

LAW OF THE REPUBLIC OF ARMENIA

Adopted by the National Assembly
on 12 May 1997

On Trade Name

CHAPTER 1. GENERAL PROVISIONS

Article 1. Relations Regulated by This Law

The present law regulates relations pertaining to registration, legal protection and use of trade name (hereinafter referred to as trade name) by legal entities and enterprises without a status of legal entity.

The present law applies to all organizational and legal types of entities and all enterprises without a status of legal entity registered in conformity with the legislative procedure established in the Republic of Armenia.

CHAPTER 2. TRADE NAMES

Article 2. Trade Name

The trade name of a legal entity or an enterprise without a status of legal entity is a name under which it implements its activities and which distinguishes it from other legal entities or enterprises without a status of legal entity.

The trade name of legal entity or enterprises without a status of legal entity shall contain description of its organizational and legal status and at least one differentiating name (name, title, location or symbol).

The trade name can also contain the name of the location, names characterizing the activity, as well as other information deemed appropriate by the owners of legal entity or an enterprise without a status of legal entity.

The trade name of individual (family) enterprise shall contain the words “individual enterprise” (“family enterprise”) and names and/or surnames of each owner (founder) or at least one of the owners (founders) of the enterprise with specific reference to the type of relationship between the owner(s) (founder(s)).

The trade name of an economic association shall contain the description of the type of the association as “unlimited (or “limited”) company,” the names or appellations of all participants (full partners) of the enterprise, and/or the name or appellation of at least one participant (full partner), accompanied by words “and Partners” or “and Company (Co).”

Article 3. Use of Names and Appellations Requiring Permission

The full or abbreviated name of a historical or otherwise famous person in the trade name shall be used exclusively with the consent of the person or that of his/her heirs.

Should the historical or otherwise famous person whose name is used in the tradename or the heir of such person giving consent for such use consider that the activity of the legal entity or an enterprise without a status of legal entity derogates the authority (prestige) of the person, they

can appeal to the court for revocation of the right to use the name in the tradename of a legal entity or enterprise without a status of legal entity and/or for indemnification for the damage caused.

The words “Armenia,” “Armenian,” “Republic,” “Republican” and translations thereof, the titles of territorial and administrative units of the Republic of Armenia, as well as the full or contracted name of a historical or otherwise famous person in the event of death of the person and absence of heirs, can be used in the tradename only in conformity with the procedures established by the government of the Republic of Armenia.

CHAPTER 3. REGISTRATION AND ACCOUNTING OF TRADENAME

Article 4. Registration of Tradename

Pending the registration of a legal entity or enterprise without a status of legal entity in the State Register of the Enterprises of the Republic of Armenia (hereinafter referred to as state register), its tradename shall be registered at an authorized state administrative body in charge of industrial property affairs (hereinafter referred to as authorized body) upon submission of an application from the founder(s) (hereinafter referred to as applicant) of a legal entity or enterprise without a status of legal entity.

The application can also be submitted by a person authorized by the founder.

The application shall contain:

a) an application for registration of the tradename mentioning the title of the enterprise, its abbreviated or short title, and, if applicable, the address, objectives and scope of activity of the legal entity or the enterprise without a status of legal entity;

b) interpretation (explanation) of the tradename if it is not clear in Armenian;

The application shall have the following enclosures:

a) letter of agreement (permission) in the cases referred to in the Article 3 of this law;

b) letter of authorization should the claim be submitted by an authorized person;

c) certification of registration fee payment;

The application shall be submitted in Armenian.

The application form and the procedure for completion thereof are established by the authorized body.

Article 5. Evaluation of Application

The authorized body within 15 days after submission of application conducts an examination and makes decision on the conformity of the tradename with the requirements of this law.

Should the examination reveal that the tradename does not conform to the requirements of this law, a decision on rejection of registration of the tradename is taken, on which the applicant is informed accordingly within 3 days' period, with due explanation for the reason of rejection.

In the case of disagreement with the conclusion of the examination, the applicant has a right to file a complaint at the council of appeals of the authorized body within one months after the receipt of the rejection decision.

The complaint is considered by the authorized body in accordance with the procedure established by the authorized body.

In the case of disagreement with the decision of the council of appeals, the applicant has the right to appeal to court within two months after the receipt of the notification on decision.

In the case the tradename conforms to the requirements of the present law, the authorized body makes a decision on the registration thereof and within 3 days duly notifies the applicant. Following the decision on registration of the tradename, the authorized body registers the tradename in the state register of tradenames of the Republic of Armenia (hereinafter referred to as the state register).

The day, month, and year of the registration of the tradename (hereinafter referred to as the date) is the date of submission of the application for the registration of the tradename.

The tradename is registered in Armenian.

The state register contains the tradename, the registration date and number, the application number, the address of the applicant, the objectives and scope of activities of the enterprise.

Pending the state registration of a legal entity or an enterprise without a status of a legal entity, but for not more than 6 months, the tradename of the legal entity or an enterprise without a status of legal entity is granted temporary protection.

Article 6. Reasons For Denial of Registration of Tradename

The following titles are not eligible for registration as a tradename:

a) the ones identical to tradenames of legal entities or enterprises without a status of legal entity already registered in the Republic of Armenia, those identical to already registered trademarks or appellations of origin of legal entities or enterprises without a status of legal entity, as well as those deceptively similar and able to cause confusion, or related to the same sphere of activity;

b) the ones that contradict public interests, and humanity and decency norms;

c) the ones that characterize the quality, specifications, quantity, price, mode and time of production of goods and services;

d) the ones that contain the full or contracted name of a historical or otherwise famous person without the appropriate consent for such use;

e) the ones identical or similar to the names of states, international, international public or non-governmental organizations;

f) the ones identical or deceptively similar to tradenames or trademarks of foreign companies doing business or well - known in the Republic of Armenia and thus able to cause confusion.

Article 7. Accounting of Tradenames

The accounting of tradenames is done by the authorized body on the basis of information provided by the state register.

The state registers provides information on a monthly basis to the authorized body on the initial and ongoing registration of legal entities and enterprises without a status of legal entity, as well as on dissolution (termination of activity) thereof that took place during the previous month.

The provided information contains the tradename of the legal entity or enterprise without the status of legal entity, the registration number and date, the address, scope of activity, and in the case of dissolution (termination of activity) - the date of state registration.

Based on the provided information, the authorized body

- a) makes decisions on granting certificate of temporary tradename protection or nullification of the registration thereof;
- b) makes appropriate entry in the state register.

Article 8. Certificate of Tradename Registration

Upon adoption of a decision on registration of a tradename, the authorized body shall within one month service to the applicant a certificate of tradename registration.

The certificate of tradename registration confirms the fact of registration of tradename, as well as the exclusive right for use of tradename by legal entity or enterprise without a status of legal entity.

The form of the certificate of tradename registration, as well as the type of information contained therein is determined by the authorized body.

The validity term of the certificate is unlimited.

Article 9. Publication of Information on Registration of Tradename

The information on registration of tradenames, as well as on all amendments made in the state register in conformity with this law, shall be published by the authorized body in its official information bulletin.

The full description of publishable information on tradename registration shall be determined by the authorized body.

CHAPTER 4. USE OF TRADENAME

Article 10. Use of Tradename

The use of tradename is considered the use thereof by the enterprise in conducting transactions, marketing and distribution of the produced goods and services, advertising of goods and services, conclusion of financial transactions, filing of claims at courts or arbitrage bodies, as well as the use thereof on posters, seals, labels, packages, letterheads and other forms and documents.

The divisions of legal entities or enterprises without legal entity status shall use the tradename of the legal entity or enterprise without legal entity status by supplementing it with words characterizing the nature of activities of the division and the location thereof.

The tradename shall be used exclusively in the form it was registered in the state register.

The tradename can be used along with its translation in a foreign language. In such cases, the characteristic names and titles used in the tradename shall not be translated.

Article 11. Exclusive Right for the Use of Tradename

The exclusive right for the use of tradename comes into force from the date of registration of the legal entity or enterprise without legal entity status in the state register and is valid for the entire period of their activities in the territory of the Republic of Armenia, provided the tradename does not contradict the conditions of tradename registration as established by this law.

The legal entity or enterprise without legal entity status has an exclusive right to use its tradename in the Republic of Armenia. In the event of illegal use of the tradename of legal entity or enterprise without legal entity status by other legal entities, enterprises without legal entity status of physical persons, including acquisition of rights and obligations pertaining to such illegal use, the legal entity or enterprise without legal entity status is in a position to seek redress at court or arbitrage bodies.

The infringement of exclusive right for the use of tradename is considered the use of tradenames identical or deceptively similar to protected tradenames by other legal entities, enterprises without legal entity status, or physical persons operating in the same field.

The exclusive right for the use of tradename can be transferred only with the transfer of the legal entity or the enterprise without legal entity status.

Article 12. Cancellation of Tradename Registration

The tradename registration is cancelled and the legal entity or enterprise without legal entity status is deprived of the right to use it if:

- a) the court decision made in legislatively stipulated cases prohibits further use of the tradename;
- b) the court decision made in legislatively stipulated cases nullifies the registration;
- c) the legal entity or enterprise without legal entity status relinquishes the exclusive right for the use of tradename;
- d) the legal entity or enterprise without legal entity status is liquidated.

The courts of the Republic of Armenia notify the authorized body on decisions made in reference to tradenames.

The authorized body makes amendments in the state register on the basis of court decisions pertaining to tradenames.

The tradename prohibited for the exclusive use by a legal entity or enterprise without legal entity status can be given to another legal entity or enterprise without legal entity status not earlier than after 3 years.

CHAPTER 5. FINAL PROVISIONS

Article 13. Fees

Processing of registration and legal protection of tradenames shall be done against fees; the types, sizes and payment modalities for such fees shall be determined by law.

Article 14. Settlement of Disputes

The settlement of disputes on registration and use of tradenames shall be done at court.

Article 15. Liabilities for Infringement of Exclusive Rights For The Use of Tradename

The damages caused to legal entities or enterprises without legal entity status by illicit use of the tradename of such enterprises shall be indemnified to the enterprises by the parties liable for such use. For the purpose to reinstate reputation of the injured party, the state authorized body shall publish the information on the corresponding decision of legal authority.

In the event of infringement of exclusive right for the use of tradename, the signboards, seals, stamps, posters, patterns and other printing material manufactured by the infringer shall be destroyed.

Article 16. International Agreements

Should the international agreements acceded by the Republic of Armenia stipulate otherwise than the relevant provisions of the national legislation, the provisions of the international agreements shall prevail.

Article 17. Amendments in Several Laws of the Republic of Armenia

1. The Article 42 of the law “On Enterprises and Enterprise Activities” shall read as follows:

“Article 42. Tradename of Enterprise

The enterprise shall have a tradename the registration, use and legal protection whereof is done in conformity with legislatively established procedure.”

2. The Article 7 of the law “On Individual (Family) Enterprises” shall read as follows:

“Article 7. Tradename of Individual “Family” Enterprise

The tradename of individual (family) enterprise is the name under which the it carries out its activities and which differentiates it from other legal entities or enterprises without legal entity status.

The trade name of individual (family) enterprise shall contain the words “individual enterprise” (“family enterprise”) and names and/or surnames of each owner (founder) or one of the owners (founders) of the enterprise with specific reference to the type of relationship between them.

The trade name can also contain words characterizing the nature of activity of the enterprise, the name of the location thereof, as well as other information deemed appropriate by the owners (founders) of the legal entity or the enterprise without a status of legal entity.

The registration and legal protection of the tradename of an individual (family) enterprise is done in conformity with legislatively stipulated procedure.”

3. The article 7 of the law “On Non-profit Organisations” shall read as follows:

“Article 7. Tradename of Non-profit Organisations

The tradename of non-profit organizations is the name under which they carry out their activities and which differentiates them from other legal entities or enterprises without a legal entity status.

The tradename of non-profit organizations shall contain words characterizing its organizational and legal type and at least one differentiating proper (personal name, location or symbol name) or common name.

The tradename of non-profit organization can contain words describing the nature of its activities, the name of its location, as well as other information deemed appropriate by the owners (founders).

The registration and legal protection of tradename of non-profit organizations is done in conformity with legislatively stipulated procedure.”

4. The point 1 of the article 15 of the law “On Joint-Stock Companies” shall read as follows:

“1. The tradename of joint-stock company is the name under which the it carries out its activities and which differentiates it from other legal entities or enterprises without legal entity status.

The tradename of a joint-stock company shall contain the words “joint-stock company” and description of its type, i.e. “open” or “closed”, as well as at least one differentiating proper or common name.

The tradename of joint-stock company can also contain words describing the nature of activities of the company, the name of its location, as well as other information as deemed appropriate by founders.

The registration and legal protection of tradename of joint-stock company is done in conformity with legislatively stipulated procedure.”

5. The article 10 of the law “On Trust Enterprises” shall read as follows:

“Article 10. Tradename of Trust Enterprises

The tradename of trust enterprise is the name under which it carries out its activities and which differentiates it from other legal entities or enterprises without legal entity status.

The tradename of trust enterprises may, upon discretion of the parties, contain the name of the guarantor provided the trust is unlimited, as well as in the event of full liability.

The registration and legal protection of the tradename of trust enterprises is done in conformity with legislatively stipulated procedure.”

Article 18. Transitional Provisions

Pending entering of this law into force, the registration of tradenames of legal entities or enterprises without a status of legal entity in conformity with provisions of this law is not obligatory.

The requests for registration of tradenames of enterprises and unfinished construction sites privatized and denationalized in accordance with the law “On Privatization and Denationalization of State Enterprises and Unfinished Construction Sites” are reviewed within 5 days.

Article 19. Entering of Law Into Force

This law enters into force as of 1 September 1997.

Yerevan, 8 June 1997