INTRODUCTION OF A NEW OBJECT OF INTELLECTUAL RIGHTS – GEOGRAPHICAL INDICATION
On July 27, 2020, a new object of intellectual rights - geographical indication will appear in Russia. Regional manufacturers who have received the right to use a geographical indication to protect their products will be able to safely enter both the domestic and international markets. At the same time, they will be protected from all the kinds of forgeries. Until now, Russian regional goods could legitimize their geographical uniqueness only as an appellation of origin.

Thus, the Federal Law from July 26, 2019 № 230-FZ «On Amendments to Part Four of the Civil Code of the Russian Federation and Articles 1 and 23.1 of the Federal Law «On the State Regulation of the Production and Turnover of Ethyl Alcohol, Alcohol and Alcohol-Containing Products and on the Limitation of Consumption (Drinking) alcohol products» introduces the new object of intellectual property rights. From July 27, 2020 it will be possible to register a geographical indication.

Consider what it is and how it relates to a similar means of individualization - the appellation of origin of goods (NIPT).

**Geographical indication** is a designation that identifies a product originating from the territory of the geographical item. Its quality, reputation or other characteristics are largely related to the place of its origin, where at least one of the stages of production of the goods should be carried out, which significantly affects the formation of its characteristics.

In the case of the appellation of origin, all stages of production that significantly affect the formation of special properties of the product must be carried out at the place of origin of the product.

**What cannot be registered as geographical indication or appellation of origin?**

It is not possible to register a designation that is:

- came into General use as a designation of a certain type of product, not related to the place of production;
- registered as a geographical indication or appellation of origin in respect of goods of the same kind;
- identical or similar to a trademark with an earlier priority, which may mislead the consumer;
- represents a plant variety or animal breed that may mislead the consumer;
- may mislead the consumer about the product or its manufacturer;
- declared for a product that does not meet the requirements of the law.
Who can register a geographical indication?

Geographical indication can be registered by one or more individuals, legal entities, as well as associations (unions) or other associations. The procedure for creating and operating of such associations must not contradict the legislation of the country of origin of the goods.

Persons who have registered a geographical indication shall be granted an exclusive right to this geographical indication, provided that the goods in respect of which the geographical indication is registered meet the requirements of paragraph 1 of article 1516 of this Code.

Currently, associations cannot register an appellation of origin, which is a problem. Associations include producers of raw materials and final products, as well as the individuals who provide storage, transportation and distribution of the goods.

The special properties of the goods usually depend on the activities of all those united. In this regard, associations of individuals will also be able to register an appellation of origin.

Each member of the association will be able to use a geographical indication the appellation of origin.

The use of the geographical indication is, in particular, the location of this geographical indication:

- on goods, labels, packages of goods that are produced, offered for sale, sold, displayed at exhibitions and fairs or otherwise entered into civilian circulation on the territory of the Russian Federation, either stored or transported for this purpose, or imported into the territory of the Russian Federation;
- on forms, invoices, other documentation and in printed publications related to the introduction of goods into civil circulation;
- in proposals for the sale of goods, as well as in announcements, on signs and in advertising;
- on the Internet, including in the domain name and other addressing methods.

Illegal use of geographical indications is recognized as:

- the use of the registered geographical indication by the persons who do not have the right to use it, even if the original place of origin of the goods is indicated or the geographical indication is used in translation or in combination with words such as "genus", "type", "imitation" and others;
- the use of the registered geographical indication by the persons who have the right to use it in respect of goods that do not have the characteristics specified in the State Register of Indications and Appellations, or produced outside the boundaries of the geographical object specified in the State Register of Indications and Appellations;
• the use of the designation similar to the registered geographical indication for any product that may mislead consumers about the place of origin of the product or its characteristics.

**It should be noted that:**

• Goods, labels, packaging of goods on which the geographical indication is illegally used or signs similar to it to the degree of confusion are counterfeit.
• It is not a violation of the exclusive right to a geographical indication to use this geographical indication by the other persons in respect of goods that have been put into civil circulation directly by the rightholder or with his consent.
• Disposal of the exclusive right to a geographical indication, including by alienating it or granting another person the right to use this geographical indication, as well as the transfer of the exclusive right to a geographical indication without entering into a contract is not allowed.

**How to register a geographical indication?**

To register a geographical indication, you will need to submit an application to the Federal Service for Intellectual Property. It is necessary to indicate the product, its characteristics, a description of the production method and other data. The application must be accompanied by the documents confirming all the specified information the fact that the applicant produces the corresponding product.

Information related to the state registration of the geographical indication and (or) the granting of an exclusive right to such a geographical indication and entered in the State Register of Indications and Appellations shall be published by the Federal Executive authority on intellectual property in the official bulletin immediately after their entry in the State Register of Indications and Appellations.

A person entitled to use a geographical indication in accordance with paragraph 2 of Article 1518 of the Civil Code may place a security sign in the form of verbal signs «registered geographical indication», «with a protected geographical indication», «registered GI» or the corresponding emblem indicating that the designation used is a geographical indication registered in the Russian Federation.