

Brand Registration Frequently Asked Questions

Updated 4/12/2024

GUIDANCE DOCUMENT

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

This guidance document may change with updated information or added examples. The Nebraska Liquor Control Commission recommends you check this document for the most up to date information regarding this guidance.

The Nebraska Liquor Control Commission is implementing a Brand Registration System on July 1, 2024 as outlined in Nebraska Revised Statute 53-165.01

53-165.01.

Primary source of supply in the United States; report by licensed manufacturer, licensed wholesaler, or holder of a shipping license; fee.

(1)(a) Beginning July 1, 2024, prior to the sale or shipment of any alcoholic liquor into the State of Nebraska, each licensed manufacturer, licensed wholesaler, or holder of a shipping license shall submit to the commission, along with any applicable fee set by the commission not to exceed thirty dollars, a report on a form prescribed and furnished by the commission, which shall include:

(i) The licensee's name and license number;

(ii) The designated Nebraska licensed wholesaler for such product, if applicable;

(iii) The name of the primary source of supply in the United States;

(iv) The products to be imported, including the brand name, class or type of product, and fanciful name if applicable;

(v) Evidence of compliance with federal label requirements pursuant to the Federal Alcohol Administration Act, 27 U.S.C. chapter 8, and rules and regulations adopted pursuant to such act, as such act and regulations existed on January 1, 2023, or a sample of the actual label if federal approval is not required; and

(vi) Any other information the commission may require related to such sale or shipment.

(b) If the licensed manufacturer, licensed wholesaler, or holder of a shipping license is not the product manufacturer, such licensee shall also include with such form a separate letter from the product manufacturer designating such licensee as the primary source of supply in the United States or the sole source of supply in Nebraska. A separate letter is required for each primary source.

(2) If the primary source of supply in the United States for such alcoholic liquor changes, the new licensed manufacturer, licensed wholesaler, or holder of a shipping license importing such alcoholic liquor shall submit the information required pursuant to subsection (1) of this section at least thirty days prior to the shipment of such alcoholic liquor into this state. The licensed manufacturer, licensed wholesaler, or holder of a shipping license shall also remit to the commission any applicable fee set by the commission not to exceed thirty dollars.

(3) Nothing in this section shall restrict or prohibit the importation of alcoholic liquor to a Nebraska licensed wholesaler from an affiliated wholesaler if (a) the report required by this section has previously been submitted for the alcoholic liquor product being imported, (b) the report designates the Nebraska licensed wholesaler for such product, and (c) the product was obtained by the affiliated wholesaler from the same primary source of supply identified on the report.

(4) The commission shall remit any fees collected pursuant to this section to the State Treasurer for credit to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.

(5) The commission may adopt and promulgate rules and regulations to carry out this section.

[General Questions](#)

[Beer Registration](#)

[Wine Registration](#)

[Spirit Registration](#)

[Ready-to-Drink Cocktail Registration](#)

General Questions

Do I have to register my sizes?

- No, the Nebraska Liquor Control Commission is only collecting overarching product names. IE Bob's Lager, Bob's Ale. Not Bob's Lager – 10 Ounce, Bob's Lager – 16 Ounce, Bob's Lager – Keg

Do I need to register my brands if I am a licensed producer in the State of Nebraska?

- Yes, all manufacturers, Nebraska craft breweries, microdistilleries, and farm wineries must register their brands.

What is the registration fee?

- The fee is currently set at \$20 for the lifetime of the brand.

Is there a renewal?

- NLCC requires that brands be affirmed to be in use once a year, there is currently no fee.

When is a new brand required?

- In any instance where the TTB (Tax and Trade Bureau) or FDA (Food and Drug Administration) would require the issuance of a new label approval a new brand registration application would need to be submitted to the Nebraska Liquor Control Commission.

Does brand registration apply to Nebraska retail licenses?

- No, only holders of a shipping license, Nebraska craft breweries, microdistilleries, farm wineries, and manufacturers need to register brands. Retailers can utilize the brand registration to learn which wholesalers may carry brands that they would wish to purchase or to find out what is available in the State of Nebraska for sale.

Do I need to select a wholesaler during the brand registration process?

- Yes, a wholesaler does need to be selected during the brand registration process if applicable.
- Holders of a Direct To Consumer Shipping License (S1), Nebraska craft brewery, microdistillery, or farm winery license may select themselves as the wholesaler for the purposes of sales to consumers or sales to retailers if they do not have a wholesaler.

What are the Levels of ABV that Nebraska wants reported?

- The only products that Nebraska collects ABV info on is for the purpose of classification, as Hard Ciders of 8.5% ABV and below are classified as beer, and spirit based ready-to-drink (RTD) cocktails of 12.5% and below are classified as RTD Cocktails for taxation purposes.

If an item that is sold in a Variety Pack but not by itself, do we need to register that brand as well?

- Yes

A supplier wanted to remove “We designate her as the sole source of supply in Nebraska for our brands.” on the newly updated appointment letter. Is this allowed.

- Sole source could be removed, however there needs to be language designating you as the primary source:
 - (b) If the licensed manufacturer, licensed wholesaler, or holder of a shipping license is not the product manufacturer, such licensee shall also include with such form a separate letter from the product manufacturer designating such licensee as the primary source of supply in the United States or the sole source of supply in Nebraska. A separate letter is required for each primary source.

Would a primary source letter be permitted to utilize the phrase “authorized agent” or must a the letter state “exclusive” or “primary source”?

- “Authorized Agent” is a permitted phrasing in primary source letters.

Is there an automatic approval period?

- No, all approvals must be granted by staff.

What will be considered the brand name? Will "brand" be defined by field 6 of the COLA?

- The name of the product, not the name of the Company. Field 7 is more correct.

Class – will this be the Class/Type # noted on the top section of the COLAs or the Class/Type Description at the bottom of the COLAs? Will there be a drop down to select from?

- Class is based on Nebraska Classifications
 - Beer
 - Hard Cider below 8.5% ABV
 - Spirit based RTD Cocktails below 12.5% ABV
 - Wine
 - Spirits

Can we bulk register products?

- The software does not support bulk uploads for registration.
- Multiple products can be registered through one application for one payment.

Does a brand need to be approved in order to be sold?

- The first 6 months of brand registration shall be a grace period starting July 1, 2024, and ending December 31, 2024, to allow NLCC Staff to approve brands, during which a Brand Registration must be submitted prior to sale, but does not need to be approved.

Beer Registration

I currently have brands registered with the Nebraska Liquor Control Commission for beer, do I need to register them again?

- Yes, the current registration system is not compatible with the new law and all brands and territories need to be re-registered with the Nebraska Liquor Control Commission.

Do I need to register my taproom-only brands as a Nebraska Craft Brewery?

- Yes, however approval is not needed prior to sale, only when product is to enter distribution or to be sold to a retailer does it need prior approval.
- Low-volume experimental beers can be registered as an experimental tap and other beer styles can be under that experimental tap until you do a larger batch. These are for strictly limited run beers that do not encapsulate large sales volumes for your location and are limited in sales, release, and time on tap.

What is alcoholic kombucha considered in the State of Nebraska?

- The Nebraska Liquor Control Commission follows TTB guidance and the statement by the TTB formula office determines whether an alcoholic kombucha is wine or beer.

Wine Registration

Is a letter from the negociant sufficient to support brand registration?

- This letter would be sufficient.

If wineries also have DTC licenses, do they only need to register the brand once? If yes, which do you prefer to have it registered under the Shipper Agent or the DTC?

- Only those brands that are not registered under the shipping agent need to be registered with the S1 license.
- All wineries that are operating as a direct shipper under their own separate license who are operating with an Agent need to notify the NLCC that they have brands registered under both themselves and under an agent's license.

Does a different vintage mean a new brand registration?

- NLCC is not recording vintages.

My Hard Cider is over 8.5% ABV, what is it considered?

- All Hard Cider with an abv above 8.5% is considered a wine.

Spirit Registration

If there is a new proof statement on my bottle does it require a new brand registration?

- Proof variances that are permitted by the TTB do not require a new brand registration unless there is a new COLA issued.

Ready-to-Drink Cocktail Registration

What are ready-to-drink cocktails?

- Ready-to-Drink Cocktails are spirit-based alcoholic beverages that are pre-mixed versions of cocktails normally found at bars, they have an alcoholic content of 12.5% abv or less and are generally designed to be more portable and easier to serve than a traditional cocktail.