

REPUBLIC OF ARMENIA

THE LAW ON

TRADE AND SERVICE MARKS

AND

APPELLATIONS OF ORIGIN OF GOODS

The present Law shall govern the relations associated with the registration, legal protection, and utilisation of trade and service marks and appellation of origin of goods.

PART I

TRADE AND SERVICE MARKS

Chapter I

Trade and Service Marks

Legal Protection

Article 1

Trade and Service Marks

The term of trade and service marks (hereinafter trade mark) implies the marks by virtue of which the goods of a legal person or individual entrepreneur or enterprise without the statues of legal entity differ from the identical goods and services (hereinafter goods) of a legal person or individual entrepreneur or enterprise without the statues of legal entity.

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Legal Protection of Trade Mark

In the Republic of Armenia the legal protection of a trade mark shall be ensured on the basis of the State registration of a trade mark (hereinafter registration) in accordance with the procedure established by the present Law or in compliance with the International Treaties signed on behalf of the Republic of Armenia.

Article 3

Trade mark Registration Certificate

A trade mark may be registered in the name of a legal person, enterprise without the statuses of legal entity or individual entrepreneur.

A owner of a registered trade mark shall be granted a trade mark registration certificate (hereinafter trade mark certificate).

The trade mark certificate shall certify the registration and priority of the trade mark, as well as the exclusive right to the use of trademarks of the goods defined in the trademark certificate.

Article 4

Exclusive Right to a Trade Mark

The exclusive right to a trade mark shall be exercised from the date of registration.

The owner of the trade mark shall have the exclusive right of possession, utilisation and disposal of the trade mark, as well as the right to prohibit other persons to use it in the Republic of Armenia. In the Republic of Armenia no person shall have the right to the use of a protected trade mark without the authorisation of the owner of the trade mark.

The exclusive right of the owner of the trade mark shall be considered infringed, where:

- the trade mark or goods under the same trade mark are manufactured, utilised, imported, distributed, offered or brought otherwise into economic circulation without the owner's authorisation;
- the trade mark or goods with the same mark are warehoused for the foregoing purposes without the owner's authorisation;
- the activities defined in the first part of Article 22 of the present Law are carried out;
- the identical goods has been used under a trade mark that resembles to the extent of confusion with the trade mark of the owner.

Article 5

Types of Trade Marks

Design, word, dimensional and other signs or their combinations may be registered as a trade mark. Trade marks of any colour or colour combinations may be registered.

Chapter II

Registration of Trade Marks

Article 6

Application for a Trade Mark Registration.

An application for a trade mark registration (hereinafter application) shall be submitted to the authorised body of State Administration (hereinafter State authorised body) dealing with industrial property by a legal person, enterprise without the status of legal entity or individual entrepreneur (hereinafter applicant) that is desirous of registering it.

The application may be also submitted through an attorney registered with the State authorised body. The attorney shall execute formalities required for the registration of trade marks of individual entrepreneurs or legal persons of foreign states.

Cognisance of an attorney shall be confirmed by a power of attorney given by the person who is desirous of registering the trade mark.

The procedure of qualification and registration of attorneys shall be established by the State authorised body.

Activities of the attorney shall be governed by the regulations adopted by the Government of the Republic of Armenia.

The application shall concern only one trade mark and contain:

- a. application for a trade mark registration where the applicant, his residence and legal address shall be defined;
- b. design and description of the submitted trade mark;
- c. the list of goods and services classified in accordance with the international classification, the registration of which is requested.

The following documents shall be attached to the application:

- a. receipt of fee payment in the specified size for the submission and examination of the application;
- b. statute of a collective mark where an application for a collective trade mark is submitted;

- c. power of attorney certifying the competence of attorney, where the application is submitted through an attorney.

The application shall be submitted in Armenian. The application documents may be submitted in other languages, in the latter case the applicant shall submit the Armenian translation of the above documents to the State authorised body within a period of 2 months from the date of application.

The requirements for the application documents shall be established by the State authorised body.

Article 7

Trade Mark Priority

Priority of a trade mark shall be set up according to the year, month and day (hereinafter date) of submitting the application. The priority of a trade mark may be established according to the date of first application submitted by a foreign member state of the Paris Convention on the Protection of Intellectual Property (convention priority), where the application has been submitted to the State authorised body over a period of 6 months since aforementioned date. Should the applicant fail to submit an application for Convention priority within the specified period for reasons beyond his control, the above period may be extended for no longer that 2 months.

The priority of a trade mark on the samples to be displayed at the official or officially recognised international exhibitions in the territory of a member state of the Paris Convention may be established according to the date of open display of a trade mark (exhibition priority), provided the application has been submitted to the State authorised body over a period of 6 months since the aforementioned date.

The applicant desirous of enjoying the right of Convention or exhibition priority shall advise the State authorised body when submitting the application or within a period of 2 months from the date of application, and provide the documents supporting his right of demand or present the aforementioned documents to the State authorised body within a period of 3 months from the date of application.

The priority of a trade mark may be established according to the priority date of a trade mark already on the international register in compliance with the International treaties signed on behalf of the Republic of Armenia.

Should the examination reveal the trade marks, that nearly resemble or cause confusion with each other, submitted for the registration of the list of partially or completely identical goods have the same date of priority, the trade mark of the identical goods (or one of those causing confusion) may be registered in the name of one of the applicants in compliance with the agreement concluded between them.

Should the applicants fail to come to an agreement on the registration of the trade mark of the identical goods, the applications for the identical goods shall be considered withdrawn.

Article 8

Application Examination

An application examination including preliminary examination and a trade mark consideration shall be carried out by the State authorised body.

The applicant shall be entitled to introduce, on his initiative, additional data, amendments and specifications into the application materials within a period of 2 months from the date of application through the date of decision making.

Pending examination the applicant shall be entitled to submit the application for introducing amendments till the date of decision making on the trade mark registration.

Should the additional materials effect significantly the identity of the trade mark, or non-identical goods have been included into the list specified in the application, the aforementioned materials shall not be accepted for consideration and may be executed as an independent application.

Pending examination the State authorised body may request that the applicant provide additional materials in default of which the examination shall be deemed impossible. The additional materials shall be provided within a period of 3 months from the date of request.

In compliance with the request of the applicant the above period may be extended for no longer than 6 months, provided the relevant application has been submitted before the expiration of the above period. Should the requested materials not be provided within the specified period the application shall be withdrawn, and the applicant shall be notified accordingly.

In compliance with the request of the applicant the application may be withdrawn at any stage of examination.

Article 9

Preliminary Examination

The preliminary examination of an application shall be carried out within a month period from the date of application. In the event of request in compliance with the fifth part of Article 8 of the present Law the aforementioned period shall be suspended till the date of receiving the reply.

Pending preliminary examination shall be verified the application form, availability of the required documents, as well as their compliance with the established requirements. On the basis of the results of preliminary examination the applicant shall be advised of the acceptance or refusal of the application for consideration.

In the event of application acceptance the applicant shall be notified about the date of submitting the trade mark.

Article 10

Examination of Claimed Trade Mark

The examination of a submitted trade mark shall be carried out within a period of 6 months from the date of completion of the preliminary examination. Pending examination the priority of the trade mark shall be set up, and verified the compliance of the trade mark with the requirements specified in Article 11 and the first part of Article 12 of the present Law.

A decision of the registration or registration refusal shall be rendered on the basis of the results of preliminary examination.

The applicant shall be entitled to submit the written request for reconsideration, setting forth convincing arguments within a period of 2 months from the date of notice of refusal.

In compliance with the request of the applicant the above period may be extended for no longer than 6 months provided the relevant application has been submitted before the expiration of the above period.

The examination decision of the registration of a trade mark may be reconsidered in view of the application for the trade mark on the identical goods that being of earlier priority may resemble or cause confusion with the first one, or the application for registration of an appellation of origin submitted to the State authorised body.

Article 11

Basic Reasons for Registration Refusal of Trade Mark

The trade mark shall not be registered if it consists only of marks without distinctive characters, namely:

- a. State emblems, banners and symbols, official names of states, full or abbreviated name of international organisations, official symbols, official control, guarantee and hallmarks, seals, rewards and other decorations, or other marks that may resemble

or cause confusion with the aforementioned ones. The above marks may be incorporated as not protected elements into a trade mark with the consent of the owner or relevant competent body.

- b. Trade marks put into general use as distinctive marks of certain types of goods;
- c. Generally recognised symbols and terms;
- d. Trade marks that indicate the type, quality, quantity, characteristics, cost, production purpose of goods, as well as the place and date of production and realisation of goods.

The trade marks defined in Clauses a., b., c., d., of the first part of the present Article may be incorporated as not protected elements into a trade mark, provided they do not constitute the major part of the trade mark.

A mark shall not be registered as a trade mark or an element of it if:

- a. the mark contains false information or data that may mislead the consumer in relation to the goods or the manufacturer;
- b. the mark contravenes public interests, humanity and moral principles.

Article 12

Other Reasons of Refusal for Trade Mark Registration

The marks shall not be registered as trade marks that nearly resemble or cause confusion with the following marks:

- a. the trade marks of identical goods already registered in the name of other applicant in the republic of Armenia, or the trade marks of earlier priority submitted for the registration;
- b. the trade marks of the identical goods of other persons being protected without registration in compliance with the International Treaties signed on behalf of the Republic of Armenia;
- c. the well-known trade marks in the Republic of Armenia that are specified by the State authorised body;

- d. the appellation of origin of goods protected by the Legislation of the Republic of Armenia, save when the aforementioned one is incorporated as not protected element into the trade mark of the goods of a person enjoying the right of appellation of origin.
- e. The certification marks registered in compliance with the established procedure.

The marks shall not be registered as trade marks that reproduce the following:

- a. trade names (or part of them) well-known in the republic of Armenia or belonging to other persons, if the latter ones have been granted the right to the above names before the date of application for the trade mark of the identical goods;
- b. industrial designs of earlier priority the right to disposal of which belongs to other persons in the Republic of Armenia;
- c. names of or quotations from well-known artistic, scientific and literary works, as well as names of personages, works of art and culture or fragments from them without the permission of their authors or their legal heirs;
- d. names, surnames, pseudonyms and their derivatives, portraits, facsimiles of renowned persons without their or their legal heirs' permission, or without the authorisation granted in compliance with the procedure established by the Government of the Republic of Armenia where the aforementioned identities are the historical and cultural property of the Republic of Armenia.

Article 13

Appeal against the Examination Decision

Restoration of a Lapsed Period

Should the applicant not comply with the decision of preliminary examination or re-examination he shall be entitled to lodge a complaint to the Council of Appeal of the State authorised body (hereinafter Council of Appeal) within a period of three months from the date of announcement of a decision. The complaint shall be considered in compliance with the procedure established by the State authorised body.

Should the applicant not comply with the decision of the Council of Appeal, he shall be entitled to appeal to court within a period of 6 months from the date of announcement of a decision.

The applicant shall be entitled to familiarise himself with the materials of the experts' decision and request the copies of the above materials within a month period from the date of announcement of a decision.

Should the applicant exceed the time limit of the period, specified in the third in sixth parts of Article 8 of the present Law and the first and second parts of the present Article, the aforementioned period may be restored in compliance with the applicant's written request submitted within a period of 3 months from the date of expiration, provided the payment of the established fee.

Article 14

Trade Mark Registration

In compliance with the decision on a trade mark registration the State authorised body provided with the receipt of fee payment shall register a trade mark in the State Register of Marks (hereinafter Register) within a month period.

The trade mark, data on the owner of the trade mark, date of registration and priority, the list of the goods for which the trade mark is registered, other data on a trade mark registration according to the list approved by the State authorised body, as well as subsequent amendments shall be entered into the Register.

Article 15

Granting of Trade Mark Certificate

The State authorised body shall issue a trade mark certificate within a month period from the date of registration in the Register. The State authorised body shall set the certificate form and prepare the list of the data required.

Article 16

Validity Period of Trade Mark Registration

The registration of a trade mark shall be valid within a period of 10 years from the date of application submitted to the State authorised body.

In compliance with the application of the owner of the trade mark that shall be submitted during the last year of validity period of registration, the validity period of a trade mark registration may be extended for next 10 years.

Validity period may also be extended in compliance with the application of the owner of the trade mark submitted over a period of 6 months after the date expiration of validity period, provided the payment of additional fee.

The State authorised body shall record the extension of validity period of a trade mark registration in the Register, and at the request of the owner in the trade mark certificate.

Article 17

Introduction of Amendments into the Register

The owner of the trade mark shall notify the State authorised body of the changes in his name, surname and patronymic, the reduction of the list of the goods with the relevant registered trade mark, the modification of separate elements of the trade mark not affecting the identity of the trade mark, as well as other alterations concerning the registration of the trade mark.

The amendments in the Register and the certificate of the trade mark shall be introduced in compliance with the application of the owner, provided the payment of the established fee.

Article 18

Publication of Registration Information

The State authorised body shall publish the data specified in Article 14 of the present Law and information about a trade mark registration entered into the Register in the official bulletin within a period of 6 months from the date of registration.

Article 19

Registration of Trade Marks in Foreign States

Legal persons or enterprises without the statues of legal entity, and individual entrepreneurs of the Republic of Armenia shall be entitled to register a trade mark in the territory of foreign States or effect its international registration.

The application for international registration of a trade mark shall be submitted through the State authorised body.

Chapter III

Collective Trade Mark

Article 20

Collective Trade Mark

The term of collective mark shall imply a trade mark of an economic partnership or economic association (hereinafter association) that is designed for marking the goods with uniform qualitative or other common characteristics, that are produced and /or realised by the above association.

The collective trade mark and right to the use of it shall not be assigned.

Article 21

Registration of Collective Trade Mark

The statute of a trade mark shall be attached to an application for the registration of a collective trade mark and contain the name of an association, name of an authorised legal person or enterprise without the statues of legal entity in the name of which the collective trade mark is to be registered, the list of legal persons or enterprises without the statues of legal entity enjoying the right to the use of the given trade mark, registration purpose, the list of goods under the given collective mark and their uniform qualitative or other common characteristics, terms of utilisation of the collective trade mark, procedure of utilisation control, amenability for the infringement of the collective trade mark statute.

In addition to the data specified in Article 14 of the present Law the data on legal persons or enterprises without the statues of legal entity enjoying the right to the use of a trade mark shall be recorded in the Register. The aforementioned data as well as the extract from the statute concerning the goods with uniform qualitative and other common characteristics, for which the given collective trade mark is registered, shall be published in the official bulletin of the State authorised body.

The owner of the collective trade mark shall notify the State authorised body of the introduction of amendments into the statute of the collective trade mark.

In the event of the use of collective trade mark for the goods with uniform qualitative or other common characteristics the validity of registration may be terminated completely or partially prior to the date of expiration by a decision of the court made on the basis of application of any person.

The collective trade mark or application for it may be transformed accordingly into a trade mark or trade mark application of a legal person or enterprise without the status of legal entity or individual entrepreneur in compliance with the procedure established by the State authorised body, and vice versa.

Chapter IV

Trade Mark Utilisation

Article 22

Trade Mark Utilisation and Non-Use Consequences

The utilisation of the trade mark shall imply the putting of a trade mark on the goods, for which the trade mark is registered, by the owner or a person authorised by a license agreement in compliance with Article 26 of the present Law, and/or on the packing of the aforementioned goods.

The application of trade marks in advertisements and publications, in official papers, indexes, as well as on the display units at exhibitions and fairs held in the Republic of Armenia shall be considered the utilisation of the trade mark, provided the marking of packing is impossible.

Legal persons, enterprises without the status of legal entity, and individual entrepreneurs carrying out mediatory activities may use under contractual relationship their trade mark together with or instead of the trade mark of the manufacturer.

In compliance with the court decision made on the basis of the request of any person the validity of a trade mark registration may be terminated for all or part of the relevant goods prior to the date of expiration, provided that the trade mark has not been used over 5 years prior the date of request or since the date of a trade mark registration.

In the event of non-use of the trade mark, when the termination of validity is under consideration, the documents provided by the owner of the trade mark concerning the non-use for reasons beyond his control shall be taken into account.

Pharmaceuticals, foodstuff, certain industrial goods or samples, as well as alcoholic and non-alcoholic drinks and beverages shall be marked with a registered trade mark. The complete list of the aforementioned goods shall be specified by the Government of the Republic of Armenia.

Article 23

Cessation of Rights Arising out of Registration

The owner of the registered trade mark shall not have the right to prohibit the use by other persons of the given trade mark for the goods that have been brought into economic circulation by the owner or by his permission.

Article 24

Warning Inscription

The owner of the trade mark may place beside the trade mark a warning inscription certifying the trade mark registration in the Republic of Armenia, that may be represented by an encircled or separate Latin letter R, as well as by “trade mark” or “registered trade mark” expressions.

Chapter V

Trade Mark Assignment

Article 25

Trade Mark Assignment

The right to a trade mark, under contractual relationship, may be assigned to other persons for all or any portion of goods specified in the trade mark certificate. The above assignment shall be prohibited when that may cause confusion on the part of the consumer in relation to the goods or the manufacturer.

Article 26

Granting the Right to the Use of Trade Mark

The owner of the trade mark (licensor) may grant the right to the use of the trade mark to the other person (licensee) in compliance with a license agreement.

The following provision shall be stipulated by the license agreement: the quality of goods of the licensee shall not be inferior to the licensor's one, provided that the licensor assures verification of compliance with the above provision.

An assignment of the right to the use of the trade mark shall be prohibited where it may cause confusion on the part of the consumer in relation to the production place of the goods.

Article 27

Registration of Trade Mark Assignment and License Agreements

The trade mark assignment and license agreements shall be registered with the State authorised body. Not registered agreement shall be considered null and void.

Chapter VI

Termination of Legal Protection of Trade Mark

Article 28

Cancellation of Trade Mark Registration

Registration of a trade mark, pending its validity period, may be cancelled partially or completely where the requirements set in Article 3 and Article 11 of the present Law have been violated and the registration has been effected over a period of 5 years since the date of publishing the information of a trade mark registration in the official bulletin in compliance with Article 12 of the present Law.

Any legal or natural person and enterprise without the statues of legal entity shall have the right to lodge a complaint against the trade mark registration to the Council of Appeal. The complaint shall be considered in compliance with the procedure established by the State authorised body.

The notice of appeal from the decision of the Council of Appeal may be given in due course of law within a period of 6 months from the date of decision making.

Article 29

Expiration and Renewal of Trade Mark Registration

The validity of a trade mark registration shall be considered expired by the State authorised body in the event of:

- a. expiration of the validity of a trade mark in compliance with Article 16 of the present Law;
- b. cancellation of a trade mark registration, in compliance with the fourth part of the present Article, prior to the date of expiration on the basis of the court decision where the collective trade mark has been put on the goods not possessing uniform qualitative or other common characteristics;
- c. termination of a trade mark validity for non-use of a trade mark, in compliance with the fourth part of Article 22, prior to the date of expiration on the basis of the court decision;
- d. cancellation of a trade mark registration in compliance with Article 28 of the present Law;
- e. dissolution (death) of the owner of the trade mark;
- f. transformation of a trade mark, on the basis of the court decision according to the application of any person, into the trade mark of wide application to be put on the certain types of goods;
- g. registration of appellation of origin of goods that nearly resemble or cause confusion with the trade mark given the requirements specified in the third part of Article 40 of the present Law;
- h. abandonment of a trade mark on the part of its owner;

In the event of the expiration of a trade mark registration in compliance with the first part of the present Article (save Clause d.) the trade mark shall be registered only in the name of the former owner or his legal successor within a period of 3 years from the date of cancellation of a trade mark registration.

PART II

APPELLATION OF ORIGIN

Chapter VII

Appellation of Origin Legal Protection

Article 30

Appellation of Origin

An appellation of origin of the goods (hereinafter appellation of origin) implies the appellation of a country, settlement or geographical place (hereinafter geographical place), and shall be used for the goods, the distinctive characters of which are contingent exclusively or mainly on climatic conditions and/or human factors of the given geographical place.

The appellation of origin may be the historical name of a geographic name.

The name that is or contains a name of geographical place, by virtue of being widely used in the Republic of Armenia as an expression not associated with the production place of a certain type of goods, shall not be considered the appellation of origin.

Article 31

Legal Protection of Appellation of Origin

The legal protection of the appellation of origin shall be ensured on the basis of its registration in compliance with the procedure established by the present Law or International Treaties signed on behalf of the Republic of Armenia.

The appellation of origin shall be protected by the Legislation.

The appellation of origin shall be submitted for registration by one or more legal persons, enterprises without the status of legal entity, or individual persons. A legal person, enterprise without the status of legal entity, and individual entrepreneur submitting the application for registration of an appellation of origin shall be granted the right to the use of it, provided his produced goods comply with the requirements of the first part of Article 30 of the present Law.

The right to the use of the appellation of origin registered in compliance with the established procedure may be granted to any legal person, enterprise without the status of legal entity, and individual entrepreneur located in the same geographical place and producing identical goods.

Registration of appellation of origin shall be valid for unlimited period of time.

Chapter VIII

Registration of Appellation of Origin

Granting the Right to the Use of It

Article 32

Application for Registration of Appellation of Origin

Right to the Use of it

An application for the registration of an appellation of origin and the right to the use of it, or for the right to the use of already registered one (hereinafter application) shall be submitted to the State authorised body by the legal person, enterprise without the statues of legal entity , and individual entrepreneur (hereinafter applicant) that is desirous of obtaining the right to the use of it.

The application may be submitted in accordance with the procedure stipulated by the second part of Article 6 of the present Law in compliance with the requirements established in the third, fourth and fifth Parts.

The application shall concern only one appellation of origin and content:

- a. an application for the registration of an appellation of origin and the right to the use of it, or for the right to the use of already registered appellation of origin, where the applicant/applicants and his/their legal address or residence shall be indicated;
- b. submitted appellation of origin;
- c. the name of goods for which the registration of an appellation of origin and the right to use of it or the right to the use of already registered appellation of origin is requested, including the name of production place of goods (boundaries of geographical place).

The following documents shall be attached to the application:

- a. For a domestic applicant:
certificate granted by the local administrative body to a domestic applicant, confirming that he resides in the given geographical place and produces the goods distinctive characters of which are contingent on climatic conditions and/or human factor of the given geographical place;
- b. For a foreign applicant:
document certifying the right to the use of an appellation of origin in the country of origin of goods;

- c. Receipt of fee payment in the specified size for the submission and consideration of an application;
- d. Document (power of attorney) certifying the cognisance of an attorney, where the application is submitted through the attorney.

The application shall be submitted in Armenian. The application documents may be submitted in other languages. In the latter case the applicant shall submit their Armenian translation to the State authorised body within a period of 2 months from the date of application.

The requirements for application documents shall be established by the State authorised body.

Article 33

Application Examination

The examination of an application including the consideration of the former and submitted appellation of origin shall be carried out by the State authorised body.

The applicant shall have the right to introduce, on his initiative, additional data, amendments and specifications into the application materials from the date of application through the date of decision making.

Should the additional material substantially affect the identity of the appellation submitted, the above materials shall not be accepted for consideration and may be executed as an independent application by the applicant.

Pending examination the State authorised body may request that the applicant submit additional materials, without which the examination shall be deemed impossible. The additional materials shall be submitted within a period of 2 months since the date of request.

In compliance with the request of the applicant the above period may be extended for no longer than 6 months, provided the relevant application has been submitted before the expiration of the above period. Should the applicant fail to submit the required materials within a specified period, the application shall be considered withdrawn.

The State authorised body shall carry out preliminary examination of an application within a month period from the date of application. In the event of request in compliance with the fourth part of the present Article the above period shall be suspended till the date of response.

Pending preliminary examination shall be verified the form of application, availability of required documents, as well as their compliance with the established requirements. The applicant shall be notified of the acceptance or refusal of the application on the basis of the results of preliminary examination.

Consideration of a submitted appellation of origin shall be carried on the basis of an accepted application, pending which shall be verified the compliance of the submitted appellation of origin with the requirements established in Article 30 of the present Law.

On the basis of consideration the State authorised body shall arrive at a decision on granting or refusing the right to the registration and use of an appellation of origin, or granting or refusing the right to the use of already registered appellation of origin.

In the event of refusal the applicant shall be entitled to submit an application for reconsideration within a period of 2 months, providing well-ground reasons.

In compliance with the request of an applicant the above period may be extended for no longer than 6 months, provided the relevant application has been submitted before the expiration of the above period.

In compliance with the request of an applicant the application may be withdrawn at any stage of examination.

Article 34

Appeal against Examination Decision

Renewal of Period Exceeded by Applicant

Should the applicant not comply with the examination decision, he shall be entitled to lodge a complaint to the Council of Appeal of the State authorised body within a period of 3 months from the date of decision making. The complaint shall be considered in accordance with the procedure established by the State authorised body.

Should the applicant not comply with the decision of the Council of Appeal, he shall be entitled to appeal to the court within a period of 6 months.

The period of time specified by the third part of Article 30 and the first part of the present Article of the present Law and exceeded by the applicant may be renewed by the State authorised body within a period of 3 months from the date of expiration, in compliance with the request of applicant, provided the payment of established fee.

Article 35

Registration and Granting the Certificate for the

Right to the Use of Appellation of Origin

On the basis of a decision on the registration of an appellation of origin and having been provided the receipt of fee payment in the specified size, the State authorised body shall register the appellation of origin in the State Register of appellation of origin of goods of the Republic of Armenia (hereinafter Register) within a month period.

In the Register shall be entered an appellation of origin, data on the owner of the certificate for the right to the use of an appellation of origin (hereinafter certificate), the type of the goods for which the given appellation of origin is registered, description of its distinctive characters, as well as the data specified by the State authorised body concerning the registration and granting the right to the use of an appellation of origin, information on the extension of certificate validity, and all further amendments of the aforementioned data.

The State authorised body shall grant a certificate for the right to the use of an appellation of origin within a month period from the date of registration in the Register.

The certificate form and the data to be defined in it shall be specified by the State authorised body.

Article 36

Validity Period of Certificate for the

Right to the Use of Appellation of Origin

A certificate for the right to the use of an appellation of origin shall be valid till the expiration of 10 years from the date of application.

In compliance with the application of the certificate owner to be submitted during the last year of validity period, the validity of registration may be extended for next 10 years, provided the certificate confirming the residence of the certificate owner and the production of the goods, specified in the certificate, in the given geographical place has been granted by the Regional Administration body and attached to the application.

Validity of registration may also be extended in accordance with the application of the certificate owner submitted over a period of 6 months from the date of expiration of validity of the certificate, provided the payment of additional fee.

The State authorised body shall enter the data on extension of validity period into the Register, and into the certificate if requested by the certificate owner.

Article 37

Introduction of Amendments into the Register

The owner of the certificate shall advise the State authorised body of the changes in his name, as well as in the right to the registration and use of an appellation of origin.

The amendments in the Register and certificate shall be introduced in compliance with the application of the certificate owner, provided the payment of established fee.

Article 38

Publication of Information on Granting the

Right to the Registration and Use of Appellation of Origin

The State authorised body shall publish within a period of 6 months from the date of registration the data on an appellation of origin and information entered into the Register in compliance with Article 35 of the present Law (except data on distinguishing characteristics of the goods) in the official bulletin.

Article 39

Registration of Appellation of Origin

In Foreign States

Any legal person, enterprise without the statues of legal entity, and individual entrepreneur of the Republic of Armenia shall be entitled to register an appellation of origin in foreign states.

An application for registration of an appellation of origin shall be submitted to a foreign state after obtaining the registration and the right to the use of it in the Republic of Armenia.

Chapter IX

Use of Appellation of Origin

Article 40

Use of Appellation of Origin

Application of appellation of origin on the goods and packing, in advertisements, written notifications, bills, formal papers, as well as on other documents associated with bringing the goods into economic circulation shall be considered the use of an appellation of origin.

The use of registered appellation of origin by the persons not possessing the relevant certificate shall be prohibited, even the right appellation of origin of goods is indicated, or the appellation of origin is used in translation or in combination with the expression like “kind”, “type”, “identity ” and others, as well as the use of similar trade mark on any goods that may mislead the consumer with respect to the appellation of origin and distinguishing characteristics of the goods.

The appellation of origin may be used by the owner of the trade mark, that nearly resemble or cause confusion with it, within a period of 3 years from the date of registration of appellation of origin, provided it has been registered not less than 6 months before the date of registration of appellation of origin.

The owner of the certificate shall not be entitled to assign the right to the use of an appellation of origin to other persons.

Article 41

Warning Inscription

The owner of the certificate may place beside the appellation of origin a warning inscription presented as “registered appellation of origin of goods” or “rest. AOG”, that certifies the registration of the given appellation of origin in the Republic of Armenia.

Chapter X

Cessation of Legal Protection of Appellation of Origin

Article 42

Invalidation of the Registration and Certificate for the Right to the Use of Appellation of Origin.

Registration of an appellation of origin may be considered invalid should it has been effected by violation of the requirements established by the present Law.

The certificate for the right to the use of an appellation of origin may be considered in valid should it has been granted by violation of the requirements established by the present Law.

Any person may lodge a compliant for reasons stipulated by the first and second parts of Article 30 and the third and fourth parts of Article 31 of the present Law to the Council of Appeal against the registration and granting the certificate for the right to the use of an appellation of origin. The compliant shall be considered in compliance with the procedure established by the State authorised body.

The notice of appeal from a decision of the Council of Appeal may be given in due course of law within a period of 6 months from the date of decision making.

Article 43

Expiration of Registration Period and Certificate for the Right to the Use of Appellation of Origin

The State authorised body shall considered the registration period of appellation of origin expired, where:

- a. the registration period has been considered invalid in compliance with Article 42 of the present Law;
- b. The conditions typical of the given geographical place no longer exist and the production of the goods with the characteristics specified in the Register in no longer possible;

The registration of an appellation of origin in the name of individual entrepreneurs residing outside the territory and foreign legal persons, apart from the aforementioned reasons, shall be considered expired also when they have lost the right to the use of the given appellation of origin in the country of origin of goods.

The State authorised body shall considered the appellation of origin expired, where:

- a. the certificate of appellation of origin has been considered invalid in compliance with Article 42 of the present Law;
- b. the goods have lost the distinguishing characteristics of the goods of the given appellation of origin that are specified in the State Register;
- c. registration of an appellation of origin has been considered expired in compliance with the first part of the present Law;

- d. dissolution (death) of the certificate owner;
- e. the certificate owner has submitted the application for abandonment of the certificate to the State authorised body.

PART III

FINAL PROVISIONS

Article 44

State Taxes

Taxes, the type, size and payment procedure of which is established by Legislation shall be collected for the registration of a trade mark, registration of an appellation of origin, or certificate for the right to the use, as well as other relevant activities of legal importance.

Article 45

Settlement of Disputes Arising from the Enforcement of the Present Law.

The disputes arising from the enforcement of the present Law shall be settled in due course of law including those that concern:

1. Infringement of the exclusive right to the trade mark;
2. Conclusion and implementation of a license agreement as well as agreement on assignment of a trade mark;
3. Unlawful use of an appellation of origin.

Article 46

Responsibility for Unlawful Use of Trade Mark and Appellation of Origin

The use of a trade mark or a mark, resembling it to the extent of confusion, for the identical goods, as well as the use of an appellation of origin or a mark, resembling it to the extent of confusion, for any types of goods, that contravenes the third part of Article

4 and the second and third parts of Article 40 of the present Law, shall involve the responsibility in accordance with the procedure established by the Legislation of the Republic of Armenia.

In the event of unlawful use of a trade mark, the protection of civil rights, apart from the termination of unlawful use and demand for compensation for damage, shall be ensured through the following ways:

- a. promulgation of decision of a court on the part of the violator in order to restore the copyright of the aggrieved party;
- b. removal of an unlawfully used trade mark or a trade mark resembling to the extent of confusion the first one from the goods or their packing on the part of the violator, as well as extermination of markings produced for a trade mark or a trade mark resembling to the extent of confusion the first one.

A legal person, enterprise without the statues of legal entity, and individual entrepreneur that has unlawfully used the registered appellation of origin or a mark resembling it the extent of confusion, in compliance with the demand of the certificate owner, public organisation or prosecutor shall be obliged to:

- a. terminate the use of the aforementioned and pay compensation for damage caused to all aggrieved parties, as well as transfer to the local budget the sum in the amount of profit earned through unlawful use of an appellation of origin less the amount of compensation to be paid;
- b. promulgate a decision of the court in order to restore the copyrights of the aggrieved party;
- c. remove from the goods or their packing an unlawfully used trade mark or a mark resembling it to the extent of confusion (requisite of representation), or expunge markings produced for an appellation of origin or a mark resembling it to the extent of confusion (requisite of representation).

A person applying a warning inscription for an appellation of origin or a trade mark not registered in Republic of Armenia shall incur the responsibility in compliance with the procedure established by the Legislation of the Republic of Armenia.

Article 47

Rights of Foreign Individual Entrepreneurs and Legal Persons

In compliance with the International Treaties signed on behalf of the Republic of Armenia or on the basis of reciprocity foreign individual entrepreneurs and legal persons shall enjoy the rights determined by the present Law and incur the same responsibility as individual entrepreneurs, legal persons and enterprises without the statues of legal entity of the Republic of Armenia.

The right to the registration of an appellation of origin shall be granted to individual entrepreneurs and legal persons of those states that on the basis of reciprocity grant the same right to legal persons, enterprises without the statues of legal entity , and individual entrepreneurs of the Republic of Armenia.

Article 48

International Treaties

In the event of divergence of the standards established by the International Treaties signed on behalf of the Republic of Armenia from those stipulated by the present Law the standards of the International Treaties shall prevail.

Article 49

Introduction of Amendments into the Law on “Enterprises and Entrepreneur Activities” and “Non-profit Organisations” of the Republic of Armenia

1. Article 43 of the Law on “Enterprises and Entrepreneur Activities” and “Non-profit Organisations” of the Republic of Armenia shall be set forth as follows:

“Article 43. Trade Mark of an Enterprise

An enterprise possesses a trade mark (trade marks), the registration, use and legal protection of which is ensured in compliance with the procedure established by Law.”

2. Article 8 of the Law on “Non-profit organisations” of the Republic of Armenia shall be set forth as follows:

“Article 8. Trade mark of non-profit organisation

Non-profit organisation possesses trade mark (trade marks), the registration, use and legal protection of which is ensured in compliance with the procedure established by Law.”

Article 50

Transitional Provisions

Registration of a trade mark, that have been registered before the date of coming into force of the present Law, shall remain valid.

Examination of trade marks, the applications for which have been submitted to the State authorised body before the date of coming into force of the present Law, and that are currently under consideration shall be carried out in compliance with the requirements established by the present Law.

The sixth part of Article 22 of the present Law shall come into force in 6 months after the date of coming into force of the Present law.

President of the Republic of Armenia

L. Ter-Petrosian.

