued a decision on declaration of invalidity of a decision on the protection of a geographical indication or a designation of origin, under this decision shall also be declared invalid the decisions granting a capacity of authorised users for these indications.
- (2) In the Office Official Gazette shall be published: Number and date of issuing a decision on declaration of invalidity of a decision on the protection of a geographical indication or a designation of origin, or decisions on declaration of invalidity of a decision granting the capacity of authorised user, and the registration number of the indication, or the registration number of the authorised user.

*PROCEDURE FOR REVOCATION OF A
DECISION GRANTING THE CAPACITY OF
AUTHORISED USER*

Article 23

- (1) Procedure for the revocation of a decision granting the capacity of authorised user shall be lodged by a written request.
- (2) The request pursuant to paragraph (1) of this Article shall contain:
 1. Company's name or corporate name or the forename and surname and head office, or the address of the applicant;
 2. company's name or the corporate name or the forename and surname and head office, or the address of the authorised user;
 3. mention that the revocation of a decision granting the capacity of authorised user has been requested;
 4. registration number of the authorised user and the date of entry in the Register of authorised users;
 5. protected name and the registration number of indication;
 6. mention whether it is an authorised user of a geographical indication or a designation of origin
 7. reasons for requesting a declaration of invalidity of a decision and the evidence therefore;
 8. power of attorney if the request has been filed through the representative or plenipotentiary;
 9. evidence on the paid administrative fees and costs of procedure.
- (3) Where the request for the revocation of a decision does not contain all the required information pursuant to paragraph (2) under this Article, the Office shall call upon the applicant to remedy the request within 30 days from the receipt of the call.
- (4) Where the person filing a request fails to remedy the request within the specified time limit, the Office shall reject the request.

Article 24

- (1) Where the filed request according to Article 23 under the Regulations is compliant, the Office shall submit it to the authorised user and call upon him/her to submit observations within the time limit of 30 days from the receipt of the call.

- (2) Where, within the time limit pursuant to paragraph (1) of this Article, the authorised user submits observations on the request, the Office may schedule a hearing and call upon the person filing a request and the authorised user.
- (3) After completing a procedure pursuant to the request for revocation of a decision, the Office may issue a decision on revocation of a decision granting the capacity of authorised user, or a decision rejecting the request.
- (4) In the Office Official Gazette shall be published the number and date of a decision on the revocation of a decision granting the capacity of authorised user of a geographical indication or a designation of origin.

PROCEDURE FOR FOREIGN APPLICATIONS

Article 25

- (1) A foreign natural or legal entity having head office or residence in the country with which the Republic of Croatia has concluded or ratified the international treaty on mutual protection of geographical indications or designations of origin and authorised users, shall exercise the right before the Office by virtue of evidence that a geographical indication or a designation of origin is registered and protected in the respective country.
- (2) The list pursuant to paragraph (1) of this Article shall be published in the Office Official Gazette.

FINAL PROVISIONS

Article 26

On initial date of the application of the Regulations, the Regulations on Geographical Indications of Origin shall expire ("Official Gazette" 146/99).

Article 27

The present Regulations shall enter into force on the day of its publication in the 'Official Gazette'.

SUPPLEMENTING THE REGULATIONS ON GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN OF PRODUCTS AND SERVICES

Article 1

In the Geographical Indications and Designations of Origin of Products and Services Regulations ("Official Gazette, No. 72/2004), in Article 8, below subparagraph 9, subparagraph 10 is added which reads:

"10. data on the appeal against the decision of the Office, if the appeal was submitted (data on the applicant, number and date of the decision of the Office which is appealed, date when the appeal was received, data on the attorney, if the applicant has on, as well as the date and the type of the decision on the appeal)."

Article 2

In Article 9 below subparagraph 9, subparagraph 10 is added which reads:

"10. data on the appeal against the decision of the Office, if the appeal was submitted (data on the applicant, number and date of the decision of the Office which is appealed, date when the appeal was received, data on the attorney, if the applicant has on, as well as the date and the type of the decision on the appeal)."

Article 3

In Article 10, below subparagraph 10, subparagraph 11 is added which reads:

»11. data on the appeal against the decision of the Office, if the appeal was submitted (data on the applicant, number and date of the decision of the Office which is appealed, date when the appeal was received, data on the attorney, if the applicant has on, as well as the date and the type of the decision on the appeal)."

Article 4

In Article 11, below subparagraph 10, subparagraph 11 is added which reads:

»11. data on the appeal against the decision of the Office, if the appeal was submitted (data on the applicant, number and date of the decision of the Office which is appealed, date when the appeal was received, data on the attorney, if the applicant has on, as well as the date and the type of the decision on the appeal)."

Article 5

Below Article 25, subtitle and Article 25a are added and which read:

APPEAL PROCEEDINGS

Article 25a

- (1) Appeal proceedings are initiated by submitting the appeal to the Board of Appeal.
- (2) The appeal referred to in paragraph 1 of this Article shall contain:
 1. an express indication that the appeal being submitted,
 2. the company name or the name and family name, and the seat or the address of the appellant,
 3. the classification number of the decree which is appealed,
 4. the protected name and the registration number of the indication,
 5. the registration number of the authorised user,
 6. an indication on whether the decree is appealed in its entirety or certain parts thereof, and explained reasons for the appeal, together with the necessary evidence,
 7. the proof on payment of the prescribed fees and costs.
- (3) The appeal shall be submitted in two copies directly or shall be sent to the Office by mail; though the Secretariat referred to in Article 91, paragraph 5 of the Patent Act ("Official Gazette", Nos. 173/2003, 87/2005 and 76/2007), the Office will forward the appeal to the Board of Appeal."

Article 6

These regulations shall enter into force on 1 June 2008.