



Pennsylvania Brand Registration

Before any brand is sold within Pennsylvania it must be registered regardless of whether it is sold in draft, bottles, cans, or any other form. A registration fee of \$75 per brand or \$150 for up to twenty brands if produced in limited quantities is required. 40 Pa. Code § 9.108(b) provides that each brand of malt or brewed beverages that a manufacturer or franchisee offers, sells or delivers within Pennsylvania shall be first registered. The Registration shall be accompanied by:

- (1) A label or copy of a label for each brand registered and a Federal label approval containing a copy of the label.
- (2) A copy of a territorial franchise agreement between the manufacturer and each Pennsylvania importing distributor.
- (3) If the brand registrant is an out-of-State importer/wholesaler the following:
 - (i) A copy of the agreement designating the United States importer/wholesaler as the authority to market in this Commonwealth.
 - (ii) A copy of the territorial/franchise agreements between the importer/wholesaler and each Pennsylvania importing distributor. The agreement shall contain the written consent and approval of the out-of-State domestic or nondomestic manufacturer to the appointment of the Pennsylvania importing distributor and the rights conferred thereunder.
- (4) If the brand registrant is a licensed Pennsylvania importing distributor holding an agreement as franchisee with a nondomestic manufacturer, a copy of the agreement with the nondomestic manufacturer.

Additionally 47 P.S. § 4-445(a) provides: No brand or brands of malt or brewed beverages shall be offered, sold or delivered to any trade buyer within this Commonwealth unless the manufacturer thereof shall first submit an application in the form and manner prescribed by the board for the registration of the said brand or brands of malt beverages, together with an annual filing fee not to exceed seventy-five dollars (\$75) for each brand registration requested. Notwithstanding section 614-A(35) of that act, up to twenty brands may be registered for a single annual fee of one hundred fifty dollars (\$150.00), so long as one hundred barrels or less of each brand is produced on an annual basis. For assistance with brand registration, or any other liquor or business matters, please contact Ted Zeller at tzeller@nmmlaw.com or Brian Slough at bslough@nmmlaw.com.