

STATE OFFICE OF INDUSTRIAL PROPERTY

**REGULATION
ON APPELLATION OF ORIGIN OF THE PRODUCT
AND GEOGRAPHICAL INDICATION**

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On the basis of Article 240 paragraph (3), 241 paragraph (1) and (2), 244 paragraph (2), 246 paragraph (4), 248 paragraph (2), 254 paragraph (2), 255 paragraph (2), 256 paragraph 2),261 paragraph (6), 263 paragraph (5 of the Law on Industrial Property ("Official Gazette of the Republic of Macedonia" No 21/09), the Director of the State Office of Industrial Property enacts:

**REGULATION
ON APPELATION OF ORIGIN OF THE PRODUCT
AND GEOGRAPHICAL INDICATION**

I. GENERAL PROVISIONS

Content of the Regulation

Article 1

This Regulation regulates the content and form of the application for protection of geographical name, elaboration and other constituent elements and attachments to the application; content and form of the application for grant of right to use and other constituent elements; the requirements that shall fulfil the institution which prepares the elaboration and the other institution which pursues inspection of the specific characteristics of the product; content and manner of maintaining the Register of applications for protection of the geographical names, Register of applications for use of the protected geographical names, Register of the protected geographical names and Register of the users of the protected geographical name; the data for protected geographical name and granted right to the authorized user that are published in the Official Gazette of the State Office of Industrial Property (hereinafter: Office); content of the certificate for the granted right of authorized user; the content and form of the request for entry of the changes in the Register of the protected geographical names; the content and form of the request for entry of the changes of the applicant, i.e. authorized user in an appropriate register; the content and form of the request for renewal of the right validity for using the protected geographical name and the content of the request for cancellation of the decision of the granted right for use of the protected geographical name.

II. APPLICATION FOR PROTECTION OF GEOGRAPHICAL NAME AND APPLICATION FOR GRANT OF A RIGHT TO USE

Content and form of the application for protection of geographical name and Elaboration

Article 2

- (1) Application for protection of geographical name shall contain:
- 1) Request for protection of geographical name, indicating that protection by appellation of origin or geographical indication is sought and
 - 2) Elaboration for the product which shall be marked by geographical name (hereinafter: Elaboration).
- (2) Application for protection of geographical name that is filed by a foreign person shall contain:
- 1) Request for protection of geographical name, indicating that protection by appellation of origin or geographical indications sought and
 - 2) Evidence that the geographical name is protected in the country of origin.
- (3) As an evidence that geographical name has been protected in the country of origin, shall be considered a copy of public certificate or other legal act in the official language of the country of origin, as well as certified translation in Macedonian language in one copy.
- (4) Certified translation in Macedonian language of paragraph 3) of this Article may be filed in a term of one month from a date of filing the application.
- (5) The Request of paragraph (1) of this Article shall be filed in three copies in the Form DZIS-GN1, on A4 paper size, given in Appendix 1, which forms an integral part of this Regulation.

Other constituent elements and attachments to the application

Article 3

- (1) The following constituent elements and attachments in written form shall be enclosed to the application for protection of the geographical name of Article 2 of this Regulation:
- 1) Data for other applicants and statement for joint agent if the application has been filed by several applicants and
 - 2) Power of attorney if the application is filed through a representative.

(2) The constituent elements and attachments of paragraph (1) of this Article shall contain signature and seal of the applicant, i.e. of the representative if the application is filed through a representative.

(3) If the constituent elements and attachments of paragraph (1) in this Article are filed additionally, they should contain the application number of the application for protection of the geographical name (hereinafter: "GN- number").

Supplement to the form

Article 4

(1) If the space provided in the related section of the request for DZIS-GN1 is not sufficient, the requested data shall be enclosed as a separate supplement to the Form in total content, indicating the number of the section to which the supplement refers to.

(2) The Office shall not examine data punctuality listed in the request for protection of a geographical name.

Content of Elaboration

Article 5

(1) Elaboration shall contain:

- 1) Geographical name of a product that shall be protected;
- 2) Brief chronology for the production of a product marked by geographical name;
- 3) Data for geographical region as origin of a product whose geographical name shall be protected:
 - Closer determination of geographical region, administrative and natural borders
 - Geographical map, i.e. geographical map of the Republic of Macedonia, where a geographical region as origin of the geographical name shall be marked, as well detailed map of this region
 - Other data characteristic for that region as climate, hydrograph, characteristics of a soil and vegetation;

4) Professionally prepared description of the method and procedure of production, i.e. manufacture of a product that shall be marked by an appellation of origin or geographical indication;

5) Data for specific features and quality of product and the relation of those specific features of a product by the area, climate and soil or with the ordinary manner and procedure of production, i.e. manufacture.

6) Data for the possible capacity of annual production of a certain product, by expected annual increase of a capacity or possible variations depending on a product type.

7) Control of a product:

- Frequency of the inspection, in dependence of the type of the product concerned and
- Possibility for inspection by other institution upon a request of one of the parties.

(2) Each of the components of the Elaboration shall begin with a new sheet. All sheets shall be numerated by Arabic numerals and beside each title a signature and seal of the author of the Elaboration shall be put.

(3) The evidence for the activity of the author of the elaboration shall be its integral part.

Content and form of the application for grant of right to use

Article 6

The application for grant of a right to use shall contain:

- 1) Request for granting a right to use the protected geographical name and
- 2) Components depending on requested protection in Articles 9 and 10 of this Article;

Other constituent elements and attachment

Article 7

(1) Besides the constituents elements of Article 6 the following constituents elements and attachments in written form shall be enclosed to the application for grant of a right to use:

- 1) Data for other applicants and statement for joint agent if the application has been filed by several applicants and
- 2) Power of attorney if the application is filed through a representative.

(2) The constituent elements and attachments of paragraph (1) of this Article shall contain signature and seal of the applicant, i.e. of the representative if the application is filed through a representative.

(3) When the components and supplements of paragraph (1) in this Article are filed additionally, they should contain the application number of the application for grant of a right to use (hereinafter: "OK- number") to which shall be enclosed.

Request for grant of a right to use of a protected geographical name

Article 8

(1) The request from Article 6 paragraph 1) of this Regulation shall be filed in the Form DZIS-OK1, three copies, on A4 paper size, given in Appendix 2, which forms an integral part of this Regulation.

(2) If the space provided in the related section of the request for DZIS-OK1 is not sufficient, the requested data shall be enclosed as a separate supplement to the Form in total content, indicating the number of the section to which the supplement refers to.

(3) The Office shall not examine data punctuality listed in the request for grant of a right to use of the protected geographical name.

Constituent elements of the application for grant of a right to use to domestic person

Article 9

If the grant of a right to use for the protected geographical name is requested for a domestic person the following attachments shall be enclosed to the request:

- 1) evidence on the activity pursued by the applicant;
- 2) evidence that inspection has been carried out, i.e., a certificate of the competent institution that the product manufactured by the applicant meets the requirements for granting of the right to use of the protected geographical name, shall be not older than 6 months, containing data of a possible annual capacity of the production;
- 3) evidence for paid fee;

Constituent elements of the application for grant of a right to use to foreign person

Article 10

(1) If the grant of a right to use for the protected geographical name is requested for a foreign person the following attachments shall be enclosed to the request:

- 1) Evidence that the person is an authorized user of protected geographical name in compliance of the national legislation in the country of origin and
- 2) Evidence for paid appropriate fee.

(2) As an evidence that the person is an authorized user of protected geographical name in the country concerned, a copy of official certificate or other legal act in the official language of the country of origin, as well as certified translation in Macedonian language in one copy, shall be considered.

III THE REQUIREMENTS THAT THE INSTITUTION WHICH PREPARED THE ELABORATION SHALL FULFIL AND THE REQUIREMENTS THAT THE INSTITUTION WHICH PURSUES THE INSPECTION OF THE SPECIAL FEATURES OF THE PRODUCT SHALL FULFIL

Article 11

(1) The Elaboration shall be prepared by an institution which, depending on a type of a product marked by a protected geographical name, has appropriate expertised staff, as well technical conditions and is registered for pursuing of the relevant activity.

(2) The inspection shall be carried out by an institution which, depending on a type of a product marked by the protected geographical name, has appropriate expertised staff, as well technical conditions and is registered for pursuing of the relevant activity.

IV CONTENTS AND MANNER OF MAINTAINING THE REGISTERS

Register of applications for protection of the geographical names

Article 12

(1) Register of applications for protection of the geographical names shall contain:

- 1) GN - number and register number;
- 2) Filing data of the application;
- 3) Correspondence address; surname, name, address, telephone, fax and e-mail address;
- 4) Data of the applicant: surname, name and address of a natural person, i.e. company and registered seat of a legal person; name and seat of the association of the producers, title of the state body, i.e. local self-government unit;

- 5) Representative data, if the application is filed through a representative: surname, name and address of a natural person, i.e. company and registered seat of a legal person;
- 6) The geographic name, with an indication that protection with appellation of origin, i.e. geographical indication is sought;
- 7) Type of a product to which the geographical name refers and possible annual capacity of production;
- 8) Name of the geographical region from which the product originates;
- 9) Data for the competent institution for control (name and seat of a legal person);
- 10) Data for the Office decision:
 - the date of adoption of the decision for protection of the geographical name,
 - registration number of the protected geographical name and
 - name of the country of origin.
- 11) Data on the protection on behalf of a foreign person:
 - name of the country,
 - name and address of the institution that carried out the registration,
 - registration number of the geographic name,
 - number and date of the document, i.e., legal act providing for the registration.
- 12) Data for the judicial decision;
- 13) Data for the Administrative Court decision;
- 14) Data for the request for continuation of the procedure and decision, and
- 15) Data for the proposal of returning to the previous condition and decision.
- 16) The Register of paragraph (1) in this Article shall be maintaining in an electronic form.

Register of applications for use of protected geographical names

Article 13

- (1) Register of applications for use of protected geographical names shall contain:
 - 1) OK-number and register number;
 - 2) filing date of the application;
 - 3) correspondence address; surname, name, address, telephone, fax and e-mail address;
 - 4) data of the applicant: surname, name and address of a natural person, i.e. company and registered seat of a legal person; name and seat of the association of the producers;
 - 5) type of the activity performed by the applicant;
 - 6) the territory to which the applicant belongs;
 - 7) representative data: surname, name and address of a natural person, i.e. company and registered seat of a legal person and registered number of the representative;
 - 8) geographical name to which the application refers and indication that it is protected by an appellation of origin or by geographical indication;

- 9) data for grant of a right for authorized user to a foreign person in the country of origin:
 - name of a country granting the right[
 - name and address of the institution granting the right;
 - register number of the user and
 - number and date of the public certificate or legal act for granting of a right.
- 10) GN-number and register number of protected geographical name to which the application refers;
- 11) type of a product which shall be marked by protected geographical name and annual capacity of the production;
- 12) competent inspection institution;
- 13) data for the inspection pursued, Certificate, number and date;
- 14) data for the changes which refer to the person filing the application for grant of a right to use the protected geographical name and number and date of the request for a change;
- 15) data for the Office decision:
 - date of adoption of the decision for grant of a right to an authorized user;
 - register number of the authorized user;
 - name of the country of origin.
- 16) data for the judicial decision;
- 17) data for the Administrative Court decision
- 18) data for the request for continuation of the procedure and decision, and
- 19) data for the proposal of returning to the previous condition and decision.

(2) The Register of paragraph (1) in this Article shall be maintaining in an electronic form.

Register of protected geographical names

Article 14

- (1) Register of the protected geographical names shall contain:
 - 1) register number of protected geographical name and GN- number;
 - 2) filing date of the application;
 - 3) data of the applicant: surname, name and address of a natural person, i.e. company and registered seat of a legal person; name and seat of the association of the producers, title of the state body, i.e. local self-government unit;
 - 4) representative data: surname, name and address of a natural person, i.e. company and registered seat of a legal person and registered number of the representative;
 - 5) geographical name indicating that it is protected by an appellation of origin or by geographical indication and the name of the country of origin;
 - 6) type of a product to which the geographical name refers;
 - 7) name of the geographical region from which the product originates;
 - 8) number and date of a decision;
 - 9) date of publication;

- 10) authorized users of protected geographical name (surname, name and address of a natural person, i.e. company and registered seat of a legal person; name and seat of the association of the producers and their registration number of authorized user);
- 11) data for the competent institution for inspection of a product (name and registered seat of a legal person);
- 12) data on the protection on behalf of a foreign person:
 - name of the country,
 - name and address of the institution that carried out the registration,
 - registration number of the geographical name and
 - number and date of the document, i.e., legal act providing for the registration,
- 13) data for changes in Elaboration, number and date of decision,
- 14) data for announcement nullity of the decision for grant of a right of use,
- 15) data for the judicial decision;
- 16) data for the Administrative Court decision;
- 17) data for the request for continuation of the procedure and decision, and
- 18) data for the proposal of returning to the previous condition and conclusion.

(2) The Register of paragraph (1) in this Article shall be maintained in an electronic form.

Register of authorized users of protected geographical name

Article 15

- (1) Register of users of protected geographical names, shall contain:
- 1) Register number of the authorized user;
 - 2) OK - number and filing date;
 - 3) Data for the authorized user: surname, name and address of a natural person, company name and registered seat of a legal person, name and seat of the association of the producers;
 - 4) Representative data: surname, name and address of a natural person, i.e. company and registered seat of a legal person and registered number of the representative;
 - 5) Number and date of a decision;
 - 6) Date of publication (number of the Official Gazette of the Office);
 - 7) Register number of protected geographical name for which the user shall be authorized;
 - 8) Geographical name, indicating that is protected by an appellation of origin or by geographical indication and name of the country of origin;
 - 9) Type of a product (to which the geographical name refers) and the type of the activity (performed by the authorized user);
 - 10) The territory to which the authorized user belongs and the annual capacity of production;

- 11) Date for the right validity and data for the renewal of the right;
- 12) Data for the changes which refer to the authorized user: number and date of the request, number and date of decision and the change pursued;
- 13) Data for cancellation of the right of use (number and date of the request, number and date of the decision, legal ground and date of cancellation of that right);
- 14) Data for announcement a decision for grant of a right to use as nullity;
- 15) Data for the judicial decision;
- 16) Data for the Administrative Court decision;
- 17) Data for the request for continuation of the procedure and decision, and
- 18) Data for the proposal of returning to the previous condition and conclusion.

(2) The Register of paragraph (1) in this Article shall be maintaining in an electronic form.

V DATA ON PROTECTED GEOGRAPHICAL NAME AND AUTHORIZED USER THAT ARE PUBLICATED

Publication of data for protected geographical name

Article 16

(1) In the Official Gazette of the Office the following data for protected geographical name shall be published:

- 1) Register number of geographical name;
- 2) Number and date of a decision for protection of geographical name;
- 3) Geographical name subject of protection indicating whether the protection is performed by an appellation of origin or geographical indication;
- 4) Type of a product to which the geographical name refers;
- 5) Name of geographical region or place from which the product originates and correctly determined borders;
- 6) Data for the country of origin;
- 7) Changes entered in the Register of the protected geographical name and
- 8) Data for announcement the decision for protected geographical name as nullity.

Publication of data on the granted right of authorized user

Article 17

(1) In the Official Gazette of the Office the following data for the authorized users shall be published:

- 1) Register number of an authorized user;
- 2) Date and number of a decision for granting right of an authorized user;

- 3) Data for the authorized user: surname, name and address of a natural person, company name and business seat of a legal person, name and seat of the association of the producers;
- 4) Register number of geographical name for which the user is authorized;
- 5) Geographical name, indicating that the granted right for its use refers to appellation of origin or geographical indication;
- 6) Type of a product to which the geographical name refers;
- 7) Territory to which belongs the authorized user, name of the geographical region or the place of performing certain activity;
- 8) Date of validity of the right of authorized user;
- 9) Changes entered in the Register of authorize users of protected geographical names;
- 10) Renewal of the right of use;
- 11) Data for cessation or cancellation of a right to use and ground for such cessation or cancellation of that right and
- 12) Data for announcement a decision for grant of a right of use as nullity.

VI. CERTIFICATE FOR GRANTED RIGHT OF AUTHORIZED USER

Content of the certificate

Article 18

(1) Certificate for granted right to an authorized user shall contain:

- 1) Register number of the authorized user and date of granting the right of use;
- 2) Data for the authorized user: surname, name and address of a natural person, company name and business seat of a legal person, name and seat of the association of the producers;
- 3) Register number of the protected geographical name;
- 4) Data for the country of origin;
- 5) Geographical name, indicating that the granted right for its use refers to appellation of origin or geographical indication;
- 6) Type of a product to which the geographical name refers and important features of it;
- 7) Name of the geographical region from which the product originates and correctly determined borders;
- 8) Date of validity of the right of authorized user and
- 9) Date of issuing the certificate.

VII. ENTRY OF CHANGES IN THE REGISTERS

Content and form of the request for entry of changes in the Register of protected geographical name

Article 19

(1) The request for the entry of changes in the Register of the protected geographical name shall be filed in the Form DZIS-GN2 on A4 paper size, in two copies.

(2) The following additional attachments shall be filed to the request of paragraph:

- 1) Evidence for a legal ground of the change;
- 2) Power of attorney for appropriate change, if the request for entering changes is filed through representative and
- 3) Evidence for paid appropriate fee.

(3) If the Act proving the legal ground is filed for the change of paragraph (2) 1) of this article, the Act shall be filed in original or a certified copy, completely or only the part, from which the change pursued is evident.

(4) The Form DZIS-GN 2 of paragraph is given in Appendix 3 and forms an integral part of this Regulation.

Content and form of the request for entry of changes in the appropriate Register of users of the protected geographical names

Article 20

- (1) The request for the entry of changes in the appropriate register shall be filed in the Form DZIS-OK2 on A4 paper size, in two copies.
- (2) To the request of paragraph (1) of this article the following attachments shall be filed:
- 1) Evidence for a legal ground of the change for which entry in register is requested;
 - 2) Power of attorney for appropriate change, if the request for entering changes is filed through representative and
 - 3) Evidence for paid appropriate fee.
- (3) If the Act proving the legal ground is filed for the change of paragraph (2) 1) of this article, the Act is filed in original or a certified copy, completely or only the part, from which the change pursued is evident.
- (4) The Form DZIS- OK2 of paragraph is given in Appendix 4 and forms an integral part of this Regulation.

VIII. RENEWAL OF THE VALIDITY OF RIGHT FOR USE OF THE PROTECTED GEOGRAPHICAL NAME

Content and form of the request

Article 21

- (1) The request for renewal of the validity of right for use of the protected geographical name shall be filed on the Form DZIS-OK3, on paper A4, in two copies.
- (2) To the request of paragraph (1) of this article the following attachments shall be filed:
- 1) Evidence for performed control by a competent institution that the product produced by the applicant of the request fulfils the requirements for granting a right of use of the protected geographical name;
 - 2) Power of attorney of the agent if the request has been filed through an agent;
 - 3) Evidence that the fee for the request has been paid.
- (4) The Form DZIS-OK is given in Appendix 5 and forms an integral part of this Regulation.

VIII. CANCELLATION OF DECISION FOR GRANT OF A RIGHT TO AUTHORIZED USER

Content of the request

Article 22

(1) Request for cancellation of the decision for grant of a right of authorized user shall contain:

- 1) register number of the authorized user;
- 2) data for the authorized user: surname, name and address of a natural person, company name and registered seat of a legal person, name and seat of the association of the producers;
- 3) register number of geographical name;
- 4) geographical name by indicating whether it is protected by an appellation of origin or geographical indication;
- 5) data for the person filing the request: surname, name and address of a natural person, company name and business seat of a legal person, name and seat of the association of the producers;
- 6) representative data if the request is filed through representative;
- 7) reason for requesting cancelation of a right and
- 8) signature, i.e. signature and seal of the applicant of the request

(2) The following shall be enclosed to the request of paragraph (1):

- 1) Evidence for the reason for requesting cancelation of a right.
- 2) Power of attorney of the representative if the request is filed through representative;
- 3) Evidence for paid appropriate fee.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Cessation of validity

Article 30

The validity of the Regulation for industrial design (“Official Gazette of the Republic of Macedonia”, No. 18/2004 and 93/2006) shall cease on the day when this Regulation enters into force.

Entry into force

Article 31

This Regulation shall enter into force on the day following that of its publication in the "Official Gazette of the Republic of Macedonia".

No. _____

Skopje

Director
Safet Emruli MSc.