

Wed 9/30/2015

Dear Sir/Madam,

I would like to inform you that we have revised our submission regarding protection of country names presented in 2013. Please see below.

Sincerely yours,

Irakli Kasradze

Head

Department of Trademarks, Geographical Indications and Designs

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## **Protection of Country Names**

### **Legal basis**

Issues related to protection of the names of the countries against registration as a trademark in Georgia is regulated by the Trademark Law of Georgia.

### **Scope of protection**

According to the Article 4 1 (i) of the Trademark Law of Georgia - a symbol, or combination of symbols shall not be registered as a trademark where it - completely or in any of its constituent elements coincides with: the state emblems or the flags, emblems or full or abbreviated names of **foreign states**; also the present or historical names, state emblems, flags and emblems of **Georgia** or the constituent parts of it, or the imitation of the forgoing symbols.

### **Procedure**

Generally, country names are devoid of any distinctive character. However, they may be included in a trademark, as a feature not qualifying for protection, if the permission of the Ministry of Culture has been obtained. The name of state as a subject of trade mark application is examined ex officio on the basis of the absolute grounds for refusal. Permission obtained from the abovementioned ministry shall be submitted on the stage of substantial examination. If the permission is not submitted, SAKPATENTI refuses the application.

In addition to abovementioned according to the Article 4.1 of the Trademark law of Georgia - A symbol or combination of symbols shall not be registered as a trademark where it:

(d) is descriptive in respect of the goods for which its registration is requested, consists exclusively of the kind, quality, quantity, feature, value, intended purpose, geographical origin, place of sale, time or other characteristics of the goods or can be regarded as such;

(h) is likely to deceive the public (as to the feature, quality, geographical origin or other characteristics of the goods).