



Republika e Kosovës
Republika Kosovo - Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No. 04/L-187

**ON GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF
ORIGIN**

Assembly of 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**

This Law defines the rules on the manner of gaining and protection of designations of origin and geographical indications of products.

Article 2

Scope

This Law applies to all products for which the protection of designations of origin originates from a region, specific place or state.

Article 3

Exclusions

The provisions of this Law do 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. **Minister** - respective Minister of Trade and Industry;

1.2. **Ministry** - respective Ministry of 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. **Office** - Industrial Property Office, 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;

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 of protected designations of origin and geographical indications – register which shall be kept by the Office, the contain of which shall be defined by a sub-legal act;

1.9. Register of the authorized users of designations of origin and geographical indications - register which shall be kept by the Office, the contain of which shall be defined by a sub-legal act.

2. Certain geographical designations despite sub-paragraph 1.7 of paragraph 1 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 come 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. legal basis exist for inspection, that ensure compliance / fulfillment of specified conditions laid down in this paragraph.

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

Article 5 Traditional Designations

Traditional geographic or non-geographic designations that designate / define 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 Office

The Office 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 Office

1. Against the decisions of the Office it is allowed to appeal within fifteen (15) days from the day of receipt the decision.

2. The appeal is addressed to the Appeals Review Commission at the Industrial Property Office 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 the review of all appeals which are submitted by the parties against the decision of the Office 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. Work of the Commission and the procedure of submission of appeals shall be regulated by a sub-legal act issued by the Ministry.

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 by the Office.

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 Office are represented by authorized representatives, except in the case of existence of any international or bilateral agreement governing mutual representation regarding the proceedings before the Office.

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 / when:

1.1 has become generic designation;

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 so that 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. it has been registered before.
2. In order to define that a designation has become or not a generic designation, there shall be taken into consideration all factors, particularly existing situation/condition in Kosovo and zones of consummation as well as the respective Law.
 3. By 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. When designations of two or more places of products or services of origin which are identical or nearly identical in written or spoken, the protection of such designations from a geographical indication or designation of origin shall be given to all interested parties that meet the requirements defined by this Law, and in accordance with the principles of equal treatment of market producers, the right information of consumers and carrying out the bona fide business.
2. User of homonyms shall provide sufficient information on material label of packaging related to the true origin of the product, in order to distinguish one homonym from another and not to mislead the consumer.

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 requirements / conditions specified in the 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 any longer 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 sings 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 infringement, 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 (false) or misleading indication in terms of genealogy, 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 practice / action that may mislead the consumer as to 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 sub-paragraphs 1.1 and 1.2 of paragraph 1 of this Article.

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

4. Registered designations of origin or geographical indication does 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 under 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 class of product is rejected, if the application for trademark registration is submitted for registration after the date of filing of the application for registration, under this Law.

2. Registered trademarks registered in contradiction with the preceding paragraph shall be repealed by the Office.

3. A trademark, the use of which corresponds to one of the situations referred to 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, under 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 under the Law on Trademarks.

Article 14 **The right of use**

1. A designation of origin or geographical indication registered under this Law can be used by any producer or processor to advertise the product when he 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 under the designation of origin or geographical indication in accordance with this Law shall be labeled with the indication “protected designation of origin” and “protected geographical indication” or with symbols that accompany them.

3. Each product originating outside Kosovo that is marketed under the registered designation of origin or geographical indication in accordance with this Law, in the same manner can be labeled with the indication “ protected designation of origin” and “protected geographical indication” or with symbols associated to them.

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 registered 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 Office 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 the Office.

Article 18

Fees

The Office procedures established by this Law shall be paid the relevant fees prescribed by a sub-legal act issued by the Ministry.

Article 19

Registers

1. The Office shall maintain the Register of protected designations of origin and protected geographical indications, hereinafter referred to as the “Register”.
2. The Office shall maintain the Register of authorized users of protected designations of origin and protected geographical indications, hereinafter referred to as the “Register of Users of Origin.”
3. The content of the registers referred to in paragraph 1 and 2 of this Article shall be determined by a sub-legal act issued by the Ministry.
4. The Registers referred to in paragraphs 1 and 2 of this Article are public for any person interested without any special fee or payment.
5. The Office shall issue copies of the records or extracts from the registers based on the request made by the party and after payment of the fee.

CHAPTER IV
PROCEDURE ON REGISTRATION OF DESIGNATIONS OF ORIGIN AND
GEOGRAPHICAL INDICATIONS

Article 20
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 Office.
2. The application for registration can have only one designation of origin or one geographical indication associated with only one type of product.

Article 21
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 the its composition or legal form, (hereinafter referred to as the “Group”);
 - 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 neighboring areas or the characteristics of the product are different from those produced in neighboring areas.
2. A group 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 22
Content of registration application

1. The application for registration includes:
 - 1.1. name and address of the group applying, accompanied with information on the legal status and composition of the group, if the application is completed by the group;
 - 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 Article 26 of this Law;
- 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 protection of the designation of origin or geographical indication in its place in accordance with Article 8 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;
- 1.11. other information or documents which will be determined by sub-legal acts for implementation of this Law.

Article 23 **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 24 **Definition of geographical area**

Geographical area is defined in a detailed and precise manner that there is no ambiguity and it sets the borders in terms of relation between the quality or characteristics of the product and the geographical environment mentioned / referred to in paragraph 2 of Article 4 of this Law, or in terms of the relation between a specific quality, reputation or any other characteristic of the product and the geographic origin mentioned/ noted/referred to in sub-paragraph 1.4 of paragraph 1 of Article 4 of this Law.

Article 25 **Product specification**

1. Product specification includes:

- 1.1. product name that contains the designation of origin or geographical indication;
- 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 sub-paragraph 1.3. or 1.4 of paragraph 1 of Article 4 of 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 referred / noted / mentioned to in sub-paragraph 1.3 of paragraph 1 of Article 4 of this Law or the relation between specific quality, reputation or other characteristics of the product and the geographical origin referred / noted / mentioned to in sub-paragraph 1.4 of paragraph 1 of Article 4 of 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 26 Relation

1. Details that prove the relations referred to in sub-paragraph 1.6 of paragraph 1 of Article 25 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. Designations 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-paragraphs 2.1. and 2.2 of this paragraph.

3. Geographical indications shall contain:

3.1. details of the geographical area affecting the relation as referred in Article 25 of this Law;

3.2. declaration, if it is based on specific quality or reputation or other characteristics that are attributable to the geographical origin along with details of specific quality, reputation or other characteristics of the product 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 27

Verification of compliance with specifications

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.

2. 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.

3. 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.

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

Article 28

Verification of agricultural products and foodstuffs

1. In the case of agricultural products or foodstuffs certifying bodies referred to in Article 27 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 29 **Examination of application**

1. The Office shall check if the application submitted contains all documents as required under Article 22 of this Law and shall take a decision within sixty (60) days.
2. If the Office finds that the application does not contain all the necessary requirements under Article 22 of this Law, the Office 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 Office or fails to correct it within the deadline, the application will be rejected.

Article 30 **Examination of the applications for protection**

1. If the application meets the requirements of Article 29 of this Law the Office 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 21 to Article 28 of this Law.
2. If the Office finds that the application does not comply with the necessary requirements, the Office 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, the Office 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 the office 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 sub-paragraphs 1.3., 1.4., 1.5. and 1.7 of paragraph 1 of Article 22 of this Law.

Article 31 **Examination of agricultural products and foodstuffs**

In the cases of agricultural products and foodstuff the examination and decision referred to in Article 30 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 and two (2) experts appointed by the Director of Office, for any case in particular.

Article 32 **Opposition**

1. Within three (3) months from the date of publication of the application pursuant to paragraph 5 of Article 30 of this Law, any person 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;
- 1.2. that the registration of the proposed designation would be contrary to Article 10 or sub-paragraphs 1.2. and 1.3 of paragraph 1 of Article 9 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 30 of this Law; or
- 1.4. that designation for which is requested the registration is generic in terms of sub-paragraph 1.1 of paragraph 1 of Article 9 of this Law.

Article 33 **Opposition procedure**

1. The Office shall check whether the opposition was submitted within the certain time limit prescribed in paragraph 1 of Article 30 of this Law and if have been submitted and there is evidence proving the grounds based on which the opposition was made.
2. If the Office 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 the Office 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. The Office will decide whether it is a justified opposition in terms of fair and traditional use and the actual possibility of confusion.

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

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

Article 34

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, the Office 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 Gazette of the Office.

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 35

Contents of records in the Register

1. The Office 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 36
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 21 of this Law may apply to change the approved product specification, in particular to take into account the scientific and technical developments and achievements or redefine the geographical area referred to in sub-paragraph 1.3 of paragraph 1 of Article 25 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 37
Procedure on changes of specifications of products

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 22 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 30 of this Law.
4. Changes shall be considered as small ones and the Office shall decide whether it will approve the request by not following the procedure laid down from Article 32 to 34 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 25 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, the Office will determine whether to approve the proposed change.
6. When the Office decides to accept a change to the specification that includes or contains a change of information registered in the Register pursuant to Article 35 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 38 Cancellation

1. The decision to protect a designation of origin or a geographical indication will be canceled if the Office 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;

2. In case that the cancellation procedure is based on the grounds prescribed in sub-paragraph 1.4 of paragraph 1 of this Article, Article 32 and paragraph 5 of Article 33 of this Law shall apply accordingly.

3. When a decision to protect the designation of origin or geographical indication is canceled, it will be considered that the designation of origin or geographical indication did not have, from the beginning, the effects specified in this Law.

Article 39 Cancellation Procedure

1. Cancellation of a decision on the protection of a designation of origin or a geographical indication may be requested by any natural or legal person or by the office 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 the Office finds that the application does not contain all the requirements prescribed under paragraph 2 of this Article, the application will be canceled.

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 Gazette of the Office.

5. Within three (3) months from the date of publication of relevant data on the application for cancellation of the decision for protection of a designation of origin or geographical indication based on paragraph 4 of this Article, any interested person may provide an opposition declaration for the application for cancellation of the decision for protection of a designation of origin or geographical indication if such a person can show continued commercial support of the registered designation.

6. If the Office finds that the application for cancellation of the decision for protection of the designation of origin or 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 the Bulletin of the office.

7. The Office shall reject the application for cancellation of the registration for protection of a designation of origin or a geographical indication if it determines that it is not grounded.

Article 40

Cancellation of the procedure for agricultural products and foodstuffs

In the case of agricultural products and foodstuffs the examination and the decision referred to in Article 39 of this Law shall be carried out by the Commission of Experts based on Article 31 of this Law.

Article 41

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 38 of this Law, regardless of the provisions of paragraph 1 of Article 39 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 39 of this Law, such a 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 38 of this Law and paragraphs 4 and 5 of Article 39 of this Law shall not apply.

Article 42

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 assignment of rights.

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

Article 43
Initiation of registration procedure

1. The procedure for registration of an authorized user of a protected designation of origin or geographical indication shall be initiated by submitting an application for registration in the office.
2. The application referred to in paragraph 1 of this Article may be completed by any producer or processor, if the 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 44
Contents of application for registration by the authorized user

1. The application for registration 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 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 27 of this Law.
 - 2.2. evidence issued by the competent authority that the applicant 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.

Article 45
Examination of application

1. The Office shall check whether the submitted application of the applicant contains all required documents pursuant to Article 44 of this Law.
2. If the Office finds that the application does not contain all the necessary requirements pursuant to Article 44 of this Law, the Office 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 the Office or fails to correct it within the prescribed time limit, the application for registration of authorized user will be rejected.

Article 46
Examination of protection applications

1. If the application is complete pursuant to Article 45 of this Law, the Office 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 the Office finds that the application does not comply with the necessary requirements, the Office shall notify the applicant, in writing, for the reasons why the right of use of a protected designation of origin or geographical indication will not be permitted and invite him to submit his opposition 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 opposition or if, despite his opposition, the Office considers that the applicant does not meet the prescribed requirements for the granting of the right of use of the protected designation of origin or geographical indication, the application will be rejected.

Article 47
Examination in case of agricultural products or foodstuffs

In cases of agricultural products and foodstuffs the examination and decision referred to in Article 44 of this Law shall be carried out and taken by the commission of experts on the basis of Article 29 of this Law.

Article 48
Registration of the 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 geographical indication the Office will invite the applicant to pay the relevant fees for the initial period of protection.
2. If the applicant fails to submit to the Office the evidence of payment of the prescribed fees for the initial period of protection based on the paragraph 1 of this Article, the Office shall reject the application.
3. If the applicant submits to the office the evidence of payment of the fee for the initial period of protection within the time limit specified in paragraph 1 of this Article, the Office shall take the decision for the registration of an authorized user of a protected designation of origin or a geographical indication and will register the protected designation of origin or geographical indication in the Register of Authorized Users.

Article 49
Contents of records in the Register of Registered Users

1. In the Register of Authorized Users the Office registers the authorized user of a protected designation of origin or geographical indication, registers the following data:
 - 1.1. name and address of authorized users;
 - 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 50
Obligation and manner of use by the authorized user

1. The Authorized User shall have the right of use of the protected designation of origin or 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, catalogs, brochures, advertising, business documents for identification and other forms of business documentations as well as import or export of such products.

Article 51
Certificate on the right of use

1. At the request of an authorized user provided the appropriate fee is paid, the Office will issue a certificate on the right of use of a designation of origin or geographical indication.
2. The data contained in the certificate will be regulated by a sub-legal act issued by the Ministry.

Article 52
Registration of changes in the Register of Authorized Users

At the request by the authorized user, the Office will register all changes relating the name and address of the authorized users, provided that the application is accompanied by adequate evidence that the change does not affect the fulfillment of the requirements prescribed for the granting of the right of use of a protected designation of origin or geographical indication.

Article 53
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 in, remains registered and following the application submitted by the authorized user, which must be accompanied by the following documents:
2. 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.
3. Evidence of payment of the relevant fees.

Article 54
Revocation of registration of an authorized user

If the Office 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 geographical indication, the Office will take a decision on the revocation of the registration of an authorized user after carrying out the procedure for revocation at the Office.

Article 55
Revocation procedure

1. Revocation procedure referred to in Article 54 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. The Office 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 the Office 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. The Office will reject the application for cancellation of the registration of an authorized user if it finds that it is not grounded.

Article 56

Revocation of the procedure in cases of agricultural products and foodstuffs

In cases of agricultural products and foodstuffs the decisions referred to in Article 54 and 55 of this Law shall be made by a commission of experts pursuant Article 31 of this Law.

Article 57

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 43 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 of that fact to the Office;

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 canceled, it will be considered that the authorized user registration did not have, from the beginning, the effects specified in this Law;

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 requirements specified in this Law.

Article 58
Cancellation of the right of use

The decision for authorized user registration will be canceled if the Office verifies during the procedure that at the time of completion of the application for registration of an authorized user the requirements on protection established based on this Law were not met.

Article 59
Procedure on cancellation of the right of use

1. Procedure on cancellation referred to in Article 58 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. The application referred to in paragraph 1 of this Article will contain the reasons for the application and any other information or document required by the bylaws implementing this Law.
3. If the Office finds that the application does not contain all the requirements prescribed in accordance with the paragraph 2 of this Article, the request will be rejected.
4. If the Office finds that the application for cancellation is submitted in accordance with paragraph 2 of this Article, the application for cancellation along with all evidences submitted will be sent to the authorized users and the authorized user will be invited to submit his observations on the submitted request within sixty (60) days.
5. At the request of an authorized user which must be made within the prescribed time limit referred to in paragraph 4 of this Article, the time limit may be extended for a maximum of thirty (30) days counting from the date of expiry of the deadline.
6. If the Office finds that the application for cancellation of the decision for registration of the authorized users is grounded, it will cancel it and will delete the registration from the Register of Authorized Users after the decision on cancellation becomes final.
7. The Office will reject the application for cancellation of the decision on registration of an authorized user if it finds that it is not grounded.

Article 60
Procedure of cancellation in cases of agricultural products and foodstuffs

In cases of agricultural products and foodstuffs the decision referred to in Article 58 and 59 of this Law shall be taken by the commission of experts based on Article 31 of this Law.

CHAPTER VI CIVIL – LEGAL PROTECTION

Article 61 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 62 Entities entitled to seek protection of rights

Lawsuit, in case of infringement of rights of the designation of origin or geographical indication, under this Law have the right to exercise the owner of the designation of origin or geographical indication, or the holder of the right of the designation of origin or geographical indication.

Article 63 Procedure on finding and stopping the infringement

1. The owner of a designation of origin or geographical indication may file a Lawsuit in the court, to establish the infringement of the right of a designation of origin or geographical indication, against the person who has 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 the similar ones in the future;

1.3. stopping and interruption of further violation of the rights obtained based on Article 12 and 14 of this Law, causing or constituting a serious attempt for a possible infringement of a designation of origin or geographical indication.

2. Actions referred to in sub-paragraphs 1.1, 1.2. and 1.3 of paragraph 1 of this Article can also be made against persons who in 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 64 Application for seizure and destruction of products

1. The owner in accordance with Article 62 of this Law may take legal action against any person who has committed a 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 that products that violate the designation of origin or geographical indication to be removed from the market, to be seized or destroyed on account of that person.

2. The court shall order 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 to the nature and gravity of the infringement.

Article 65

Application on damage compensation

1. The owner of a designation of origin or geographical indication 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. The owner of a designation of origin or geographical indication may initiate a Lawsuit against the person who, without authorization has performed actions referred to in paragraph 1 and 2 of Article 10 of this Law, who has gained without any legal basis, by violating a foreign 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 applications pursuant to paragraph 1 and 2 of this Article do not exclude each other.

Article 66

Request for publication of a judgement

1. At the request of the owner of a designation of origin or geographical indication 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 publication, in whole or partially, of the court judgement and the mediums where it will be published.

Article 67

Request for information

1. The owner of a designation of origin or geographical indication who has 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 referred to in 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 with the 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. If the person in question refuses to provide information without any convincing reasons, he is liable for the damage caused in accordance with the legal provisions in force.
5. The provisions of this Article shall not apply for the use of confidential information.

Article 68
Provisional measures in cases of infringement of a designation of origin or a geographical indication

1. At the request of the owner of a designation of origin or geographical indication, which proves that a designation of origin or geographical indication is infringed or it is attempted to be infringed, the court may order 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 owner of a designation of origin or geographical indication, which proves that a designation of origin or geographical indication is infringed in business activities with the aim of providing material gain and the infringement attempted to cause him irreparable harm or hardly repairable harm, the court except of the 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 of his bank accounts.

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 its misuse.

4. If a provisional measure has been ordered without informing the opposing party, the court shall communicate the decision on a provisional measure to the opposing party, immediately after its implementation.

5. In the provisional measure decision, the court determines the duration of such a measure and if any measure has been ordered before the initiation of the procedure, the period within which the applicant for the measure initiates the procedure to justify the measure, within twenty (20) working days and not longer than thirty one (31) calendar days, from the date of imposition of the provisional measure.

Article 69

Provisional measures containing protection of evidences

1. At the request by the owner in accordance with Article 62 of this Law, which raises the possibility that a designation of origin or a geographical indication has been infringed 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 goods, 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 with the opposing party the decision on the provisional measure immediately upon its implementation.

4. In the decision ordering the provisional decision the court will specify the duration of such a measure, and, if the measure is ordered prior to undertaking legal action, the period within which the person applying for the measures will undertake legal action to justify the measure, will not be shorter than twenty (20) working days or longer than thirty-one (31) calendar days from the date of the communication, to the applicant, on the 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.

Article 70

Obtaining evidence in the course of a civil procedure

1. When a party in a civil procedure is based on the evidence that claims to be with the 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 owner in accordance with Article 62 of this Law under the legal action claims that trademark infringement is carried out at commercial level in order to provide commercial or economic gaining, and for which he is based on 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 71
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 72
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 73
Fines

1. Any legal person who without authorization, uses the designation of origin or geographical indication in violation of Article 9 or Article 11 of this Law, or markets any product in violation of paragraph 1 of Article 49 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 74
Supervision

Supervision of the implementation of this Law shall be implemented by the relevant inspectorate in territory of Kosovo.

CHAPTER VIII
TRANSITIONAL AND FINAL PROVISIONS

Article 75
Implementation of the provision of the Law on Trademarks

1. Foreign legal and natural persons without permanent residence, dwelling place or headquarters for business in the Republic of Kosovo must be represented before the Office in all procedures established by the 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 place in the Republic of Kosovo may be represented before the Office in all 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 the Office 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 76
Issuance of sub-legal acts

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

Article 77
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. 04/L-187
30 May 2013

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI