



## COLORADO

### Department of Revenue

Enforcement Division - Liquor & Tobacco

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## **BULLETIN 17-07**

REFERENCE: Regulation 47-924. Importation and Sole Source of Supply/Brand Registration.

DATE: December 29, 2017

### **Colorado Liquor Enforcement Division**

The Liquor Enforcement Division (“LED”) has received several questions concerning regulation 47-924, 1 C.C.R. 203-2, specifically about the process for brand registrations.

Regulation 47-924(B), 1 C.C.R. 203-2, states in part: (emphasis added)

At least thirty (30) days prior to the sale or shipment of any alcohol beverages into the State of Colorado, each licensed manufacturer, non-resident manufacturer or importer shall submit to the state licensing authority a complete report, on forms prepared and furnished by the state licensing authority, which shall detail: the licensee's name and license number; the designated Colorado licensed wholesaler(s); the name of the United States primary source of supply; the products to be imported, including the brand name, class or type, and fanciful name; and evidence of compliance with federal labeling requirements found in the “Federal Alcohol Administration Act” 27 CFR Subchapter A-Liquors Part 4, Subpart D; Part 5, subpart D; and Part 7, Subpart C....

Section 12-47-301(3)(a), C.R.S., states: (emphasis added)

Each license issued under this article 47 and article 46 of this title 12 is separate and distinct. It is unlawful for any person to exercise any of the privileges granted under any license other than that which the person holds or for any licensee to allow any other person to exercise such privileges granted under the licensee's license, except as provided in section 12-46-104 (1)(a), 12-47-402 (2.5), 12-47-403 (2)(a), 12-47-403.5, or 12-47-415 (1)(b).

Within the last year, the LED has received several brand registrations from other than those listed in regulation 47-924(B), 1 C.C.R. 203-2, and in some instances, those entities paid for such registrations. Pursuant to regulation 47-924(B), 1 C.C.R. 203-2, the registration must be submitted by a licensed manufacturer, non-resident manufacturer or importer. Also, pursuant to section 12-47-301(3)(a), C.R.S., no other entities (licensed or not) can exercise the privilege given to another licensee by paying for such brand registration.

Brand registrations that are submitted or paid for by wholesalers or any other entities other than those listed

Bulletin 17-07

Regulation 47-924: Brand Registrations

Page 2

in regulation 47-924, 1 C.C.R., 203-2, will be rejected and returned for correct processing. Licensees could face administrative sanctions for continuing to submit brand registrations in violation of Colorado Law and Rules.

If you have any questions about this bulletin, please contact the LED at 303-205-2306.