

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 20 Department or Agency Alabama Alcoholic Beverage Control Board

Rule No. 20-X-8-.13

Rule Title: Brand and Brand Extension.

X New \_\_\_\_\_ Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference \_\_\_\_\_

Would the Absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

yes

Is there another, less restrictive method of regulation available that could adequately protect the public?

no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

yes

Does the proposed rule have an economic impact:

no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer \_\_\_\_\_

Date 10/17/13

REC'D & FILED

OCT 17 2013

LEGISLATIVE REF SERVICE

**ALABAMA ALCOHOLIC BEVERAGE  
CONTROL BOARD**

**NOTICE OF INTENDED ACTION**

AGENCY NAME: Alabama Alcoholic Beverage Control Board

RULE NO. & TITLE: Rules and Regulations  
20-X-8-.13 Brand and Brand Extension.

INTENDED ACTION:

The Alabama ABC Board proposes to adopt Rule No. 20-X-8-.13.

SUBSTANCE OF PROPOSED ACTION: The proposed Rule No. 20-X-8-.13 addresses requirements for assignment of sales territories for alcoholic beverage brands and brand extensions.

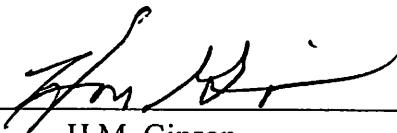
TIME, PLACE, MANNER OF PRESENTING VIEWS:

Interested persons may present their views in writing to the ABC Board at 2715 Gunter Park Drive, West, Montgomery, Alabama 36109 by December 4, 2013.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 4, 2013

CONTACT PERSON AT AGENCY:

Robert S. Hill, III General Counsel, Alabama ABC Board, 2715 Gunter Park Drive, West, Montgomery, Alabama 36109.

  
\_\_\_\_\_  
H.M. Gipson  
Administrator

## ALABCRegs

### 20-X-8-.13. BRAND AND BRAND EXTENSION.

(1) “Brand” is any word, name, group of letters, symbol, or combination thereof that is adopted and used by a manufacturer or importer to identify a specific alcoholic beverage product, and to distinguish that product from another alcoholic beverage product.

(2) “Brand extension” is any brand (a) which incorporates all or a substantial part of the unique features of a preexisting brand of the same manufacturer or importer, and (b) which relies to a significant extent on the goodwill associated with that preexisting brand.

(3) A manufacturer or importer who assigns a brand extension to a wholesaler must assign the brand extension to the wholesaler to whom the manufacturer or importer granted the exclusive sales territory for the brand from which the brand extension resulted, unless that wholesaler declines to distribute and sell that brand extension.

Author: ABC Board

Statutory Authority: Code of Alabama (1975) §§ 28-8-2; 28-3-49.

**History: Repealed and New:**