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AGRICULTURE Sale of Agricultural and Forest Products; Protect the Vidalia Onion Trademark; Provide for Royalty or License Fees; Provide for the Commissioner's Powers and Duties

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AGRICULTURE

*Sale of Agricultural and Forest Products: Protect the Vidalia
Onion Trademark; Provide for Royalty or License Fees;
Provide for the Commissioner's Powers and Duties*

CODE SECTION: O.C.G.A. § 2-14-132.1 (new)
BILL NUMBER: HB 1142
ACT NUMBER: 814
GEORGIA LAWS: 2000 Ga. Laws 1301
SUMMARY: The Act, known as the "Vidalia Onion
Trademark Act," authorizes the
Commissioner of Agriculture to create
and protect a trademark for use in
connection with the sale of Vidalia
onions and Vidalia onion products. The
Act also authorizes the Commissioner
of Agriculture to impose and collect
license fees or royalties for the use of
the trademark.
EFFECTIVE DATE: July 1, 2000

History

Vidalia onion growers were concerned that other producers in the industry were using Vidalia onions in their relishes and other onion products without properly acknowledging the Vidalia onion trademark.¹ To protect the Vidalia onion

1. See Audio Recording of House Proceedings, Jan. 25, 2000

trademark and to collect a royalty on the trademark for products containing Vidalia onions, the Vidalia onion growers asked the Georgia Department of Agriculture to introduce appropriate legislation.²

HB 1142

Representatives Henry Reaves, Johnny Floyd, and Ann Purcell, of the 178th, 138th, and 147th House Districts, respectively, sponsored HB 1142.³ Representative Reaves introduced the bill on the House floor on January 12, 2000.⁴ The House passed the bill, as introduced, on January 25, 2000.⁵

Upon introduction, the Senate assigned the bill to its Agriculture Committee, which favorably reported the bill, as substituted, on March 1, 2000.⁶ The Senate Agriculture Committee substitute removed the one percent of the retail price royalty rate, and in its place provided that the royalty fee not exceed 0.5¢ for each six ounces of product sold.⁷ The Senate adopted the Agriculture Committee substitute and passed the bill on March 13, 2000.⁸

The Senate sent the bill back to the House on March 15, 2000, and the House concurred with the Senate version.⁹ The General Assembly then sent the bill to Governor Roy Barnes, who signed HB 1142 into law on May 1, 2000.¹⁰

The Act

The Act creates Code section 2-14-132.1.¹¹ The Act authorizes the Commissioner of Agriculture to create and protect a

<<http://www.ganet.org/services/leg/audio/2000archive.html>> [hereinafter House Audio]; Audio Recording of Senate Proceedings, Mar. 13, 2000 <<http://www.ganet.org/services/leg/audio/2000archive.html>> [hereinafter Senate Audio].

2. See House Audio, *supra* note 1; Senate Audio, *supra* note 1.
3. See HB 1142, as introduced, 2000 Ga. Gen. Assem.
4. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.
5. See Georgia House of Representatives Voting Record, HB 1142 (Jan. 25, 2000).
6. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.
7. Compare HB 1142, as introduced, 2000 Ga. Gen. Assem., with HB 1142 (SCS), 2000 Ga. Gen. Assem.
8. See Georgia Senate Voting Record, HB 1142 (Mar. 13, 2000). The vote was 48 to 1. See *id.*
9. See Georgia House of Representatives Voting Record, HB 1142 (Mar. 15, 2000).
10. See 2000 Ga. Laws 1301, § 2, at 1301.
11. See O.C.G.A. § 2-14-132.1 (Supp. 2000).

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trademark for use on Vidalia onions and Vidalia onion products.¹² The Act also authorizes the Commissioner to charge a royalty or license fee, not to exceed 0.5¢ for each six ounces, on all such trademarked products.¹³

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12. *See id.*

13. *See id.*