

LAW No. 05/L -051

ON GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN

The Assembly of the Republic of Kosovo,

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

LAW ON GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. This Law defines the rules and procedures for the registration of geographical indications and designations of origin deriving by the registration and implementations of these rights.

2. This law is in accordance with the:

2.1. Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs OJ L 343, 14.12.2012, p. 1–29;

2.2. Directive 2004/48/EC of the European Parliament and of the Council of April 2004 on the enforcement of intellectual property rights (O.J. L 157, p.45, 30.4.2004; O.J. L 195, p.16, 2.6.2004).

**Article 2
Scope**

The provisions of this Law apply to all products for which the protection of designations of origin originates from a region, specific place or state.

**Article 3
Exclusions**

This Law does not apply to those products for which the protection of designations of origin and geographical indications is regulated by a special Law

Article 4

Definitions

1. Terms used in this Law shall have the following meaning:

1.1. **Ministry** – the responsible ministry for trade and industry;

1.2. **Minister** – the minister of the responsible ministry for trade and industry;

1.3. **Designation of origin** - name of a region, a specific place or in special cases the name of a state, which is used to describe a product originating from that region, specific place or state, qualities or characteristics of which are essentially or exclusively as a result of a particular geographical environment with natural and human factors inherited from this environment, and as a result of the production, processing and preparation of the product which is entirely developed in the defined geographical area;

1.4. **Geographical indication** - name of a region, a specific place or in special cases the name of a state, which is used to describe a product originating from that region, specific place or state, possesses a quality, reputation or other specific characteristics which come as a result of geographical origin, production and / or processing and / or preparation of which takes place entirely in the defined geographical area;;

1.5. **Agency** - Industrial Property Agency which is responsible for the procedure of registration of designations of origin and geographical indications and other proceedings under this Law and the legislation in force (hereinafter IPA);

1.6. **Generic designation**- name of a product which although it is related to the country or region where this product was originally produced or marketed, has become a common name of a product in Kosovo;

1.7. **Place of origin** - regional systems in which it was granted the protection of designation of origin or geographical indication for products related to a geographic area which lies in one or several states, part of that regional system;

1.8. **Register** – register of protected designations of origin and protected geographical indications;

1.9. **Register of authorized users** -register of authorized users of protected designations of origin and protected geographical indications.

2. Certain geographical designations despite sub-paragraph 1.7 of this Article, shall be treated as designations of origin, when they testify traditional character and an exceptional reputation and fame and the raw materials of the products in question comes from a wider geographic area, or different from the area where the product is processed, provided that:

2.1. production area of the raw material is determined;

2.2. special conditions exist for the production of raw material; and

2.3. exist legal basis for inspection that ensures compliance of specified conditions laid

down in paragraph 2 of this Article.

3. Only live animals, meat and milk may be considered as raw material for agricultural products or food for the purpose of paragraph 2 of this Article.

Article 5

Traditional Designations

Traditional geographic or non-geographic designations that designate a product or which meets the criteria set out in Article 4 of this Law are considered also as designations of origin or geographical indication.

Article 6

Industrial Property Agency

The Agency is responsible for the procedure of registration of designations of origin and geographical indications and other proceedings under this Law and legislation in force.

Article 7

Revision of decisions taken by the IPA

1. Against the decisions of IPA it is allowed to appeal in a timeline of fifteen (15) days from the day of receipt of the decision.

2. The appeal is addressed to the Appeals Review Commission at IPA that is obliged to decide and inform the party.

3. The Appeals Review Commission shall be established by a decision of the Minister.

4 The competence of the Commission is to review of all appeals which are submitted by the parties against the decision of the IPA in the field of geographical indication and designations of origin.

5. Against the decision of the Commission may be filed a lawsuit at the competent Court for administrative issues within thirty (30) days.

6. The ministry through a sub-legal act defines the work of the commission and procedures of submission of appeals.

Article 8

Representation

1. Natural and legal persons, who are resident or have business headquarters in the Republic of Kosovo enjoy protection and have the right to act as a party to the proceedings conducted in the IPA.

2. Natural or legal persons who are not residents of the Republic of Kosovo or have no residence or business headquarters in Kosovo, in proceedings before the IPA are represented

by authorized representatives, except in the case of existence of any international or bilateral agreement which regulates mutual representation drafted by IPA.

CHAPTER II

PROTECTION OF DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

Article 9

Grounds for rejection

1. A name cannot be registered as a designation of origin or geographical indication if:

1.1. it is generic term, as defined in Article 4, paragraph 1, sub-paragraph 1.6 of this Law;

1.2. conflicts with the name of a plant variety or animal breed and as a result would deceive consumers about the true origin of the product;

1.3. indicates or suggests that the product originates from a different geographical area and not the exact place of origin which misleads or misinforms the public about the geographical origin of the product;

1.4. misleads consumers to believe that the product comes from another territory even if the territory, region or place of origin of the product is accurate and truthful;

1.5. can create confusion in the market about the type, origin, quality, method of production or other characteristics of the product;

1.6. is contrary to the public order or morals;

1.7. in the light of a trade mark's reputation and renown and the length of time it has been used, registration is liable to mislead the consumer as to the true identity of the product.

2. In order to define whether a designation has become or not a generic designation, there shall be taken into consideration all factors, particularly existing situation in Kosovo and in zones of consummation as well as the Law in force.

3. Taking into consideration the reputation and fame of trade mark as well as the duration of its use, through the registration there exists the possibility of misleading the consumer regarding the true identity of the product.

Article 10

Homonyms of designations of origin and geographical indications

1. A name proposed for registration that is wholly or partially homonymous with a name already entered in the Register of protected designations of origin and geographical indications may not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name

already entered in the Register, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not mislead.

2. A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.

Article 11

Designation of origin and geographical indications relating to geographic areas outside Kosovo

1. Any natural or legal person may apply for the protection of the designation of origin or geographical indication according to the specified provisions of this Law.

2. If the designation of origin or geographical indication relates to geographic areas outside of Kosovo, the protection shall be granted if the application complies with the criteria determined in this Law, and if the designation in question is protected in the country of origin. Regardless the provisions of Article 9 of this Law, in such cases a designation cannot be registered as a designation of origin or geographical indication when it was not protected or it is not protected in continuity or it is not used in the country of origin.

3. Protection of designation of origin or geographical indication can also be granted on the basis of bilateral or international agreements on mutual protection of designation of origin or geographical indication with which Republic of Kosovo signs an agreement.

4. The scope of protection of these designations of origin or geographical indications will be the same as the protection granted to the designations of origin or geographical indications under this Law, if and to the extent that the relevant bilateral or international agreement does not provide otherwise.

Article 12

Scope of protection

1. Registered designations of origin or geographical indication will be protected against:

1.1. any direct or indirect commercial use of products that are not registered as long as those products are comparable to the products registered under the designation of origin, or for as long as the use of the designation of origin or geographical indication exploits the reputation of the protected designation of origin or geographical indication;

1.2. any misuse, imitation or evocation, even if the true origin of the product is noted or if the name of the designation of origin or geographical indication is translated or transliterated or accompanied with expression such as "style", "type", "method", "as produced in", "imitation" or others similar to these

1.3. each inaccurate or misleading indication in terms of background, origin, nature or essential qualities of the product, in the internal or external packaging, in advertising materials or documents for the product and packaging of the product in a container that has a tendency to give the wrong impression regarding the origin;

1.4. every other action that may mislead the consumer regarding the true origin of the product.

2. When the designation of origin or geographical indication contains within itself the name of the product which is considered to be generic, the use of the generic designation in the respective products is not considered to be contrary to paragraph 1, sub-paragraphs 1.1 and 1.2 of this Article.

3. Registered designations of origin or geographical indication cannot become generic.

4. Registered designations of origin or geographical indication do not exclude the right of use by any person in the market, his name or his company's name except where such a name is used in such a way that misleads the public.

Article 13

Relations between trademarks, designations of origin and geographical indications

1. Where a designation of origin or geographical indication is registered pursuant to this Law, the application for registration of a trademark corresponding to one of the situations referred to in Article 12 of this Law associated with the same type of product is rejected, if the application for trademark registration is submitted for registration after the date of filing of the application for registration according to this Law.

2. Trademarks registered in contradiction with paragraph 1 of this Article shall be repealed by IPA.

3. A trademark, the use of which corresponds to one of the situations defined in Article 12 of this Law, and to which it was applied for registration in good faith in Kosovo before to the date of filing of the application for registration, according to this Law, may continue to be used despite registration of the designation of origin or geographical indication, if there are no grounds for its invalidity or revocation according to the Law on Trademarks. In such cases, the use of the protected designation of origin or protected geographical indication shall be permitted as well as use of the relevant trademarks.

Article 14

The right of use

1. A designation of origin or geographical indication registered according to this Law can be used by any producer or processor to advertise the product when it ensures that these products are in compliance with the relevant specifications and the producer or processor is registered in the Register of Authorized Users.

2. Every product originating from Kosovo that is marketed according to the designation of origin or geographical indication in accordance with this Law shall be labelled with the indication "protected designation of origin" and "protected geographical indication" or with symbols that accompany them.

3. Any product originating outside Kosovo that is marketed according to the registered designation of origin or geographical indication in accordance with this Law, in the same manner can be labelled with the indication "protected designation of origin" and "protected geographical indication" or with symbols associated to them.

4. Ministry shall, with sub-legal act, establish symbols designed to publicise protected designation of origin or protected geographical indication and to be accompanying indication „protected designation of origin” or „protected geographical indication”.

Article 15

Duration of protection

1. Protection of the designation of origin or geographical indication registered in accordance with this Law starts from the date of entry in the Register of designations of origin or geographical indicators.

2. The right of use of the designation of origin or geographical indication lasts for ten (10) years from the date of entry of authorized user in the Register of Authorized Users and may be renewed by the party indefinitely for period of ten (10) years in accordance with the provisions of this Law as long as designation of origin or geographical indication is registered.

CHAPTER III

GENERAL PROVISIONS ON PROTECTION GRANTING PROCEDURE

Article 16

Protection of designations of origin and geographical indications

Designations of origin or geographical indications are granted with protection by the decision for registration after completion of administrative procedures by the IPA and registration in the relevant register.

Article 17

Granting the right of use of designations of origin or geographical indications

The right of use of the designation of origin or geographical indication is granted by the decision on the registration of authorized users, after completion of administrative procedures by IPA.

Article 18

Fees

The Ministry through a sub-legal act regulates the amount of fees and registration procedures of designation of origin or geographic indicators in IPA.

Article 19

Registers

The Register and the Register of Authorized Users with this Law are public for any person interested without any special fee or payment.

Article 20

Trans-border geographical indications

In the case of a name designating a trans-border geographical area or a traditional name connected to a trans-border geographical area, several groups may lodge a joint application.

CHAPTER IV

PROCEDURE ON REGISTRATION OF DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

Article 21

Initiation of registration procedure

1. The procedure on registration of a designation of origin or a geographical indication begins with the completion of the application for registration to the IPA.
2. The application for registration can have only one designation of origin or one geographical indication associated with only one type of product.

Article 22

The right to apply

1. The right to apply for registration of a designation of origin or geographical indication has:
 - 1.1. any association of producers or processors working with the same product, regardless of its composition or legal form.
 - 1.2. a single natural or legal person provided that it is presented at the time of completion of the application for registration, that the person in question is the only producer in the defined geographical area willing to file an application and that the defined geographical area possesses characteristics which significantly differ from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas;
 - 1.3. an association of producers or processors or a single person who meets the requirements set out in sub-paragraph 1.2 of paragraph 1 of this Article can apply for registration of a designation of origin or geographical indication for the product which they produce or offer.

Article 23

Content of registration application

1. The application for registration includes:
 - 1.1. name and address of any association of producers or processors applying, accompanied with information on the legal status and composition of the group, if the application is completed by an association of producers and processors;

- 1.2. name and address of the person applying, accompanied with adequate evidence on the legal status, if the application is completed by a single person;
- 1.3. name of the designation of origin or geographical indication;
- 1.4. description of the product;
- 1.5. definition the geographical area;
- 1.6. product specifications;
- 1.7. description of the connection between the product and the geographical origin referred to in this Law as the case may be;
- 1.8. evidence on payments of the specified fees;
- 1.9. authorization if the person applying is represented by an authorized representative;
- 1.10. evidence on the protection of a designation of origin or geographical indication in its place in accordance with Article 8 and 11 of this Law, in the form of a copy of a certificate or other legal document in official language of the country of origin with a translation of the document if the designation of origin or geographical indication is related to a geographical area located outside of Kosovo.

Article 24

Description of product

1. Description of product, in order to be determined by the designation of origin or geographical indication must include specific technical data commonly used to describe the type of product, including sensory - organoleptic characteristics whenever appropriate.
2. Description of this product includes, when appropriate, specific rules concerning packaging and the label.

Article 25

Definition of geographical area

Geographical area is defined in a detailed and precise matter that there is no ambiguity and it sets the boards in terms of relation between the quality or characteristics of the product and the geographical environment referred to in this Law, or in terms of the relation between a specific quality, reputation or any other characteristic of the product and the geographical origin referred to in this Law, or in the meaning of the relation between a specific quality, reputation or any other characteristic of the product and the geographical origin referred to in to in subparagraph 1.4 of paragraph 1 of Article 4 of this Law.

Article 26

Product specification

1. Product specification includes:

1.1. product name that contains the designation of origin or geographical indication, as it is used, whether in trade or in common language, and only in the languages which are or were historically used to describe the specific product in the defined geographical area;

1.2. product description including raw materials, if it is possible, as well as the main physical, chemical, microbiological, sensory (organoleptic) characteristics or other characteristics of the product;

1.3. definition of the geographical area and, if it is possible, details indicating compliance with the requirements of paragraph 2 of Article 4 of this Law;

1.4. evidence that the product originates in the defined geographical area referred to in this Law;

1.5. description of the method to obtain the product and, if it is possible, unchanged authentic local methods and information on packaging, if the person applying determines, provides reasons and specific justification for the product, why the packaging must be done in the defined geographical area to maintain the quality of origin or to ensure the control;

1.6. details that prove the relation between the quality or characteristics of the product and the geographical environment in accordance with this Law or the relation between specific quality, reputation or other characteristics of the product and the geographical origin defined by this Law.

1.7. name and address of the authorities or bodies verifying the compliance of the provisions of the specification and their specific tasks;

1.8. any specific rule of the label for the product in question;

1.9. detailed rules on the origin and quality of the food, for products with animal origin defined as designations of origin;

1.10. any other requirement which is prescribed in the provisions of a special Law or in sub-legal acts approved by the relevant Ministry according to this Law.

Article 27

Relation

1. Details that prove the relations referred to in sub-paragraph 1.6 of paragraph 1 of Article 26 of this Law must clarify and explain how the characteristics of the defined geographical area affect the final product. Whenever appropriate, it shall include specific elements of the description of the product or the production method which justifies the relation.

2. Details referred to in paragraph 1 of this Article in relation to designation of origin shall contain:

2.1. details of the geographical area, including the human factor and natural factors, relevant to the relation;

2.2.details of the quality or characteristics of the product that are essentially or exclusively due to the geographical environment;

2.3.description of the interaction between the details referred to in sub-paragraph 2.1.

3. Details referred to in paragraph 1 of this Article in relation to geographical indications shall contain:

3.1. details of the geographical area affecting the relation;

3.2. details of specific quality, reputation or other characteristics of the product that are attributable to the geographical origin together with the statement whether the geographical indication is based on a specific quality or reputation or other characteristics that are attributable to the geographical origin;

3.3. description of casual interaction between the details pursuant to sub-paragraphs 3.1 and 3.2 of this paragraph.

Article 28

Verification of compliance

1. Authorities or authorized bodies for verification of product compliance with the provisions of the specification must be authorized institutions and recognized for verification of product compliance with the provisions of the specification (hereinafter referred to as Certifying Bodies) in accordance with the legislation into force on compliance by Certifying bodies.

2. The Ministry shall make public the name and address of the authorities and bodies acting as Certifying Bodies and update that information periodically.

3. Certifying bodies shall ensure that the verification of product compliance with the provisions of the specification is carried out before they place the product on the market.

4. Regarding the designations of origin or geographical indications related to the geographical area located outside Kosovo, the verification of product compliance with the provisions of the specification before placing the product on the market will be provided by public authorities specified by the country of origin and / or by the product certifying bodies.

5. Expenses for such verification of product compliance with the provisions of the specifications shall be borne by authorized users subject to control.

Article 29

Verification of agricultural products and foodstuffs

1. In the case of agricultural products or foodstuffs certifying bodies referred to in Article 28 of this Law shall be approved by the Minister of the relevant Ministry of Agriculture. Specific conditions that are required for certification, the list of approved bodies and other matters of this nature will be determined by the Minister of the relevant Ministry of Agriculture.

2. Details on the conditions and procedures for verification of compliance with agricultural

product or foodstuff item with the provisions of the specification, if certification bodies have confirmed that the product does not comply with the provisions of specification, the procedure and manner of setting the fees for verification by the certifying bodies will be determined by the Minister of the relevant Ministry of Agriculture.

Article 30

Examination of application

1. IPA shall check if the application submitted contains all documents as required under Article 23 of this Law and shall take a decision within sixty (60) days.
2. If IPA finds that the application does not contain all the necessary requirements under Article 23 of this Law, IPA will invite the person who applies to correct the application within sixty (60) days.
3. Upon the request of the applicant, which must be within certain time limits referred to in paragraph 2 of this Article, the time limit may be extended for a maximum of thirty (30) days counting from the date of expiry of the time limit.
4. If the person applying does not correct his application based on the invitation of the IPA or fails to correct it within the deadline, the application will be rejected.

Article 31

Examination of the applications for protection

1. If the application meets the requirements of Article 30 of this Law, IPA shall examine further whether the application meets the requirements prescribed for protection of the designation of origin or geographical indications, and in particular if it meets requirements specified in Article 22 to Article 29 of this Law.
2. If IPA finds that the application does not comply with the necessary requirements, IPA will notify the applicant in writing of the reasons why the protection of the designation of origin or geographical indication is not allowed and will invite him to submit his opposition within sixty (60) days.
3. Through the request from the applicant, which must be made within certain time limits referred to in paragraph 2 of this Article, the limited time limit may be extended up to a maximum of thirty (30) days counting from the date of expiry of the deadline.
4. If the applicant does not submit any opposition or if, despite his opposition, IPA considers that the applicant does not meet the prescribed requirements for protection of the designation of origin or geographical indication, the application will be rejected.
5. If IPA after the procedure in accordance with the provisions of this Article considers that the applicant meets the requirements prescribed for protection of the designation of origin or geographical indication, shall publish in its official Bulletin the part of the application for registration of the designation of origin or geographical indication that is referred to in subparagraphs 1.3., 1.4., 1.5 and 1.7 of paragraph 1 of Article 23 of this Law.

Article 32**Examination of agricultural products and foodstuffs**

1. In the cases of agricultural products and foodstuff the examination and decision referred to in Article 31 of this Law shall be carried out and taken by an expert commission consisting of two (2) experts appointed by the Minister of the relevant Ministry of Agriculture, one (1) by the Food and Veterinary Agency and two (2) by IPA.
2. Experts from paragraph 1 of this Article shall be appointed by Minister of Ministry of Trade and Industry as appropriate.

Article 33**Opposition**

1. Within three (3) months from the date of publication of the application pursuant to paragraph 5 of Article 31 of this Law, any interested person having a legitimate interest may submit an opposition against the proposed registration of the designation of origin or geographical indication in accordance with the following conditions:

1.1. that does not agree with the definitions referred to in Article 4 of this Law; or,

1.2. that the registration of the proposed designation would be contrary to Article 9 paragraph 1, subparagraphs 1.2 and 1.3 or Article 10 of this Law;

1.3. that the registration of the proposed designation would jeopardize the partial or complete existence of an identical designation or trademark or the existence of products which have been legally on the market for at least five (5) years preceding the date of publication referred to in paragraph 5 of Article 31 of this Law; or

1.4. that designation for which is requested the registration is generic in terms of subparagraph 1.1 of paragraph 1 of Article 9 of this Law.

Article 34**Opposition procedure**

1. IPA shall check whether the opposition was submitted within the certain time limit prescribed in paragraph 1 of Article 31 of this Law and if have been submitted and there is evidence proving the grounds based on which the opposition was made.
2. If IPA finds that the opposition was submitted within the time limit or that the opposition party has not submitted the required evidence, the opposition will be rejected.
3. If IPA finds that the opposition was submitted within the time limit and all required evidence have been submitted, the opposition together with all evidences submitted will be sent to the applicant. The applicant will be invited to submit its observations on the opposition made as well as the evidences submitted within thirty (30) days.
4. Through the request of the applicant, which must be made within the time limit referred to in paragraph 3 of this Article, the time limit may be extended for thirty (30) days from the date of expiry of the deadline.

5. IPA will decide whether it is a justified opposition in terms of fair and traditional use and the actual possibility of confusion.

6. If IPA finds that the opposition is justified, it shall reject the application for registration of a designation of origin or a geographical indication.

7. If IPA finds that the opposition is not justified, it shall reject the opposition and will continue with the registration procedure.

Article 35

Registration of a designation of origin or a geographical indication

1. If the application for registration of a designation of origin or a geographical indication meets all the requirements prescribed for protection of the designation of origin or geographical indication, and after reviewing the opposition, if any, IPA shall issue a decision on the registration of a designation of origin or a geographical indication and will register the protected designation of origin or geographical indication in the Register.

2. The Registration will be published in the Official Bulletin of IPA

3. The Publication data for the registration of a designation of origin or geographical indication shall be determined by a sub-legal act issued by the Ministry.

Article 36

Contents of records in the Register

1. IPA will register the following data in the Register when registering the protected designation of origin or geographical indication in the Register:

1.1. registered name of the product protected by a designation of origin or a geographical indication;

1.2. type, if the designation is protected as a designation of origin or geographical indication;

1.3. type of product that contains the protected designation of origin or geographical indication;

1.4. indication of the country of origin;

1.5. details of the decision of registration of a designation of origin or a geographical indication.

Article 37

Changes in the specification of product

1. Anyone who has the right to apply for registration of a designation of origin or a geographical indication based on Article 22 of this Law and having a legitimate interest may apply to change the approved product specification, in particular to take into account the scientific and technical

developments and achievement or redefine the geographical area referred to in sub-paragraph 1.3 of paragraph 1 of Article 26 of this Law.

2. The Application for approval of a change in the product specification will describe and present the reasons for the requested change.

Article 38

Procedure on changes in the specifications of product

1. When the change involves one or more changes related to the designation, product description, definition of the geographical area or relation description, the procedure on change is made in accordance with the procedures set out in Article 29 to Article 34 of this Law.

2. In such a case, as described in paragraph 1 of this Article, the information required under sub-paragraph 1.10 of paragraph 1 of Article 23 of this Law shall contain a complete application based on the rule under this Article and the proposed specification with new information of the product.

3. In case of change under paragraph 1 of this Article, the information for publication is made in accordance with paragraph 5 of Article 31 of this Law.

4. In case when changes shall be considered as small ones and IPA shall decide whether it will approve the request by not following the procedure defined from Article 33 to Article 35 of this Law, if changes under paragraph 1 of this Article do not:

- 4.1. relate with the essential characteristics of the product;
- 4.2. change the relation referred in the Article 26 of this Law.
- 4.3. include change of designation, or any part of the designation of the product;
- 4.4. affect the defined geographical area;
- 4.5. represent an increase in trade restrictions of the product or its raw materials.

5. When the change does not include any change under paragraph 1 of this Article or it is related with any temporary change in the specifications resulting from the imposition of obligatory sanitary or phytosanitary measures by public authorities, IPA will determine whether to approve the proposed change.

6. When IPA decides to accept a change to the specification that includes or contains a change of information registered in the Register pursuant to Article 36 of this Law, these changes will be registered in the register and are effective from the date when a decision is made to accept the change.

Article 39

Cancellation

1. The decision on a protected designation of origin or a protected geographical indication may

be cancelled if IPA finds that:

1.1. when completing the application for registration, the requirements prescribed for protection under this Law were not met;

1.2. compliance with the requirements of the specification for the product covered by the protected designation has ceased to exist;

1.3. if a designation of origin or a geographical indication which is related to a geographical area which is located outside Kosovo, the designation in question will not be further protected in the country of origin;

1.4. based on a grounded legal application of a natural or legal person for the cancellation of such a decision on the protection of the designation of origin or geographical indication;

1.5. no product is placed on the market of the Republic of Kosovo under the protected designation of origin or the protected geographical indication for at least seven (7) years, providing evidence that the grounds under sub-paragraphs 1.1, 1.2, 1.3, or 1.4 of this Article are made out.

2. In case when the cancellation procedure is based on the grounds prescribed in paragraph 1 and sub-paragraph 1.4 of this Article, Article 33 as well as Article 34 paragraph 5 of this Law, then the cancellation procedure shall apply according to the specific conditions.

3. When a decision on a protected designation of origin or geographical indication is cancelled based on the grounds listed under paragraph 1.1 of this Article, it will be considered that the designation of origin or geographical indication did not exist according to this Law.

Article 40

Cancellation Procedure

1. Cancellation of a decision on a protected designation of origin or a protected geographical indication may be requested by any natural or legal person who has a legitimate interest or by the Agency ex officio.

2. The application under paragraph 1 of this Article shall contain the reasons for the request and any other information or document that will be prescribed in details by a sub-legal act issued by the Ministry.

3. If IPA finds that the application does not contain all the requirements prescribed under paragraph 2 of this Article, the application will be cancelled.

4. If the application under paragraph 1 of this Article will contain all the requirements prescribed by paragraph 2 of this Article, it will be published in the Official Bulletin of IPA.

5. Within three (3) months from the date of publication of relevant data on the application for cancellation of the decision on a protected designation of origin or protected geographical indication based on paragraph 4 of this Article, any interested person may provide a declaration of objection on the application for cancellation of the decision for protection of an designation

of origin or geographical indication if such a person can show continued commercial support of the registered designation.

6. If IPA finds that the application for cancellation of the decision for the protected designation of origin or protected geographical indication is justified, it will cancel the registration of the designation of origin or a geographical indication, will delete the records from the Register after the decision on cancellation becomes final and will publish that fact in IPA Bulletin.

7. IPA shall refuse the application for cancellation of the registration of a protected designation of origin or a protected geographical indication if it determines that it is not in accordance.

Article 41

Cancellation procedure for agricultural products and foodstuff

In the case of agricultural products and foodstuffs, the examination and the decision referred to in Article 40 of this Law shall be conducted by the Commission of Experts based on Article 32 of this Law.

Article 42

Cancellation of the procedure for designations of origin or geographical indications related to geographical area located outside Kosovo

1. In case that the cancellation is requested on the grounds referred to in sub-paragraph 1.3 of paragraph 1 of Article 39 of this Law, regardless of the provisions of paragraph 1 of Article 40 of this Law, the application is likely also to be submitted by the relevant authorities of the country of origin and regardless of the provision of paragraph 2 of Article 40 of this Law, the application must also be accompanied with a copy of the certificate or any other legal document in the language of the country of origin and translated, certifying that the designation hereinafter is not protected in the country of origin.

2. In case that the cancellation is requested on the grounds referred to in sub-paragraph 1.3 of paragraph 1 of Article 39 of this Law and paragraphs 4 and 5 of Article 40 of this Law, shall not be applied.

Article 43

Limitations regarding administration

A registered designation of origin or geographical indication cannot be transferred, licensed, or be subject to the same rights, free agreement or any form of rights assignment.

CHAPTER V

REGISTRATION PROCEDURE OF AN AUTHORIZED USER OF A PROTECTED DESIGNATION OF ORIGIN OR A PROTECTED GEOGRAPHICAL INDICATION

Article 44

Initiation of registration procedure

1. The procedure for registration of an authorized user of a protected designation of origin or

protected geographical indication shall be initiated by submitting an application for registration in IPA.

2. The application referred to paragraph 1 of this Article may be completed by any producer or processor, any natural or legal person who produces or processes the product protected by the designation of origin or geographical indication in accordance with the relevant product specifications.

3. The application referred to in paragraph 1 of this Article may be completed only after the relevant designation of the origin or geographical indication is registered in accordance with the provisions of this Law.

Article 45

The content of registration application by the authorized user

1. The registration application of an authorized user shall include:

- 1.1. a request from the authorized user;
- 1.2. information that identifies the applicant;
- 1.3. registered designation of origin and geographical indication for which the applicant wants to be authorized for use;
- 1.4. type of product that contains the protected designation of origin or protected geographical indication;
- 1.5. information, including the name and address of the authorities or bodies entrusted to verify product compliance with the provisions of the specification

2. The application for registration must be accompanied with the following documents:

- 2.1. certificate of product compliance with the provisions of the specification issued by the authorities or bodies entrusted to verify product compliance with the provisions of the specifications identified in application in accordance with the provisions of Article 28 of this Law;
- 2.2. evidence issued by the competent authority of the applicant who performs the specific activity or produces the specific product in the geographical area described in the product specification;
- 2.3. evidence on payment of the prescribed fees in the relevant Administrative Instruction on Administrative Fees by IPA.

Article 46

Examination of application

1. IPA shall check whether the submitted application of the applicant contains all required documents pursuant to Article 44 of this Law.

2. If IPA finds that the application does not contain all the necessary requirements pursuant to Article 44 of this Law, IPA will invite the applicant to correct the application within sixty (60) days.

3. At the request of the applicant, which must be made within a certain time limit referred to in paragraph 2 of this Article, the specified time limit can be extended to a maximum of thirty (30) days counting from the date of expiry of that time limit.

4. If the applicant does not correct the application in accordance with the invitation of IPA or fails to correct it within the prescribed time limit, the application for registration of authorized user will be rejected.

Article 47

Examination of protection applications

1. If the application is in compliance to Article 46 of this Law, IPA will further examine if the prescribed requirements for granting the right of use of the designation of origin or geographical indications are met.

2. If IPA finds that the application does not comply with the necessary requirements, IPA shall notify the applicant, in writing, for the reasons why the right of use of a protected designation of origin or protected geographical indication will not be permitted and invite him to submit his objection within sixty (60) days.

3. At the request of the applicant, which must be made within the specified time limit referred to in paragraph 2 of this Article, the time limit may be extended for a maximum of thirty (30) days counting from the date of expiry of that time limit.

4. If the applicant does not present any objection or if, despite his objection, IPA considers that the applicant does not meet the prescribed requirements for granting of the right of use of the protected designation of origin or protected geographical indication, the application will be rejected.

Article 48

Examination in case of agricultural products or foodstuffs

In cases of agricultural products and foodstuffs, the examination and decision referred to in Article 45 of this Law shall be conducted and taken by the commission of experts in compliance of Article 30 of this Law.

Article 49

Registration of authorized user

1. If the application for registration of an authorized user meets all the requirements prescribed for granting the right of use of a protected designation of origin or a protected geographical indication, IPA will invite the applicant to pay the relevant fees for the initial period of protection.

2. If the applicant fails to submit to IPA the evidence of payment of the prescribed fees for the initial period of protection based on the paragraph 1 of this Article, IPA shall reject the application.

3. If the applicant submits to IPA the evidence of payment of the fee for the initial period of

protection within the time limit specified in paragraph 1 of this Article, IPA shall take the decision for the registration of an authorized user of a protected designation of origin or a protected geographical indication and will register the protected designation of origin or protected geographical indication in the Register of Authorized Users.

Article 50

Contents of records in the Register of Registered Users

1. In the Register of Authorized Users, IPA registers the authorized user of a protected designation of origin or protected geographical indication, registers the following data:

- 1.1. name and address of authorized user;
- 1.2. data if the authorized user has the right of use of the designation of origin or geographical indication;
- 1.3. registered designation of origin or geographical indication which the authorized user has the right of use;
- 1.4. reference of the decision on registration of an authorized user of the designation of origin or a geographical indication.

Article 51

Obligation and the way of use of protected designation of origin or protected geographical indication by authorized user

1. The authorized user shall have the right of use of the protected designation of origin or protected geographical indication only in the marketing of the product in accordance with the relevant specifications.
2. The right referred to in paragraph 1 of this Article shall also include the right of packaging, catalogues, brochures, advertising, business documents for identification and other forms of business documentations as well as import or export of such products.

Article 52

Certificate on the right of use

1. At the request of an authorized user provided the appropriate fee is paid, IPA will issue a certificate on the right of use of a designation of origin or geographical indication.
2. The Ministry will issue a sub-legal act which defines the data contained in the certificate as prescribed in paragraph 1 of this Article.

Article 53

Registration of changes in the Register of Authorized Users

At the request by the authorized user, IPA will register all changes related to the name and address of the authorized users, provided that the application is accompanied by adequate evidence that the change does not affect the fulfilment of the requirements prescribed for

the granting of the right of use of a protected designation of origin or protected geographical indication.

Article 54

Renewal of registration of an authorized user

1. Registration of an authorized user will be renewed for the period prescribed in paragraph 2 of Article 15 of this Law, provided that the designation of origin or geographical indication referred to, remains registered and following the application submitted by the authorized user, which must be accompanied by the following documents:

1.1. the certificate of compliance of the product with the provisions of the specification issued by the authorities or bodies entrusted to verify the product compliance with the provisions of the specification;

1.2. evidence of payment of the relevant fees.

Article 55

Revocation of registration of an authorized user

If IPA verifies that the user has ceased to meet all the requirements prescribed for granting the right of use of a protected designation of origin or protected geographical indication, IPA will take a decision on the revocation of the registration of an authorized user after carrying out the procedure for revocation at IPA.

Article 56

Revocation Procedure

1. Revocation procedure referred to in Article 55 of this Law shall be initiated ex officio or at the request for revocation which may be submitted by any natural or legal person having a legitimate interest.

2. IPA shall notify the authorized user for the fact that the revocation procedure has been initiated and will invite him to submit his observations, in particular, to prove the existence of prescribed requirements for granting the right of use of a protected designation of origin or geographical indication within thirty (30) days.

3. At the request of the authorized user which must be made within the specified time limit referred to in paragraph 2 of this Article, the limited time limit may be extended for a maximum of thirty (30) days counting from the date of expiry of the deadline.

4. If IPA finds that the application for revocation of the registration of an authorized user is grounded, it will cancel the registration of the registered users and will delete his name from the Register of Authorized Users after the decision on revocation becomes final.

5. IPA will reject the application for cancellation of the registration of an authorized user if it finds that it is not grounded.

Article 57

Revocation of procedure in cases of agricultural products and food articles

In cases of agricultural products and food articles, the decisions referred to in Article 55 and 56 of this law are taken by the expert's commission based on Article 32 of this Law.

Article 58

Cessation of the right of use

1. The right of use will cease to exist if:

1.1. protection period expires and is not renewed in accordance with Article 44 of this Law, from the date of expiry of the period of protection;

1.2. authorized user waives from the right of use from the date of delivery of notice to the IPA;

1.3. authorized user ceases to exist as of the date of that fact or the decision of the competent authority that proves this fact;

1.4. authorized user registration is cancelled, it will be considered that the authorized user registration did not exist since the beginning;

1.5. authorized user registration has been revoked since the date when the decision on revocation becomes final;

1.6. designation of origin or geographical indication is further protected in accordance with the conditions specified in this Law.

Article 59

Cancellation of the right of use

The decision for authorized user registration will be cancelled if IPA verifies that during the procedure that at the time of completion of the application for registration of an authorized user the requirements on protection were not met according to the requirements of this Law.

Article 60

Procedure on cancellation of the right of use

1. Procedure on cancellation determined in Article 59 of this Law shall be initiated ex officio or at the request against the decision on registration of an authorized user submitted by any legal or natural person who has a legitimate interest.

2. Request from paragraph 1 of this Article contains the reasons for request and any other information or document required by the by sublegal acts implementing this Law.

3. If IPA finds that the request does not contain all the requirements prescribed in accordance with the paragraph 2 of this Article, the request will be rejected.

4. If IPA finds that the request for cancellation is submitted in accordance with paragraph 2 of this Article, the request for cancellation along with all evidences submitted will be sent to the authorized users and the authorized user will invite the party to submit his remarks on the submitted request within sixty (60) days.

5. Through the request of an authorized user which must be made within the prescribed deadline referred to in paragraph 4 of this Article, the deadline may be extended for a maximum of thirty (30) days counting from the date of expiry of that deadline.

6. If IPA finds that the request for cancellation of the decision for registration of the authorized users is grounded, IPA will cancel it and will delete the registration from the Register of Authorized Users after the decision on cancellation becomes final.

7. IPA will reject the request for cancellation of the decision on registration of an authorized user if it finds that it is not grounded.

Article 61

Procedure of cancellation in cases of agricultural products and food articles

In cases of agricultural products and food articles the decision referred to in Article 59 and 60 of this Law shall be taken by the commission of experts based on Article 32 of this Law.

Article 62

Usage of geographical indications and designations of origin relating to geographical areas outside Kosovo

Chapter V Provisions governing the procedure for registration of authorized users of protected designations of origin or protected geographical indications are not applied regarding the designations of origin and geographical indications relating to geographical areas outside Kosovo.

CHAPTER VI

CIVIL - LEGAL PROTECTION

Article 63

Infringement of rights

Any unauthorized use of the designation of origin or geographical indication or any symbol or practice prohibited under Article 12 and 14 of this Law presents an infringement of the designation of origin or geographical indication.

Article 64

Persons entitled to seek protection of rights

Protection of the rights under this Law may be requested by a group or a single person who submitted a request for registration, any authorized user or group of authorized users or any person authorized by any of them in accordance with the general provisions for representation, or State Prosecutor.

Article 65

Procedure on finding and stopping the infringement

1. Pursuant to Article 62 of this Law, the claimant may file a Lawsuit in the court for violation of the right to a designation of origin or a geographical indication, against the person who violated the right of a designation of origin or geographical indication by performing without authorization one of the actions referred to in Article 12 and 14 of this Law, by requesting:

1.1.evidence of infringement of a designation of origin or geographical indication;

1.2. stopping the infringement and stopping the continuation of such infringements and similar ones in the future.

2. Pursuant to Article 63 of this Law, the claimant may file a claim against any person committing any of the acts without authorization has caused serious threat that the designation of origin or geographical indication may be violated, claiming the removal of the act in question and ban the violation of designation of origin or geographical indication.

3. Actions referred to in sub-paragraphs 1.1, and 1.2 of paragraph 1 and paragraph 2 of this Article can also be made against persons who during their economic activity have performed services by violating a designation of origin or geographical indication or present a threat to violate the rights of a designation of origin or geographical indication.

Article 66

Application for seizure and destruction of products

1. Claimant in accordance with Article 63 of this Law may take legal action against any person who committed infringement of a designation of origin or geographical indication by performing without authorization one of the acts referred to in Article 12 or Article 14 of this Law, by requesting to remove the products that violate the designation of origin or geographical indication from the market, to be seized or destroyed on account of that person.

2. The court orders the measures referred to in paragraph 1 of this Article against the defendant, unless there are specific reasons not to take such a decision.

3. In case of ordering the measure referred to in paragraph 1 of this Article, the Court shall ensure that they are relevant regarding the nature and seriousness of infringement and the third party interest should be taken into account as well.

Article 67

Claim on damage compensation

1. Pursuant to Article 63 of this Law, the claimant may initiate a lawsuit against the person who has caused harm by performing unauthorized actions according to Article 12 and 14 of this Law, and to request damage compensation.

2. Pursuant to Article 63 of this law, the claimant may initiate a lawsuit against the person who, without authorization has performed actions referred to in Article 10 of this Law, who has gained without any legal basis, by violating a designation of origin or geographical indication, and

request the return or compensation of those gains, according to the general provisions for the ungrounded gains.

3. The claim pursuant to paragraph 1 and 2 of this Article do not exclude each other.

4. In the case of imposing fines, the court should consider all relevant circumstances, such as the negative economic consequences, including the lost profit, which the affected party has suffered, any unfair profits made by the infringer and in appropriate cases, other elements, except economic factors, such as the moral prejudice that was caused to the rights owners of this violation.

Article 68

Request for publication of a judgement

1. Pursuant to Article 63 of this law, at the request of the claimant the final court judgement, shall be published in the public media at the expense of the defendant.

2. The court decides, within the limits of the request, for publicizing the whole or part of the court judgement and the mediums where it will be published.

Article 69

Request for information

1. Pursuant to Article 63 of this law, the claimant who initiated the procedure for protection of a designation of origin or geographical indication in cases of infringements may request information on the origin and distribution network of products of a designation of origin or geographical indication.

2. The request according to paragraph 1 of this Article may be submitted in the form of a lawsuit or to undertake provisional measures against:

2.1. the person against whom was filed a Lawsuit in accordance according to paragraph 1 of this Article;

2.2. the person who within his business activity possesses products for which there is a suspicion that they have violated a designation of origin or geographical indication;

2.3. the person who during the exercise of his business activity provides services, which allegedly violate a designation of origin or geographical indication;

2.4. the persons who during the exercise of their business activity provide services or use services provided in suspicious activities that violate a designation of origin or geographical indication;

2.5. the person who has been proved to have been involved in the production or distribution of products or provision of services that allegedly violate a designation of origin or geographical indication.

3. The request for information on the origin and distribution network of products and services

referred to in paragraph 1 of this Article may include in particular:

3.1. information on the name and addresses of the producers, distributors, suppliers and other previous owners of products and services, wholesale and retail traders;

3.2. information on the produced, distributed, received and ordered quantities, as well as the price for products and services.

4. Person who is required to provide the information referred to in this article may refuse to provide such information on the same basis as those which in accordance with legal provisions in force allow the refusal to submit evidence as a witness. If the person concerned refuses to provide information without reasonable grounds, she / he is responsible for the damage caused, in accordance with the legal provisions in force.

5. The provisions of this Article shall be without prejudice to the provisions on the method of use of confidential information in civil and criminal proceedings, the provisions governing the liability for misuse of the right to obtain information, as well as provisions governing the processing and protection of personal data.

6. The provisions of this Article should be without prejudice to the provisions of Articles 70 and 71 of this Law that regulate obtaining the evidences.

Article 70

Provisional measures in cases of infringement of a designation of origin or a geographical indication

1. At the request of the claimant, pursuant to Article 63 of this Law which proves that a designation of origin or geographical indication is infringed or it is attempted to be infringed, the court orders any provisional measure that involves stopping or preventing the infringement and in particular:

1.1. to order the alleged offender to stop and terminate actions that infringe a designation of origin or geographical indication; the court may also issue an injunction against the intermediary whose services are used by third persons who infringe a designation of origin or geographical indication;

1.2. to order the seizure or removal from the market of products that are unfairly designated as a designation of origin or geographical indication.

2. At the request of the claimant, pursuant to Article 63 of this law which proves that a designation of origin or geographical indication is infringed in commercial level with the aim of providing economical or commercial benefit and the infringement attempted to cause him irreparable harm, the court except provisional measures referred to in paragraph 1 of this Article, may order the seizure of movable and immovable property of the opposite party, which is not directly related to the infringement, including freezing his bank accounts and other assets.

3. In order to establish and execute a provisional measure in accordance with the paragraph 2 of this Article, the court requires from the opposing party or other relevant persons, to present banking, financial and other economic information, or to make available other information and documents related with it. The court ensures the protection of confidentiality of such information and prevents their misuse.

4. Provisional measures referred to in paragraph 1 of this Article may be ordered without informing the opposing party, if the applicant demonstrates the measures otherwise provisional measures will not be effective, or is threatened that irreparable damage will occur. Provisional measures referred to in paragraph 2 of this Article may be ordered without informing the opposing party, if the applicant demonstrates the measures otherwise provisional measures will not be effective, or that, taking into account the serious circumstances of violation, this will be necessary. If provisional measures are ordered without informing the opposing party, the court must communicate the decision for provisional measures to the opposing party, immediately after its implementation.

5. In the preliminary injunction decision, the court determines the duration of such measure and whether any measures are ordered before the procedure, the period within which the applicant of the measure must initiate the procedure to justify the measure, which must be not shorter than twenty (20) working days and not more than thirty-one (31) calendar days from the date of imposition of provisional measures, whichever expires later.

6. When provisional measures referred to in this section are revoked or when they expire due to an act or omission by the plaintiff, or where later found that there was no violation of designation of origin or geographical indication or threat of such infringement, at the request of the objectors the court may order the plaintiff to offer defendant the appropriate compensation for any damage caused by these provisional measures. To provide compensation the provisional measures referred to in this article may be subject to a deposit of adequate guarantee security or an equivalent security for this purpose by the applicant.

7. For matters that are not regulated by this Article the provisions of the Law on Execution Procedure shall apply.

Article 71

Provisional measures containing protection of evidences

1. At the request of the claimant, pursuant to Article 63 of this Law, which testifies the that a designation of origin or a geographical indication has been infringement or is being threatened to be infringed, the court may order provisional measures that include protection of evidences:

2. The court may order provisional measures referred to in paragraph 1 of this Article, in particular:

2.1. preparation of detailed descriptions of goods that are likely to infringe the designation of origin or geographical indication, with or without sampling;

2.2. seizure of goods that are likely to infringe the designation of origin or geographical indication;

2.3. seizure of materials and means used in the production and distribution of products, which are likely to infringe the designation of origin or geographical indication and the documents relating to them.

3. The provisional measure referred to in this Article can also be ordered without informing the opposing party, if the applicant assumes that there is a risk that the evidence will be destroyed or irreparable damage will be caused. If the provisional measure is ordered without informing the opposing party, the court shall communicate to opposing party the decision on the provisional

measure immediately upon its implementation.

4. In the decision for provisional measures the court will specify the duration of such measure, and, if the measure is ordered before the procedure, the period within which the applicant for the measures need to initiate the procedure to justify the measure, which should not exceed twenty (20) working days and no longer than thirty-one (31) calendar days from the date of imposing provisional measures, whichever expires later.

5. The provisions of the Law on Execution Procedure shall apply to matters that are not regulated by this Article.

6. The provisions of this Article shall be without prejudice to the possibility of the court to order provisional measures that include protection of evidences in accordance with the provisions of the Law on Contested Procedure.

7. When provisional measures referred to in this article are revoked or where they expire due to an act or omission by the plaintiff, or where later it was found that there was no violation of designation of origin or geographical indication or threat of such infringement, at the request of the objectors, the court may order the plaintiff to offer to the defendant the appropriate compensation for any damage caused by these provisional measures. To provide compensation the provisional measures referred to in this article may be subject to a deposit of adequate guarantee security or an equivalent security for this purpose by the applicant.

Article 72

Obtaining evidence in the course of a civil procedure

1. When a party in a civil procedure requires evidence by stating that they are in possession of opposing party or under its control, the court will invite the opposing party to submit such evidence within the prescribed period of time.

2. When the claimant pursuant to Article 63 of this Law through the legal action claims that designation of origin and geographical indication is infringed is carried out at commercial level in order to provide commercial or economic gaining, and when he during procedure testifies by requiring banking, financial procedures or other similar economic document, papers or similar evidences, claiming that they are with opposing party or under its control, the court shall invite the opposing party to submit such evidences within the prescribed period of time.

3. When the party that is invited to submit the evidence, denies possession of such evidences or that they are under its control, the court may take evidences to prove such a fact.

4 The provisions of the Law on Contested Procedure regarding the right of refusal to submit evidence as a witnesses, it shall apply the mutatis mutandis to the party's right to refuse to submit evidence.

5. The court, taking into account all the circumstances of the case, decides by its choice, on the importance of the fact that the party in possession of the evidence refuses to comply with a court decision ordering to present the evidences, or denies, contrary to the court's decision, that the evidence is under its possession.

6. Against the court decision referred to in paragraphs 1 and 2 of this Article, shall not be allowed a special complaint.

Article 73**Acceleration procedures and application of provisions of other Laws**

1. The procedure related to the infringement of a designation of origin or geographical indication must be accelerated.
2. During the procedure related to the infringement of the right to a designation of origin or geographical indication shall apply the provisions of other applicable Laws on the Executive Procedure and on Contested Procedure.
3. At the request of the court or the party who initiated the procedure for the infringement of the right of a designation of origin or geographical indication, the Office accepts the application for cancellation or declaration of invalidity of a decision for a registered designation of origin or geographical indication, presented before or during the procedure and will act under a acceleration procedure.
4. The court taking into account the circumstances may decide to suspend the procedure until the final decision.

Article 74**Court competences**

For all cases of infringement of the rights of a designation of origin or geographical indication the Competent Court decides according to the legislation in force.

CHAPTER VII**PENALTY PROVISIONS****Article 75****Penalty provisions**

1. Any legal person who without authorization, uses the designation of origin or geographical indication in violation of Article 9 or Article 12 of this Law, or markets any product in violation of paragraph 1 of Article 51 of this Law shall be fined for offence in an amount of three thousand (3.000) Euro to nine thousand (9.000) Euro.
2. A natural person shall be fined for the offence referred to in paragraph 1 of this Article, with a fine in an amount of two hundred and fifty (250) Euro to seven hundred and fifty (750) Euro.
3. The person in charge of the legal person shall be fined for offence referred to in paragraph 1 of this Article, with a fine in an amount of five hundred (500) Euro to one thousand and five hundred (1.500) Euro.
4. Certain products or the products used for offence referred to in this Article shall be seized and upon the final decision of the competent court shall be destroyed, becoming unidentifiable or unusable in any way.

Article 76

Ex officio supervision and control

1. Supervision of the implementation of this Law shall be applied by the relevant inspectorate in territory of Kosovo.
2. Relevant inspectorate in the territory of Kosovo should act as the competent authority responsible for official controls performed to verify the compliance with legal requirements regarding the designation of origin or geographical indication defined by this Law.
3. The competent authority referred to in paragraph 2 should provide sufficient guarantees of impartiality and objectivity and should have available a qualified staff and necessary resources to perform their function.
4. Official control that needs to be performed by the relevant inspectorate should cover the verification that a product complies with the relevant product specifications and monitor the use of trademarks to describe the location of products in the market in accordance with Article 12 of this Law.

CHAPTER VIII

GUARANTEED TRADITIONAL SPECIALTIES

Article 77

Specific provisions for guaranteed traditional specialties

The provisions of this law are applied *mutantismutandi* for guaranteed traditional specialties unless Articles 77-83 foresee otherwise.

Article 78

Criteria for registration right

1. A name is eligible for registration as a guaranteed traditional specialty where it describes a specific product or a food that:
 - 1.1. results by the method of production, processing or composition that correspond to traditional practice for that product or food; or
 - 1.2. is produced from raw materials or ingredients that are traditionally used.
2. In order for a name to be registered as a traditional specialty guaranteed, it should:
 - 2.1. be traditionally used by referring to a specific product, or
 - 2.2. to identify the traditional character or specific character of product.
3. If in opposition procedure it is demonstrated that the name is used in a third country, to distinguish the similar products or products that shares an identical name or similar, the

decision taken for registration can foresee that the guaranteed traditional specialty name must be accompanied by the statement “made by following the tradition of” followed immediately by the name of its country or region.

4. The name cannot be registered if it refers only to claims of a general nature used for a group of products, or requirements set down by the legislation in force in Kosovo.

Article 79

Product specification

1. Guaranteed traditional specialty should be in compliance with specification which should contain:

1.1. proposed name for registration;

1.2. description of the product, including its main physical, chemical, microbiological and organoleptic features, by presenting the special character of the product;

1.3. description of the method of production that manufacturers should follow, including, where appropriate, the nature and characteristics of raw materials or ingredients used, and the method by which the product is prepared and

1.4. key elements that creates the traditional character of the product, and

1.5. any other requirement which is described in sub-legal act for the implementation of this Law.

Article 80

Application content for registration

1. Application for registering a name as a guaranteed traditional specialty includes:

1.1. name and address of the application group;

1.2. product specifications, as provided in Article 78.

Article 81

Basis for objection

1. Reasoned declaration of objection, as referred to in Article 33, shall be admissible only if it is received by the Agency before the expiration of deadline and if it:

1.1. provides justified reasons of why the proposed registration is not in accordance with the provisions of this Law, or

1.2. shows that the use of the name is lawful, recognized and economically significant for similar agricultural or food products.

Article 82

Registry of guaranteed traditional specialties

1. The Agency shall keep an updated registry of guaranteed traditional specialties recognized with this law that will be publicly accessible.
2. The contents of the registry referred to in paragraph 1 of this Article shall be determined by sub-legal act issued from the relevant Ministry.

Article 83

Designation, symbol and indicators

1. Designation registered as a guaranteed traditional specialty may be used by any marketing operator of a product which complies with the relevant specifications. Provisions of Chapter V shall not apply in relation to the guaranteed traditional specialty.
2. Any product originating from Kosovo, marketed as a traditional specialty guaranteed, registered in accordance with this law should be labelled with the indicators "guaranteed traditional specialty" or with the symbols associated to it.
3. Any product originating outside Kosovo marketed as a guaranteed traditional specialty in accordance with this law should be labelled with the indicator "guaranteed traditional specialty" or with the symbols associated with it.
4. The symbol projected to publish the guaranteed traditional specialty and to accompany the indicator of the guaranteed traditional specialty, when used in accordance with this Article shall be determined with a sub-legal act.

Article 84

Restriction in the use of registered names

Registered names should be protected against any misuse, imitation or evocation, or against any other practice responsible to mislead the consumer.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

Article 85

Implementation of the provision of the Law on Trademarks

1. Foreign legal and natural persons without permanent residence, dwelling or headquarters for business in the Republic of Kosovo must be represented before IPA in all procedures established by this Law, by a trademark agent in accordance with the provisions of Chapter XIV of the Law on Trademarks.
2. Natural and legal persons who have business headquarters, permanent residence or dwelling in the Republic of Kosovo may be represented in the IPA in procedures established by this Law by a trademark agent in accordance with the provisions of Chapter XIV of the Law on Trademarks.

3. Legal persons who have business headquarters, permanent residence or dwelling place in the Republic of Kosovo may be represented before in IPA in the procedures established by this Law by any employee with a signed authorization by the legal person.

4. The provisions of Chapter XIV of the Law on Trademarks relating to the representation will be applied in accordance with the representation in the field of designations of origin or geographical indications.

Article 86

Issuance of sub-legal acts

The Ministry for the implementation of this Law shall issue sub-legal acts in the timeline of one (1) year from the day of entry into force of this Law.

Article 87

Sub-legal acts applicable until the issuance of new sub-legal acts

1. Provided they are not in contradiction with this law and until the issuance of new sub-legal acts for the proper implementation of this law, applicable sub-legal acts currently will continue to remain in forces as follows:

1.1. Administrative Instruction No. 04/2014 on changing and adding the administrative instruction no. 12/2012 on administrative fees of the registration of industrial property objects;

1.2. Administrative Instruction No. 05/2014 on registration procedures of designations of origin and geographical indications;

Article 88

Abrogation

With the entry into force of this Law, there shall be repealed the Law No. 04/L-187 of the Geographical Indications and Designations of Origin.

Article 89

Entry into force

This Law shall enter into force fifteen (15) days after its publication in the Official Gazette of the Republic of Kosovo.

Law No.05/L - 051

14 December 2015

Promulgated by Decree No.DL-039-2015, dated 29.12.2015, President of the Republic of Kosovo Atifete Jahjaga

