

Questionnaire

XXIInd Colloquium of the International Academy of Heraldry, arranged by Societas Heraldica Lundensis in cooperation with Societas Heraldica Scandinavica and The Swedish Heraldry Society

Heraldry and the Law

We suggest that the heraldic institutions, associations and organizations in each country together appoint one or more reporter(s) to answer the questions. Please let us know by May 30th, 2022, who is the responsible reporter, and send in the answers by May 30th, 2023.

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Part 1. Overview of the historical development

1.1.– A timeline of important changes

Provide a brief overview of the history of the legal regulation of heraldry in your country. Focus on the important shifts between periods in heraldry, for example the establishment of a heraldic office, important statutes or cases, or changes in the political organization (states established and dissolved). The information should serve as a background to the answers to the following questions.

The development stages of heraldry in Georgia reflect the periods of political rule.

In the initial period, we can consider the symbols of the Georgian Kingdoms and principalities;

Georgia was a part of the Russian Empire, which included several Governorates (Gubernias) and therefore covered by the heraldry of the Russian Empire related to the territory of Georgia.

1918, after the collapse of the Russian Empire and the declaration of the Democratic Republic of Georgia, the republican state symbols were officially adopted for the first time.

After the occupation of Georgia by Soviet Russia in 1921, the symbol of Soviet Georgia was used on the territory of today's Georgia, repeating the Soviet heraldic standard.

In 1990, after the Declaration of Independence of Georgia, the parliament of Georgia restored symbols of the first democratic republic. Later president of Georgia created the state commission, which by 2004 prepared the ground for the adoption of new state symbols The state coat of arms and the state flag of Georgia.

In 2008, based on the Heraldry Commission, the State Council of Heraldry at the Parliament of Georgia was formed and empowered by the legislation to lead the state policy of heraldry.

1.2. – Heraldry as part of the law

Provide a brief overview of whether and to what extent, heraldry historically has been considered being part of law, or has been dealt with outside law (for example has been treated as custom or a tradition, rather than as part of law). Consider whether different parts or aspects of heraldry have been treated differently.

The State Council of Heraldry at the Parliament of Georgia directs the state policy of heraldry based on the following legislation:

ORGANIC LAW OF GEORGIA ON STATE SYMBOLS OF GEORGIA¹

LAW OF GEORGIA ON THE PROCEDURE FOR USE OF THE STATE SYMBOLS OF GEORGIA²

LAW OF GEORGIA ON SYMBOLS OF STATE SIGNIFICANCE³

President of Georgia Edict No 191 30 July 2020 Tbilisi on the Approval of the Flag of the President of Georgia⁴

Parliament of Georgia Resolution on the Approval of the Statute of the State Council of Heraldry at the Parliament of Georgia⁵

¹ <http://heraldika.ge/uploads/ORGANIC-LAW-OF-GEORGIA-ON-STATE-SYMBOLS-OF-GEORGIA.pdf>

² <http://heraldika.ge/uploads/ON-THE-PROCEDURE-FOR-USE-OF-THE-STATE-SYMBOLS-OF-GEORGIA.pdf>

³ <http://heraldika.ge/uploads/ON-SYMBOLS-OF-STATE-SIGNIFICANCE.pdf>

⁴ <http://heraldika.ge/uploads/On-the-Approval-of-the-Flag-of-the-President-of-Georgia.pdf>

⁵ <http://heraldika.ge/uploads/On-the-Approval-of-the-Statute-of-the-State-Council-of-Heraldry.pdf>

RULES OF PROCEDURE OF THE PARLIAMENT⁶

Government of Georgia Ordinance No 282 12 June 2019 Tbilisi on the Procedure for Hoisting, Displaying and Depicting Symbols of State Significance together with the State Symbols of Georgia⁷

ORGANIC LAW OF GEORGIA LOCAL SELF-GOVERNMENT CODE⁸ Article 8. Symbols of the municipality;

Resolution #572 of the Government of Georgia on the rules for displaying the emblems of the executive authorities and some public institutions

The activities of the Council of Heraldry in Georgia include: Phaleristics, Uniformology, military symbols, numismatics and documentation that will use state and state significance symbols in state agencies and self-governments.

Part 2. International law on armorial bearings, flags, and other state emblems

2.1. – Paris Convention for the Protection of Industrial Property of 1883, art. 6^{ter}

Is your country contracting party to the Paris Convention for the Protection of Industrial Property of 1883? Has your country registered armorial bearings, flags, and other state emblems according to art. 6^{ter} of the convention? Which armorial bearings, flags, and other emblems are registered?

Georgia joined the Paris Convention for the Protection of Industrial Property as an international agreement on 14/06/1993, by the decision of the Parliament.

2.2. – Legal protection of the coats of arms of other states and of international organizations

How is art. 6^{ter} of the convention implemented in national law, in order to protect armorial bearings, flags, and other emblems of states and of intergovernmental organizations legally?

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Part 3. National heraldry

3.1. – National coat of arms – definition

⁶ <https://parliament.ge/en/legislation/reglament>

⁷ <http://heraldika.ge/uploads/Displaying-and-Depicting-Symbols-of-State-Significance-together-with-the-State-Symbols-of-Georgia.pdf>

⁸

<https://matsne.gov.ge/en/document/download/2244429/15/en/pdf#:~:text=This%20Law%20defines%20the%20legal,sets%20forth%20the%20rules%20for>

Is the national coat of arms (or various national coats of arms, if there are different ones, such as a greater and a lesser national coat of arms) defined and described in statutory law? If so, in heraldic terms (blazon) or with reference to a picture?

Georgia uses a greater state coat of arms and a lesser state coat of arms, both of which are described in the Organic Law on State Symbols of Georgia, both from a heraldic point of view (blazon) and with reference to the image.

3.2. – National flag – definition

Is the national flag (or various national flags, if there are different ones) defined and described in statutory law? If so, through a description or with reference to a picture?

Georgia uses the only state flag described both from the heraldic point of view (blazon) and by referring to the image in the Organic Law on State Symbols of Georgia.

3.3. – Legal protection?

Is it forbidden to use the national coat of arms or flag without permission, in some contexts or situations? Which authority grants permissions? Are there sanctions within criminal law or other types of law such as administrative regulations etc. for someone who uses the national coat of arms or flag without permission or in a wrongful manner?

The only state organization is in law to use the Greater state coat of arms for identification, while the sub-agency uses a Lesser State Coat of Arms. The usage of state symbols must be agreed upon with the State Council of Heraldry at the Parliament of Georgia on the bases of Rules for the Use of State Symbols of Georgia. According to the same law, the organization must not depict or erect the damaged state symbol.

Part 4. Heraldry of the head of state and other central office holders

4.1. – The head of state

Are there specific rules about the armorial bearings or flags for the head of state? Do such rules extend to other persons close to the head of state, for example a royal family?

The flag of the President of Georgia was approved by the Decree N191 of the President of Georgia dated July 30, 2020, according to the procedure defined by the Law of Georgia "On Symbols of State Significance."

4.2. – The prime minister and other central office holders

Are there specific rules about the armorial bearings or flags for the prime minister or other central office holders like ministers, the supreme commander, etc.?

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Part 5. Heraldry and seals of courts and state authorities

(Below are separate sections for military, regional, municipal, ecclesiastical, and academic authorities and institutions.)

5.1. – Adoption, grant or registration?

Are these arms and seals adopted by the court or authority itself, or granted or registered by some other authority? How do these procedures work?

The Organic Law of Georgia "On Common Courts" (Chapter XIII, Article 74) explains the symbols of judicial authority and the procedure for their approval. The Supreme Council of Justice of Georgia develops and approves the signs of the judiciary, the official insignia of the judge, as well as the dress of the judge during the trial. The chairman of the Supreme Court signs the identity card confirming the position of the judge. And the identity card confirming the status of the chairman of the Supreme Court is signed by the chairman of the Parliament of Georgia.

Article 75. of the same law describes the seal of the court depicting the state coat of arms of Georgia and the name of the court.

The Department of General Courts has a seal with the image of the coat of arms of Georgia (Chapter VIII., Article 54, 10).

5.2. – Heraldic competence involved?

When a court or state authority wants to develop new symbols of any sort, is heraldic competence normally involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

5.3. – Legal protection?

Are coats of arms of courts or state authorities legally protected? How?

The Organic Law of Georgia on Common Courts defines and protects the symbols and regulations for their usage.

Part 6. Heraldry and seals of military authorities

(If military authorities follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

6.1. – Adoption, grant or registration?

Are these arms and seals adopted by the authority itself, or granted or registered by some other authority? How do these procedures work?

According to the Law of Georgia on Defense of Georgia⁹ (Chapter III, Article 7, 8), the defense forces and their composition, as well as the legal entities of public law operating in the sphere of the Ministry and its administration, have a flag, emblem, insignia and other symbols of state significance approved by the Minister of Defense by a normative act. By the Law of Georgia "On Symbols of State Significance."

6.2. – Heraldic competence involved?

When a military authority wants to develop new symbols of any sort, is heraldic competence normally involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

According to the Law "On Symbols of State Significance," military symbols are the symbols of state significance, which means establishing the procedure for approving, erecting, and displaying Symbols with the consent of the State Council of Heraldry.

6.3. – Legal protection?

Are coats of arms of military authorities legally protected? How?

According to the resolution approved by the Government of Georgia, the regulations of the General Staff of the Armed Forces of Georgia, the General Staff of the Armed Forces has a flag, an emblem, a seal with a coat of arms, a prescribed form, and a stamp. This resolution is based on the Law of Georgia "On Symbols of State Significance," as well as on the Law "On Defense of Georgia," "On Approving the Regulation of the Ministry of Defense of Georgia" of the Government of Georgia Resolution No. 580, December 12, 2018, and on the Organic Law of Georgia.

⁹ <https://matsne.gov.ge/en/document/view/28330?publication=20>

Part 7. Regional and municipal heraldry

(If regional and municipal authorities follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

According to Article 8 of Chapter One of the Local Self-Government Code of the Organic Law of Georgia, the municipality has a coat of arms and a flag, it may have other symbols as well, and the forms and descriptions of their depiction are established by the municipal council itself, based on prior consultations with the State Council of Heraldry under the Parliament of Georgia and with its approval.

7.1. - Adoption, grant or registration?

Are arms adopted by regions, cities, towns, communities etc. themselves, or granted or registered by some authority? How do these procedures work?

The Council of Municipality approves the Municipal Flag and The coat of arms, and how to use them. The state registration of symbols is mandatory according to the procedure established by the legislation of Georgia. Within five days after approval, the council sends the normative act to the State Council of Heraldry. The State Council of Heraldry publishes the paper on its website within three working days. The municipality ensures the publication of the normative act on the website of the public law legal entity - "Legislative herald" within five working days after the issuance of this normative act.

7.2. – Heraldic competence involved?

When a region, city, town, community etc. wants to develop new symbols of any sort, is heraldic competence involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

When developing the coat of arms, flag, and other symbols of the municipality, on the issues of their display forms and descriptions, the Municipality first consults with the State Council of Heraldry at the Parliament of Georgia and establishes municipal symbols only with its consent.

7.3. – Legal protection?

Are coats of arms of regions, cities, towns, communities etc. legally protected? How?

The Normative Act of the Georgian Government determines the rules for using symbols of the municipality. The state registration of Municipal Symbols is mandatory. According to the Law on Symbols of State Significance, it is not allowed to change the pattern of the approved symbol and any of its parameters, to depict, erect, or exhibit damaged or different from the corresponding model). According to the same law, the deadline for the change and agreement of the symbols is July 1, 2023.

Part 8. Ecclesiastical and academic heraldry

(If ecclesiastical and academic institutions follow the same rules and procedures as civil authorities, the answers can be merged with the answers in part 5.)

Georgia is a secular state. In addition, based on the Constitution of Georgia, an agreement has been concluded between the state and the confession of the majority of citizens - the Apostolic Autocephalous Orthodox Church of Georgia, which is signed by the President of Georgia and confirmed by a resolution of the country's parliament. According to paragraph 6 of article 6 of this agreement: "The state, in agreement with the church, grants a permit or license to use the official terminology and symbols of the church, as well as to manufacture, import and supply religious products."

State-owned scientific institutions follow the same rules and procedures as public institutions. Private organizations are free from such subordination.

8.1. – Adoption, grant or registration?

Are arms adopted by ecclesiastical and academic entities themselves, or granted or registered by some authority? How do these procedures work?

The symbols of the church and the state are separated. State-owned scientific institutions follow the legal regulations for public institutions.

8.2. – Heraldic competence involved?

When an ecclesiastical and academic entity wants to develop new symbols of any sort, is heraldic competence involved? Is advice or permission from heraldically competent persons, such as a state heraldic office, compulsory or not?

There is no interference of heraldic competence in the ecclesiastical part. State-owned scientific institutions, like public institutions, consult and agree on their symbols with the State Council of Heraldry under the Parliament of Georgia.

8.3. – *Legal protection?*

Are coats of arms of ecclesiastical and academic entities legally protected? How?

The constitutional agreement between the State of Georgia and the Apostolic Autocephalous Orthodox Church of Georgia protects the church symbols.

The law on symbols of state significance determines the regulation for the symbols of state-owned scientific institutions.

Part 9. Family and personal heraldry

9.1. - *Adoption, grant or registration?*

Are these arms adopted by the families or individuals themselves, or granted or registered by some authority? How do these procedures work?

Family or personal coats of arms do not have official heraldic status, have been restored or developed by private initiative, and are registered as intellectual property or trademarks.

9.2. – *Legal protection?*

Are coats of arms of families and individuals legally protected? How? Is there a difference between granted and adopted coats of arms?

The legal mechanism for protecting the family and personal coats of arms is only the law on copyright and related rights, which does not apply to assigned and designed coats of arms.

9.3. – *Inheritance*

How are coats of arms of families inherited and how may they be used by an armiger's spouse? Is there a difference between granted and adopted coats of arms? Have changes occurred because of changed family and gender structures?

The legislation does not regulate the inheritance of the family coat of arms inheritance issues; tradition/practice does not exist due to the Soviet period.

Part 10. General assessment of the status of heraldry in a legal context

10.1. – *Institutions and knowledge*

Is the level of knowledge about heraldry on a reasonable level within state authorities and regional or municipal authorities? Are there enough institutions that deal with heraldry professionally? Are there many different institutions having similar responsibilities, and how does the coordination and cooperation work?

The officials, especially those who oversee the issues symbolic in their departments, are well aware of the field of heraldry; since the Heraldry, symbols of institutions and municipalities are part of the recent developments. The institution leading the heraldry policy in the country is the State Council of Heraldry, which is the only responsible unit of the kind; The Council works in

coordination with other branches of government and is guided by several laws and regulations already mentioned.

10.2. – Legal uncertainties

Are there legal uncertainties relating to heraldry? For example, is there a lack of legal protection of state symbols, or difficulties in adapting heraldic rules to new family and gender structures?

While creating a unified heraldic policy mechanism, some institutions such as The Judiciary, and National Bank, were left outside the system.

10.3. – Recent disputes or proposals

Have there been recent disputes or law proposals highlighting the interest in heraldry and the law? If so, what was the case or proposal about, and what was the outcome? Was the issue reported in the media, and was there a public involvement?

A recent/recent development was the government's decree, which determined the unified heraldic system of executive government structures (ministries and their sub-agency). July 1, 2023, is the deadline for implementing the regulation applying to state awards and governmental, military, and municipal symbols.

10.4. – Strengths and weaknesses

If you would make an overall assessment of the status of heraldry in your country, what are the main strengths and weaknesses related to the legal status of heraldry and the legal regulation of coats of arms? What could be used as a model for other countries and what could be improved?

The weak point in the heraldic field may be considered the practical implementation of already developed policies and legal changes. The challenge is to raise the general world level of heraldic culture and the lack of young staff.

The main success in the field is a unified heraldic policy, the creation of a legislative and institutional base, and the introduction of a heraldic system close to the model in certain areas (state symbolic, local self-government, and military symbolism).