

**THE LAW
OF THE
REPUBLIC OF ARMENIA**

**ON TRADEMARKS AND SERVICE MARKS,
APPELLATIONS OF ORIGIN OF GOODS**

*Adopted by the National Assembly
20 March, 2000
Upon the proposition of the President of the RA*

This law regulates relations connected with registration, legal protection and use of trademarks and service marks, appellations of origin of goods.

**PART ONE
TRADEMARKS AND SERVICE MARKS**

CHAPTER 1.

**TRADEMARKS AND SERVICE MARKS, THEIR LEGAL
PROTECTION**

Article 1. Trademarks and service marks

Trademarks and service marks (hereinafter, trademark) are the signs, by which the goods and services, respectively, of one legal entity or an individual entrepreneur are distinguished from similar goods and services (hereinafter, goods) of other legal entities and individual entrepreneurs.

Article 2. Legal protection of trademarks

Legal protection of trademarks in the Republic of Armenia shall be carried out on the basis of state registration of a trademark according to the procedure defined by this law (hereinafter, registration), or according to international treaties of the Republic of Armenia.

The right to a trademark shall be protected by the law.

Article 3. Registration certificate of a trademark

1. The trademark may be registered in the name of a legal entity or an individual entrepreneur.

2. A registration certificate of a trademark (hereinafter, trademark certificate) shall be given to the owner of the registered trademark.

3. The trademark certificate shall attest the fact of registration of a trademark, its priority, as well as the exclusive right of using the trademark in respect to the goods specified in the trademark certificate.

Article 4. The exclusive right to a trademark

1. The exclusive right to the trademark shall accrue from the time of its registration.

2. The owner of the trademark has the exclusive right to possess, to use, and to dispose of it, as well as to prohibit the use of it by other persons. Without the permission of the owner of a trademark, no one has the right to use a trademark protected in the Republic of Armenia.

3. The owner of a registered trademark has the exclusive right to prevent third persons from ~~the~~ manufacture, application, import, sale or offering for sale, as well as putting into economic turnover in other way of the trademark or goods designated by it, or stocking of the goods designated by that mark or of the trademark for the same purpose, and the carrying out of actions defined by paragraphs 1 and 2 of the Article 22 of this law, in the course of commercial activity, without his permission, if that trademark is identical or confusingly similar to his trademark and is applied in respect of such goods:

a) for which his trademark is registered;

b) which are similar to the goods for which the trademark is registered;

4. It shall be prohibited to use in the course of commercial activity any mark, which is the reproduction, imitation or translation of a mark that is confusingly similar to a trademark considered to be well-known in the Republic of Armenia in respect of certain goods in, and is used without the permission of it's the latter's owner:

a) in respect to the same or similar goods;

b) in respect to dissimilar goods, ~~that~~ which confusingly compels to imply a connection between these goods and the owner of the well-known trademark, provided that such use may damage the interests of the latter.

5. These provisions shall also extend to cases where the essential part of the mark is the reproduction or the confusingly resembling imitation of such a well-known trademark.

6. If the trademark is registered in the Republic of Armenia, in the name of an attorney or a representative of the owner of a trademark which is protected in one of the member states of the Paris Convention on Protection of Industrial Property (hereinafter, Paris Convention) without the consent of the owner, the latter shall have the right to prohibit the use, without his/her permission, of that trademark by the attorney or the representative, unless the attorney or the representative fails to submit proofs justifying his actions.

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Article 5. Types of trademark

1. ~~The verbal~~ Verbal (including words, numerals, letters, names), figurative, three-dimensional, sound and other signs capable of being represented graphically or their combination can be registered as a trademark.

2. A trademark can be registered in any color or color combination.

CHAPTER 2 REGISTRATION OF A TRADEMARK

Article 6. Application for registration of a trademark

1. The application for registration of a trademark (hereinafter, application) shall be filed with the Patent Office of the Republic of Armenia (hereinafter, Office) by a legal entity or an individual entrepreneur (hereinafter, to the end of this part, applicant) in whose name the registration of trademark is sought.

2. The application may also be filed through a patent attorney registered in the Office.

3. Foreign legal entities and individual entrepreneurs shall deal with the registration of trademarks through patent attorney registered with the Office. The authority of a patent attorney shall be validated by a power of attorney given by the person in ~~whose~~ the name of whom the registration of trademark is sought.

4. The procedure of qualification and registration of patent attorneys shall be determined by the Office.

5. The activity of the patent attorneys shall be regulated by the charter (statute) approved by the Government of the Republic of Armenia.

6. The application shall pertain to one trademark and contain:

a) a request for registration of the trademark, ~~where~~ in which the applicant and his/her place of location or residence shall be mentioned;

b) a representation of the filed mark and its description;

c) a list of goods, grouped according to the classes of the International Classification of Goods and Services, in respect of which registration of the mark is sought.

7. The application shall be accompanied by:

a) a receipt confirming the payment of the duty in the prescribed amount for filing an application and for carrying out the examination;

b) a charter (statute) of the collective mark, if an application for a collective mark is filed;

c) a document (power of attorney) confirming the authority of the patent attorney, if the application is filed through him.

8. The application shall be filed in Armenian. The documents attached to the application may be submitted in another language. In this case, the applicants of the Republic of Armenia shall be required to submit the Armenian translation thereof together with the application, and the foreign applicants – within two months from the filing day of the application.

9. Requirements to the application documents shall be determined by the Office.

Article 7. Priority of the trademark

1. The priority of a trademark shall be determined by the filing year, month and day (hereinafter, date) of the application to the Office.

2. The priority of a trademark may be determined by the filing date of the first application to any member state of the Paris Convention (Convention priority),

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provided that the application has filed with the Office within six months following that date.

3. The priority of a mark affixed to the exhibits displayed in official or officially recognized international exhibitions in the territory of a Paris Convention member state may be determined by the starting date of the open display of the exhibit at the exhibition (exhibition priority), if the application is filed with the Office within six months following that date.

4. The applicant who wishes to enjoy the rights of Convention or exhibition priority, shall be required to state such fact on filing the application or within two months following the day of submitting the application to an authorized state body, attaching the documents confirming the right of that claim, or ~~shall to~~ submit those documents to the Office within three months following the filing date of the application.

5. The priority of trademark may be determined by the date of priority of an internationally registered trademark, according to the international treaties of the Republic of Armenia.

6. If the examination reveals that the identical or confusingly similar marks, filed for the registration for the list of fully or partially resembling goods, have the same date of priority, then according to the agreement entered into between the applicants, the mark for resembling goods (or one of the confusingly similar marks) may be registered in the name of one of them.

In case of disagreement between the applicants on the issue of registration of a mark for resembling goods within six months following the day of receiving the notification about it from the Office, the applications shall be considered withdrawn in parts of resembling goods.

Article 8. Examination of the application

1. The examination of the application, ~~which includes including~~ preliminary examination and examination of the filed mark, shall be carried out by the Office.

2. Within two months following the filing day of the application, before making a decision thereon, the applicant shall have the right, on his initiative, to make additions, amendments and corrections in the application materials.

3. During the examination, before ~~the~~ making a decision on the registration of the trademark, the applicant shall have the right ~~to of file~~ filing a request about the change of the applicant of the given application.

4. If the additional materials essentially alter the mark submitted for the registration, or if in the list of goods stated in the application ~~dissimilar goods~~ have ~~been~~ included ~~dissimilar goods~~, those materials shall not be taken into consideration and may be couched by the applicant as a separate application.

5. During the examination, the Office may require ~~additional materials~~ from the applicant ~~additional materials~~ without which conducting the examination is impossible. The additional materials shall be submitted within two months following the date of receiving the inquiry therefor.

6. At the applicant's request the mentioned time period may ~~not~~ be extended for ~~not~~ more than six months, if the request on extending the time period has received before the termination of the above-mentioned two-month period. In case of failure to submit the required materials within the defined time period, the application shall be considered withdrawn and the applicant shall be notified thereof.

7. The application may be withdrawn at the applicant's request at any stage of the examination.

Article 9. Preliminary examination

1. Preliminary examination of the application shall be carried out within a month following the day of the submission of the application. In case of sending an inquiry according to paragraph 5 of the Article 8 of this law, the course of the mentioned time period shall be discontinued until the receipt of the reply.

2. During the preliminary examination, ~~shall be verified~~ the composition of the application, the availability of necessary documents, as well as their compliance with the defined requirements shall be verified. On a base of results of the preliminary examination, the applicant shall be notified on the acceptance or the non-acceptance of the application for examination.

3. In case of acceptance of the application for the examination, the applicant shall be notified on the filing date of the trademark.

Article 10. The examination of the filed mark

1. The examination of the filed mark shall be carried out within six months following the end of the preliminary examination. During the examination shall be determined the priority of the trademark and verified the correspondence of the filed trademark at least to the requirements defined in the Article 11 and in paragraph 1 of the Article 12 of this law.

2. On the basis of the examination, results shall be made a decision to register the filed mark as a trademark or to refuse the registration.

3. Within the period of two months following the date of receiving the decision on refusing the registration of a mark the applicant may appeal with a request for a re-examination, providing substantiated arguments.

4. At the request of the applicant, the mentioned time period may not be extended ~~not for~~ more than ~~for~~ six months if the request for the extension of the time period has been received before the termination of the above-mentioned two months period ~~of two months~~.

5. The decision of the examination on registration of a mark may be reviewed by the Office owing to the receiving of an application of an identical or confusingly similar mark for similar goods enjoying an earlier priority or the registration of an appellation of the origin of goods.

Article 11. Absolute grounds for refusal of registration of a trademark

1. A trademark shall not be registered if it consists only of such signs ~~that~~which:

- a) are devoid of distinguishing characteristic;
- b) are armorial bearings, flags and emblems of state, official names of states, full or abbreviated names of international organizations, official symbols, official control, guarantee brands and hallmarks, seals, rewards and other distinguishing signs or signs which confusingly resemble with the mentioned ones. Such signs may be incorporated in a trademark as unprotected elements with the consent of their owner or a relevant authorized body;

c) have ~~came~~ come into general use as marks specifying goods of a specific type;

d) are symbols and terms, which have obtained a general acknowledgement;

e) designate the type, quality, quantity, characteristics, value, and purpose of creation of goods, as well as the place and time of production and distribution thereof;

f) exclusively represent the goods' shape, which:

- results from the nature of the goods themselves,

- is necessary for achieving any technical result,

- gives substantial value to the goods.

2. The signs, stated in subparagraphs "a"-"f" of paragraph 1 of this law, may be incorporated in the trademark as unprotected elements, provided they do not constitute the predominant part of it.

3. Signs likewise cannot be registered as a trademark if they constitute or comprise:

a) false or misleading the consumer information on the goods or the producer;

b) geographical indications and are submitted for registration with respect to such goods which did not originate in the place indicated by the given geographical indication, if the use of that geographical indication misleads the consumer as to the true place of origin of goods;

c) geographical indications identifying wines for wines which did not originate in the place ~~indicated~~ by the given geographical indication, or a geographical indication identifying spirits for spirits which did not originate in the place indicated by the given geographical indication, even where the true origin of the goods is indicated, or the geographical indication is used in translation, or accompanied by expressions such as "kind", "type", "style", "imitation" and the like.

4. Signs likewise cannot be registered as a trademark if they conflict with the public interests, principles of humanity and morality, rules of ~~the~~ unfair competition repression (customs of commerce).

5. The requirements of subparagraph "e" of paragraph 1 of this Article with respect to the place of production of the goods (geographical indication), shall not apply to the collective marks being registered according to the Article 21 of this Law.

Article 12. Other grounds for refusal of registration of a trademark

1. Signs identical or confusingly similar to the following cannot be registered as trademarks:

a) a trademark already registered in the name of another person or submitted for registration with an earlier priority in the Republic of Armenia, for ~~the~~ identical or similar goods;

b) trademarks of ~~another~~ persons ~~being~~ protected without registration for the identical or similar goods, according to international treaties of the Republic of Armenia;

c) trademarks being considered well-known in the Republic of Armenia for the identical or similar goods, which are determined by the Office;

d) an appellation of origin of goods being protected by the law of the Republic of Armenia, except ~~in~~ cases when it is incorporated as an unprotected element in a trademark registered in the name of persons entitled to use the appellation of origin;

e) certification marks registered under the defined procedure.

2. ~~Signs likewise shall~~ Shall not also be registered as trademarks signs, which reproduce the following:

a) trade names (or parts of them) belonging to ~~the~~ known in the Republic of Armenia and other persons, if the right to them was obtained by them before the filing date of the trademark application for similar goods;

b) industrial designs with an earlier priority, the rights ~~of~~ disposal of which in the Republic of Armenia belong to other persons;

c) titles of works of science, literature and art, well-known in the Republic of Armenia, or quotations ~~from these them~~ without the consent of their authors or their heirs;

d) names, surnames, pseudonyms and derivatives thereof, portraits and facsimiles of famous persons, without the permission of those persons, their heirs or the permission given by the procedure defined by the Government of the Republic of Armenia.

3. For the recognition of a trademark as well-known in the Republic of Armenia according to the requirement of subparagraph "c" of paragraph 1 of this Article, the fact of the knowledge of the trademark in the relevant sector of the public owing to the use of the given trademark in good faith in a member state of the Paris Convention or to the promotion of it in the Republic of Armenia, shall be taken into account.

4. The provisions of subparagraphs "a"-"c" of paragraph 1 of this Article shall also apply to the trademarks which were submitted for registration for dissimilar goods, if it may mislead the consumer and cause to infer a connection between those goods and the registered or being protected without registration or considered to be well-known in the Republic of Armenia trademark owner, provided that it may damage the interests of the latter.

5. The provisions of paragraph 1 of this Article shall not apply to the homonymous geographical indications identifying wines, if they are accompanied by relevant distinguishing additions, provided that the requirements of subparagraph "b" of paragraph 3 of the Article 11 of this law are observed.

Article 13. Appealing the decision of the examination and reinstatement of time periods omitted by the applicant

1. In case of disagreement with the decision of the preliminary examination or re-examination the applicant has the right, within three months following the day of its receipt, to file an appeal with the Appeals Board of the Office (hereinafter, Appeals Board).

2. The Appeals Board shall consider the appeal under the procedure approved by the Office.

3. In case of disagreement with the preliminary examination, the re-examination or the decision of the Appeals Board the applicant has the right to appeal to the court under the procedure defined by the law.

4. The applicant shall have the right to familiarize himself with the materials noted in the decision of the examination. The applicant may demand the copies of these materials within a month following the day of receipt or similar of the decision.

5. The Office may reinstate the time period defined by paragraphs 3 and 6 of Article 8 of this law and paragraphs 1 and 3 of this Article and omitted by the

applicant, within three months after the expiration thereof, according to the request filed by the applicant and in case of payment of the prescribed duty.

Article 14. Registration of a trademark

On the basis of the decision on the registration of a trademark, after receiving the receipt on the payment of the prescribed duty, the Office, within a month, shall register the trademark in the State Register of the Republic of Armenia for the registration of trademarks (hereinafter, till the end of this part, Register). The trademark, the information on its owner, the priority date and the registration date of the trademark, the list of the goods for which the trademark is registered, and other information specified by the Office, as well as their further modifications shall be recorded in the Register.

Article 15. Delivery of a trademark certificate

The trademark certificate shall be delivered by the Office within a month from the day of registration of a trademark in the Register. The Office shall determine the form and the list of ~~an~~ information to be mentioned in the certificate

Article 16. The term of validity of the registration of the trademark

1. The registration of the trademark shall be valid up to the expiration of 10 years from the filing date of an application with the Office.

2. The term of validity of the registration of the trademark may be prolonged multiple times for ten-year periods. The term of validity of registration of the trademark shall be prolonged based on the request of its owner, which shall be filed during the last year of the current term of validity of the registration.

3. The term of validity of the registration may be prolonged also according to the request of the owner of the trademark, which has been filed within six months after the expiration of the term of validity of the registration of the trademark, in case of paying an additional duty.

4. The Office shall make an entry in the Register on prolonging the term of validity of the registration of the trademark, and in the trademark certificate, upon the request of its owner.

Article 17. Making modifications in the register

1. The owner of the trademark shall notify the Office about the changes in his denomination or surname, name and patronymic, reduction of the list of the goods for which the trademark has been registered, changing of separate elements of the trademark without changing its essence and about other modifications in respect of the registration of the trademark.

2. The modifications in the Register and in the trademark certificate shall be made upon the request of the trademark owner, in case of payment of the prescribed duty.

Article 18. Publication of the information on the registration

The Office shall publish the information on the registration of the trademark and those stipulated by the Article 14 of this Law in its Official Bulletin within three months from the day of ~~the~~ registration.

Article 19. Registration of a trademark in foreign states

1. The legal entities and individual entrepreneurs of the Republic of Armenia shall have the right to register the trademark in foreign states or carry out an international registration thereof.

2. The application for the international registration of a trademark shall be filed through the Office.

CHAPTER 3 COLLECTIVE MARK

Article 20. Collective mark

1. The trademark of any business partnership, which is designed for designating the goods having unified qualitative or other common characteristics that are produced and (or) realized by them shall be deemed a collective mark.

2. The collective mark and the right to use it shall not be transferred.

Article 21. Registration of the collective mark

1. The application for the registration of the collective mark shall be accompanied by the Charter (statute) of the collective mark, which contains the denomination of the business partnership, the denomination of the legal entity authorized to register the collective mark in its name, the list of ~~the~~ legal entities entitled to use the given mark, the purpose of the registration, the list of the goods designated by the collective mark and their unified qualitative and other common characteristics, the conditions for using the collective mark, the procedure of controlling the use, liability for infringing the Charter of the collective mark.

2. In addition to the information specified by the Article 14 of this Law, the information on the legal entities entitled to use the collective mark shall also be mentioned in the Register. This information, as well as the excerpt from the Charter on the goods having unified qualitative or other common characteristics, for which the given collective mark is registered, shall be published in the Official Bulletin of the Office.

3. The owner of the collective mark shall inform the Office about making modifications in the Charter of the collective mark.

4. In case of using a collective mark for goods having no unified qualitative or other common characteristics, upon the request of any person, the validity of the registration may be prematurely ceased in whole or in part.

5. Under the procedure defined by the Office, the collective mark or the application for it may be transformed accordingly into a trademark or an application for a trademark of a legal entity or an individual entrepreneur and vice versa.

CHAPTER 4.

THE USE OF THE TRADEMARK

Article 22. The use of the trademark and the consequences of not using it

1. The placement of a trademark on the goods for which the trademark has been registered and (or) on their packaging shall be considered the use of a trademark.

2. The application of a trademark in advertisements, publications, as well as in official forms (letterheads), signboards while displaying exhibits in exhibitions and fairs, ~~being~~ organized in the Republic of Armenia, shall also be considered the use of a trademark, only in cases, when the application of the mark on goods and their packaging is impossible, ~~shall also be considered the use of a trademark~~.

3. Legal entities and individual entrepreneurs carrying out a mediatory activity may, on a contractual basis, use their trademark jointly with or instead of the trademark of the producer of the goods.

4. Upon a request of any person, the validity of the registration of the trademark may, by the court decision, be prematurely ceased in respect of all the goods for which it has been registered or a part thereof, if during the five years following the date of registration of the trademark or preceding the request, it has not been uninterruptedly used by the owner of the trademark or in accordance with the Article 26 of this Law, by the person possessing that right pursuant to a licensing contract.

5. The validity of the registration of the trademark may not be ceased in respect of all the goods or a part thereof, if:

a) the owner of the trademark or the person possessing the right to use it submits the arguments that the non-use of the trademark is due to force majeure, unforeseen circumstances;

b) the owner of the trademark or the person possessing the right to use it has used the trademark in ~~such~~ a form, which differs from that of the registered one, only by separate elements not altering its distinguishing nature;

c) the trademark in the Republic of Armenia has been affixed on the goods and (or) their packaging solely for export purposes.

6. Pharmaceutical, food and certain industrial goods and varieties, as well as alcoholic and non-alcoholic drinks and beverages shall be marked (branded) by registered trademarks. The complete list of those goods shall be established by the Government of the Republic of Armenia.

Article 23. Limitations of the rights of the trademark owner

1. The owner of the trademark shall not be entitled to prohibit third persons from using in the course of trade activity:

a) their denomination (name, pseudonym) or address;

b) signs characterizing the kind, quality, quantity, value, purpose of the creation (rendering) and other features of the goods, as well as signs characterizing the place and time of the production and realization (rendering) of the goods;

c) the trademark, if it is necessary to indicate the purpose of the creation (rendering) of the goods, in particular as accessories or spare parts;

provided they are used without prejudice to the legitimate interests of the trademark owner, of third persons, and without misleading the consumer.

2. The owner of the registered trademark shall not be entitled to prohibit the use of the given sign by other persons in respect of those goods, which have been put into economic turnover under that designation in any country by the owner of the trademark or with his/her consent, if the characteristics of those goods have not undergone, by natural way or interference, an alteration in the course of marketing thereof.

Article 24. Warning note

The owner of the trademark may place, next to it, a warning note, testifying that the given trademark is registered in the Republic of Armenia, in the form of an encircled letter R or a separate Latin letter R, as well as in the form of the expressions “trademark” or “registered trademark”.

CHAPTER 5. THE TRANSFER OF THE TRADEMARK

Article 25. Assignment of the trademark

The trademark may by contract be assigned to other persons, for all the goods or part thereof, which are set forth in the trademark certificate. The assignment of the trademark shall be allowed, if it may ~~cause~~ **misleading** the consumer as to the good or its producer.

Article 26. The permission for using the trademark

1. The owner of the trademark (licensor) may, on the base of license contract, grant another person (licensee) permission to use the trademark.

2. In the license contract **it** shall be mentioned that the goods of the licensee shall not be of a lower quality than those of the licensor and that the latter shall carry out the control over the performance of that requirement.

3. Permission for the use of the trademark shall not be granted if the latter ~~can~~ **cause may** **misleading** the consumer with regard to the place of the production of the goods.

Article 27. Registration of the contracts on assignment and licensing of the trademark

The contracts on assignment and licensing of the trademark shall be registered with the Office. The non-registered agreement shall be considered invalid.

CHAPTER 6

CESSATION OF THE LEGAL PROTECTION OF THE TRADEMARK

Article 28. Invalidation of the registration of the trademark

1. The registration of the trademark may, during the whole term of its validity, be in whole or in part recognized as invalid, if it has **been** done in violation of the

requirements specified by the Articles 3 and 11 of this Law or has been used in bad faith, particularly in accordance with Article 6^{septies} of the Paris Convention, as well as within five years from the day of publication of the information on the registration of the trademark in the Official Bulletin, owing to the requirements of the Article 12 of this Law.

2. Any natural or legal person may file an appeal to the Appeals Board of the Office ~~an appeal~~ for the invalidation of the registration of the trademark. The Appeals Board shall prosecute the appeal in accordance with the procedure defined by the Office.

3. The decision of the Appeals Board may be contested under the judicial procedure, within six months from the date of making the decision.

4. In accordance with paragraph 1 of this Article, the registration of the trademark may be in whole or in part recognized invalid also on the initiative of the Office, under the procedure defined by it.

Article 29. Cancellation of the registration of the trademark and the re-registration

1. The Office shall cancel the registration of the trademark in the following cases:

a) the term of validity of the registration of the trademark, provided by the Article 16 of this Law, has expired;

b) in accordance with paragraph 4 of the Article 21 of this Law, the registration of the collective mark was prematurely ceased by a court decision, owing to the use of a collective mark for goods having no unified qualitative or other common characteristics;

c) in accordance with paragraph 4 of the Article 22 of this Law, by a court decision the validity of the trademark was prematurely ~~ceased~~ owing to non-use of the trademark;

d) the registration of the trademark has been declared invalid, in accordance with the Article 28 of this Law;

e) the owner of the trademark has been liquidated;

f) upon the request of any person, by a court decision the trademark has been recognized ~~as being~~ transformed into a mark for ~~designation~~ of goods of specific type and obtained general application;

g) in connection with the registration of the ~~appellation~~ of origin of goods identical or confusingly similar to the trademark, taking into account the requirements of paragraph 7 of the Article 41 of this Law;

h) the owner of the trademark has renounced it.

2. In accordance with paragraph 1 of this Article, in cases of cancellation of the registration of the trademark (with the exception of the case stated in subparagraph "d"), within three years from the day of cessation of the validity of the registration, the trademark may not be registered in the name of other persons except for its former owner or its successor in title.

**PART TWO
THE APPELLATION OF ORIGIN OF GOODS**

CHAPTER 7.

**THE APPELLATION OF ORIGIN OF GOODS AND ITS LEGAL
PROTECTION**

Article 30. The appellation of origin of goods

1. The appellation of origin of goods (hereinafter, appellation) is the name of the country, populated area, locality, or another geographical object (hereinafter, geographical object), which is used to designate a good, the specific qualities of which are exclusively or essentially determined by the natural conditions and (or) human factors attributable to the given geographical locality.

2. The appellation may be the historical name of the geographical object.

3. A name, that, constituting or containing a name of a geographical object, is generally used in the Republic of Armenia as a means of expression of a specific type of good not connected with the place of production, shall not be considered the appellation.

Article 31. The legal protection of the appellation

1. The legal protection of the appellation in the Republic of Armenia shall be carried out according to the procedure defined by this Law, on the base of its registration or in accordance with the international treaties of the Republic of Armenia.

2. The appellation is protected by the law.

3. The appellation may be filed for the registration by:

- a) one or several legal entities or individual entrepreneurs, who produce the given product in the locality stated in the application;
- b) organizations protecting consumer rights;
- c) other authorized bodies that has a relation ~~with-to~~ the production of the given goods.

4. The legal entity or the individual entrepreneur that have filed the appellation for registration shall be granted the right to use it, if the good produced by the latter is in compliance with the requirements of paragraph 1 of the Article 30 of this Law.

5. The right to use the duly registered appellation may be granted to any legal entity or individual entrepreneur producing goods with the same characteristics in the same geographical locality.

6. The registration of the appellation shall be valid indefinitely.

7. The name that, ~~while~~ being the name of the geographical object, ~~that is the real place of~~ real origin of the goods, gives the consumer a false idea that the goods

originate in another geographical object of the same (homonymous) name, shall not be liable to legal protection.

8. In case of homonymous geographical indications identifying wines, legal protection shall be granted to each of them, if they contain relevant distinguishing additions, provided that the provisions of paragraph 7 of this Article and the equitable interests of the producers will be observed.

CHAPTER 8.

THE REGISTRATION OF THE APPELLATION AND GRANTING THE RIGHT TO USE

Article 32. The application for the registration of an appellation and the right to its use

1. The application for the registration and (or) the right to use the appellation (hereinafter, application) shall be filed with the Office by the legal entities and (or) individual entrepreneurs specified in paragraph 3 of the Article 31 of this Law (hereinafter, applicant).

2. The application may be filed under the procedure defined by paragraph 2 of the Article 6 of this Law, according to the requirements defined by paragraphs 3-5.

3. The application shall pertain to one appellation and contain:

- a) a request on the registration and (or) the right to use the appellation, in which shall be mentioned the name of the applicant and its/his place of location or residence;
- b) the appellation filed for registration;
- c) indication of goods for which the registration of the appellation and (or) the granting of the right to its use is requested, stating the denomination of the place (geographical object) of the goods production ;
- d) documents clearly identifying the boundaries of the geographical object as to which the appellation is applied;
- e) description of the attributes (principal physical, chemical, microbiological and (or) organoleptic characteristics) of the goods (if necessary, also of the raw material);
- f) ~~if necessary,~~ the description of the specific local methods of the production of the goods, if necessary;
- g) specific details of the marking (branding) related to the appellation.

4. The application shall be accompanied by:

- a) for the applicants of the Republic of Armenia, a reference from the local self-governmental body stating that the applicant is located in the mentioned geographic object and produces goods, the specific qualities of which are exclusively or ~~essentially~~ determined by the natural conditions and (or) human factors ~~attributable~~ to the given geographic object (for the applicants stated in subparagraph (a) of the paragraph 3 of the Article 31 of this law);
- b) for the foreign applicants, ~~the a~~ document, confirming his/her right to use the appellation in the country of origin of the goods;

c) a receipt confirming the payment of the duty in the prescribed amount for filing an application and for carrying out the examination;

d) ~~d~~ the document (power of attorney) confirming the authority of the patent attorney, if the application is filed through him.

5. The application shall be filed in Armenian. The documents attached to the application may be submitted in other languages. In that case, the applicants of the Republic of Armenia shall be required to submit the Armenian translation thereof together with the application, and the foreign applicants within two months from the filing day of the application.

6. The requirements to the application documents shall be determined by the Office

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Article 33. Examination of the application

1. The examination of the application, which includes preliminary examination and examinations of the filed appellation, shall be carried out by the Office.

2. From the filing day of an application with the Office before making a decision thereon, the applicant has the right, on his/her own initiative, to make additions, amendments and corrections in the application materials.

3. If the additional materials alter the essence of the appellation submitted for registration, then those materials shall not be taken into consideration and may be couched by the applicant as an independent application.

4. During the examination, the Office may require from the applicant additional materials, without which conducting the examination is impossible. The additional materials shall be submitted within two months from the day of receiving the inquiry.

5. At the applicant's request the mentioned time period may not be extended for ~~not~~ more than six months, if the request on extending the time period has been received before the termination of the above-mentioned two-month period. In case of failure to submit the required materials within the defined time period the application shall be considered withdrawn.

6. The preliminary examination of the application shall be carried out within a month following the day of the submission of the application to the Office. In case of sending an inquiry according to paragraph 4 of this Article, the course of the mentioned time period shall be discontinued ~~until~~ the receipt of the reply.

7. During the preliminary examination ~~shall be verified~~ the composition of the application, the availability of necessary documents, as well as their compliance with the defined requirements shall be verified. On a base of results of the preliminary examination, the applicant shall be notified on the acceptance or the non-acceptance of the application for examination.

8. An examination of the filed appellation shall be carried out on the application accepted for consideration, during which its compliance with the requirements specified by Article 30 of this Law shall be verified.

9. After the examination, the Office makes a decision on registration or on granting the right to use the appellation, or on rejection of the registration of the appellation and not granting the right to its use, or granting or refusing the right to use the already registered appellation.

10. In case of disagreement with the decision of the examination, the applicant may, within two months from the day of receiving it, appeal with a request

for a re-examination, within two months from the day of receiving it, providing substantiated arguments.

11. The mentioned time period may not, at the applicant's request, be extended for not more than for six months if the request for extension of the time period has been received before the termination of the above-mentioned two-month period of two-month.

12. The application may, at the applicant's request, be withdrawn at any stage of the examination.

Article 34. Appealing the decision of the examination and reinstatement of time periods omitted by the applicant

1. In case of disagreement with the decision of the preliminary examination or re-examination, the applicant has the right, within three months following the day of its receipt, to file an appeal with the Appeals Board. The Appeals Board shall consider the appeal under the procedure approved by the Office.

2. In case of disagreement with the decision of the preliminary examination or re-examination or the decision of the Appeals Board, the applicant has the right to appeal to the court under the procedure defined by the law.

The Office may reinstate the time period, envisaged by paragraphs 4 and 5 of the Article 33 of this Law and paragraph 1 of this Article and omitted by the applicant, within three months after the expiration thereof, according to the request filed by the applicant and in case of payment of the prescribed duty.

Article 35. Grounds for refusal of the registration of the appellation

A name may not be registered as an appellation of origin of goods, if that name:

- a) has been filed for registration by non-incompetent persons;
- b) is non-compliant with the requirements of Article 30 of this Law;
- c) is identical or confusingly similar to an appellation already registered or filed for registration in the Republic of Armenia;
- d) conflicts with the public interests, principles of humanity and morality, or customs of the fair competition (customs of commerce);
- e) may violate the rights (copyright, right to industrial property, etc) of other third persons;
- f) is not protected, cease to be protectedthe protection of which has been ceased, has fallen into disuse in the country of origin;
- g) misleads, particularly in regard to the nature, quality or geographic origin of the goods, even if the appellation is literally true in the sense of the geographic locality of the origin of the goods (in case of homonymous appellations), but gives the consumer a false idea about the goods originating from another geographical object. In case of homonymous names, the appellation may be registered if the label (mark, brand) clearly and visibly expresses any distinguishing element excluding the possibility to misleading the consumer, for example the name of the country or district (region) of origin.

Article 36. Registration of the appellation and delivery of the certificate of the right to its use

1. On the basis of the decision on the registration of an appellation, after receiving the receipt on the payment of the prescribed duty, the Office, within a month, shall register an appellation in the State Register of the Republic of Armenia for the registration of appellations of origin of goods (hereinafter, register). The appellation, information on the owner of the certificate of the right to its use (hereinafter, certificate), the indication of the goods for which the given appellation is registered, the description of its specific qualities, other information on the list defined by the Office, which relate to the registration of the appellation and granting of the rights to its use, as well as further modifications of those data shall be recorded in the register.

2. The certificate shall be delivered by the Office within one month from the date of registration of the appellation in the register.

3. The Office shall determine the form of the certificate and the list of an information to be mentioned in it.

Article 37. The term of validity of the certificate of the right to use the appellation

1. The certificate shall be valid up to the expiration of 10 years from the filing date of an application with the Office.

2. The term of validity of the certificate may, upon the request of its owner, be prolonged multiple times, for ten-year periods, if the request is attached by references of the relevant competent bodies as to the location of the certificate owner in the given geographical locality and to the producing goods with the qualities stated in the certificate. The application for prolonging the term of validity of the certificate shall be filed during the last year of its current term of validity.

3. The term of validity of the certificate may be prolonged also according to the request of its owner, which has been filed within six months after the expiration of the term of validity of the certificate, in case of paying an additional duty.

4. The Office shall make an entry in the register on prolonging the term of validity of the certificate, and upon the certificate owner's request, in the certificate.

Article 38. Making modifications in the register

1. The certificate owner shall notify the Office about the changes in his/her denomination or surname, name and patronymic, as well as the modifications in respect of the registration of the appellation and the right to its use.

2. The modifications in the register and in the certificate shall be made according to the request of the certificate owner, in case of payment of the prescribed duty.

Article 39. Publication of the information on the registration of the appellation and on the granting the right to its use

The Office shall publish in its Official Bulletin the information related to the appellation and registered in the register according to the Article 36 of this Law (with

the exception of information regarding the specific qualities of goods), within 3 months following the date of registration.

Article 40. Registration of the appellation in foreign countries

1. The legal entities and the individual entrepreneurs of the Republic of Armenia shall have the right to register the appellation in foreign countries.

2. The application for the registration of the appellation in foreign countries shall be filed after ~~its having been registration-registered~~ and ~~being~~ granted a right to use it in the Republic of Armenia.

CHAPTER 9

USE OF THE APPELLATION

Article 41. Use of the appellation

1. The application of the appellation on the goods or their packaging, in advertisements, announcements, accounts, forms (letterheads), as well as in other documents pertaining to the putting the goods in economic turnover shall be considered the use of the appellation

2. Any use of the appellation which, according to the Article 10^{bis} of the Paris Convention, may be qualified as an act of unfair competition, shall not be allowed

3. The use of any means in designation or presentation of the goods, which indicates or causes the consumer to infer that the goods have originated from a geographical object other than the true geographic object of their origin, shall not be allowed.

4. The use of a registered appellation by persons not possessing a relevant certificate, even if the true place of the origin of the goods is indicated or the appellation, is used in translation or accompanied by expressions such as “kind”, “type”, “imitation”, etc., as well as the use for any goods of an analogous sign capable of misleading the consumer over the place of origin and specific qualities of the good, shall not be allowed.

5. In case of homonymous names the appellation of the origin of goods may be used if it is accompanied with any clearly and visibly expressed distinguishing element excluding the possibility to misleading the consumer, for example with the name of the country or district (region) of origin.

6. During his/her commercial activity any legal entity or individual entrepreneur shall be entitled to use:

a) the registered appellation in respect of those goods, which have been put into economic turnover in any country by a person possessing a certificate for using the appellation, if the characteristics of those goods haven't undergone, by natural way or interference, an alteration in the course of marketing thereof.

b) his/her name or the name or address of his/her predecessor in business, if it does not mislead the public as ~~to~~ the geographical origin of the goods.

7. Within three years from the day of registration of the appellation in the Republic of Armenia, it may be used by the owner of an identical or confusingly similar trademark, if it has been registered no less than six months prior to the day of registration of the appellation. Within the mentioned time period any person, during

its commercial activities, has the right to use the registered appellation in respect of those goods, which have been put into economic turnover in any country by the owner of the mentioned trademark or by his consent, if during the marketing process the characteristics of those goods haven't undergone, by natural way or interference, an alteration in the course of marketing thereof.

8. The citizens of the Republic of Armenia or the physical or legal persons having a permanent place of residence or location in the Republic of Armenia, who have used in the Republic of Armenia the geographical indications of another country identifying wines or spirits in connection with goods and services:

- a) continuously, for at least ten years preceding 15 April 1994, or
- b) in good faith preceding 15 April 1994,

have the right to continue using or to use in similar way those geographic indications with regard to the same or related goods and services in the Republic of Armenia.

9. Persons, lawfully or in good faith using before the entry into force of the Agreement On the World Trade Organization (WTO), geographical indications foreseen for viticulture products, including wines, containing geographical indications of another country, which have been acquired legal protection in the territory of the Republic of Armenia, shall be entitled to continue using the given geographical indication, if it is identical with the customary name of the grape variety growing in the territory of the Republic of Armenia.

10. The rights to a trademark similar to or identical with the appellation of origin of goods shall continue to be reserved, if the latter has been applied for or registered in good faith:

- a) before the date of application of the provisions of the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) in the Republic of Armenia, or
- b) before acquiring the protection of the appellation in its country of origin.

11. The requests of legal entities, individual entrepreneurs, organizations and authorized bodies specified in paragraph 3 of the Article 31 of this Law, in respect of the use or registration of the trademark, shall be submitted within five years after the illegal use of the protected appellation has become generally known in the Republic of Armenia, provided that the name has been registered in good faith.

12. The owner of the certificate shall not be entitled to transfer the right to use the appellation to other persons.

Article 42. Warning note

The owner of the certificate may place, next to the appellation, a warning note testifying that the given appellation is registered in the Republic of Armenia in the form of the following expressions "registered appellation of origin of goods" or "reg. AOG".

CHAPTER 10. CESSATION OF THE LEGAL PROTECTION OF THE APPELLATION

Article 43. Invalidation of the certificate of registration and right to use the appellation

1. The registration of the appellation may be recognized ~~as~~ invalid, if it was done in violation of the requirements defined by this Law.

2. The certificate may be declared invalid, if it has been granted in violation of the requirements of this Law.

3. Any person may, on the bases of the provisions, mentioned in the Articles 30, 31 and 35 of this Law, file an appeal with the Appeals Board or the court claim with the Council of or based on stipulated, against granting a certificate of registration or right to use the appellation. The Appeals Board shall prosecute the appeal in accordance with the procedure defined by the Office.

4. The decision of the Appeals Board, within six months from the day of its receipt, may be contested under the judicial procedure.

Article 44. Cancellation of the registration of the appellation and the validity of the certificate of the right to its use

1. The Office shall cancel the validity of the registration of the appellation, if:
a) the registration of the appellation has been recognized invalid according to the Article 43 of this Law;

b) the conditions attributable to the given geographical ~~location~~ have disappeared and it has become impossible to produce the goods with the qualities stated in the state register. The Office, in addition to the stated reasons, shall also cancel ~~the~~ registration of an appellation in the name of individual entrepreneurs living outside the borders of the Republic of Armenia and foreign legal entities, ~~in addition to the stated reasons, shall cancel also~~ in case they lose the given right to use the appellation in the country of origin of goods.

2. The Office shall cancel the certificate of appellation, if

a) it has been declared invalid in accordance with Article 43 of this Law;

b) the good have lost the specific qualities stated in the register;

c) the validity of the registration of the appellation has been cancelled according to Paragraph 1 of this Article;

d) the owner of the certificate has been liquidated;

e) the owner of the certificate has submitted a request with the Office on waiving the certificate.

PART THREE FINAL PROVISIONS

Article 45. State duties

For ~~the~~ filing an application on registration of the trademark, on registration of the appellation or certificate for the right to its use, as well as for other acts of legal significance relating to those duties shall be charged ~~duties~~, the types, amounts and payment procedure of which shall be defined by the law.

Article 46. Settlement of disputes in connection with the application of this Law

The disputes related to the application of the provisions of this Law shall be settled under the judicial procedure, including the disputes related to:

- a) infringement of the exclusive right to a trademark;
- b) ~~conclusion and implementation of the license contract~~, as well as the contract on assignment of the trademark;
- c) illegal use of the appellation.

Article 47. Liability for the illegal use of the trademark and the appellation

1. Use of a trademark or a confusingly similar sign, as well as an appellation or a sign confusingly similar to it, which conflicts with the requirements of the Articles 4 and 41 of this Law, shall entail liability under the procedure defined by the legislation of the Republic of Armenia.

2. In case of ~~the~~ illegal use of the trademark the protection of civil rights, in addition to the demand for the cessation of the illegal use and for damages, shall be implemented also by the following manners:

- a) publication of the court decision by the infringer with the aim of restoring the authority of the injured party;
- b) removal of the illegally used trademark or a sign confusingly similar to it from the goods or their packaging in such a manner that will preclude the risk of its being placed (affixed) again on the goods or ~~on~~ their packaging;
- c) destruction of the images of the trademark or sign confusingly similar to it;
- d) in case of the impossibility of exercising the manners stipulated in subparagraphs "b" and "c" of this paragraph, by avoiding the possibility of causing any harm to the owner of the trademark in future, by confiscating or also by destroying the goods and (or) the package marked with an illegal trademark, without any compensation.

3. Any person illegally using the registered appellation or a sign confusingly similar to it, upon the demand of the owner of the certificate of the right to use the appellation of origin of goods and the non-governmental organization, shall be required to

- a) cease its use and indemnify damages caused to all injured parties, as well as pay to the local budget, the amount from the profit received from the illegal use of the appellation exceeding the indemnification of damages ;
- b) publicize the court decision with the aim of restoring the authority of the injured party;
- c) remove the illegally used appellation or a sign (means of expression) confusingly similar to it from the goods, their packaging, forms (letterheads) and other documents in such a manner so as to preclude the risk of its being placed (affixed) again on the goods or on their packaging;
- d) destroy the manufactured images of the appellation;
- e) in case of the impossibility of implementing the requirements stated in sub-paragraphs "c" and "d" of this paragraph, the goods and (or) package marked with an illegal appellation shall be subject to destruction and confiscation without any compensation.

4. In case of the illegal use of a trademark or an appellation of origin of goods, for the purpose to minimize the risk of further infringements, the protection of the civil rights may be implemented by confiscating the material objects (materials,

equipment, implements, advertising means, etc.) having served as a basis for the infringements, if they have been predominantly used for the mentioned purposes.

5. Any person, whose rights with respect to a trademark or an appellation are infringed or may be infringed, shall be entitled to apply to the court with a request to demand information from the possessor of goods bearing an illegally used trademark or appellation about the third persons participating in the production and distribution of such goods, as well as the sources of acquisition and ways of distribution thereof.

6. Any person, who:

a) possesses the goods bearing an illegally used trademark or appellation, and refuses to inform about the source of acquisition of such goods,

b) makes a false statement about the real owner of a trademark or an appellation, or illegally removes from the good (or from its packaging) the trademark or the appellation or fraudulently presents himself as a -right holder of a trademark or an appellation,

c) applies a warning note together with the trademark or the appellation not registered in the Republic of Armenia, if that note does not express any reference of being registered in another country, or the trademark or the appellation for the given goods is in fact not registered in the mentioned country,

shall incur liability under the procedure defined by the legislation of the Republic of Armenia.

Article 48. The rights of foreign individual entrepreneurs and legal entities

1. Foreign individual entrepreneurs and legal entities, in accordance with the international treaties of the Republic of Armenia or on the basis of reciprocity principle, shall enjoy the rights stipulated by this Law and incur liability on the same footing as individual entrepreneurs and legal entities of the Republic of Armenia.

2. The right of registration and use of the appellation in the Republic of Armenia shall be granted to individual entrepreneurs and legal entities of those foreign countries, which afford similar rights to the individual entrepreneurs and legal entities of the Republic of Armenia.

Article 49. International Treaties

If the international treaties of the Republic of Armenia define norms other than those stipulated by this Law, the norms of the international treaties shall be applied.

Article 50. Transitional provisions

1. The validity of registration of trademarks, as well as the registration of appellations of origin of goods and the certificates to use them, which were registered prior to the entry into force of this Law shall remain in force.

2. The examination of the applications on registration of trademarks and on registration and (or) use of appellations of origin of goods filed with the Office prior to the entry into force of this Law, and which are pending, shall be prosecuted in accordance with the requirements defined by this Law.

3. The Law of the Republic of Armenia “On Trademarks, Service marks and Appellations of Origin of Goods” adopted on May 12, 1997 shall be deemed as ceased to be in force.

**President of the
Republic of Armenia**

R. Kocharyan.

Yerevan
March 31, 2000.

AL-41