

**LAW
OF THE RUSSIAN FEDERATION
NO. 3520-1 OF SEPTEMBER 23, 1992
ON TRADEMARKS, SERVICE MARKS
AND THE APPELLATIONS OF THE ORIGIN OF GOODS
(with the Amendments and Additions of December 27, 2000)**

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Resolution of the RF Supreme Soviet No. 3521-1 of September 23, 1992 on Carrying into Effect the Law of the Russian Federation on Trade Marks, Service Marks and Names of Places of Commodity Origin

Resolution of the RF Supreme Soviet No. 3522-1 of September 23, 1992 on Re-examination of the Law of the Russian Federation on Trade Marks, Service Marks and Names of Places of Origin of Commodities

This Law and the legislation of the Republics within the Russian Federation adopted on its basis shall regulate the relationships arising from the registration, legal protection and use of trademarks, service marks and appellations of the origin of goods.

SECTION I THE TRADEMARK AND SERVICE MARK

Chapter 1. The Legal Protection of the Trademark and Service Mark

Article 1. The Trademark and Service Mark

The trademark and the service mark (hereinafter referred to as the trademark) are designations capable of distinguishing accordingly the goods and services of legal or natural persons from similar goods and services (hereinafter referred to as goods) of other legal or natural persons.

Article 2. The Legal Protection of a Trademark

1. The legal protection of the trademark in the Russian Federation shall be accorded either on

the basis of its state registration in accordance with the procedure established by this Law or by the operation of the international treaties of the Russian Federation.

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

3. A trademark may be registered in the name of a legal, and also of a natural person engaged in a business activity.

Article 3. Trademark Certificate

1. A trademark certificate shall be issued for a registered trademark.

2. The certificate shall establish the priority date of the trademark, the exclusive right of a trademark owner to the trademark in respect of the goods specified in the certificate.

Article 4. The Exclusive Right to a Trademark

1. The trademark owner shall have the exclusive right to use the trademark and dispose of it as well as to forbid its use by others.

No one may use trademark which is protected in the Russian Federation without the consent of its owner.

2. The unauthorized manufacture, use, importation, offer for sale, sale, and any other manner of introduction into commerce or with such an aim, of the trademark, or of a product carrying this trademark, or of a designation similar to it, to such a degree as to confuse it with similar goods, shall be deemed to be the infringement of the rights of the trademark owner.

Article 5. Types of Trademarks.

1. Verbal, figurative, three dimensional and other designations or combinations thereof may be registered as trademarks.

2. The trademark may be registered in any colour or colour combination.

Article 6. The Complete Grounds for the Refusal of a Registration

1. Trademarks consisting merely of the following designations shall not be registered:

- lack in distinctiveness;
- representing National coats of arms, flags and emblems; official names of States, emblems, abbreviated or full names of international intergovernmental organizations; official signs and hallmarks of warranty and control seals, awards and other marks of distinction, or those so similar to other trademarks so as to raise confusion. Such designations may be incorporated as non-protectable elements into the trademark, if such use is approved by the relevant competent authority or their owner;
- having entered the public domain as designations of goods of a definite kind;
- being generally accepted symbols and terms;
- indicating the type, quality, quantity, properties, purpose, and value of goods as well as the venue and time of their manufacture or sale.

The designations indicated in paragraphs 2, 4, 5 and 6 of this Item may be incorporated as unprotectable elements into the trademark unless they hold the dominant position.

2. The following designations of trademarks or elements thereof shall not be registered ,

- if they are false or capable of causing confusion among consumers with respect to the product or its manufacturer;

- if they are contrary to the public interest, humanitarian or moral principles.

Article 7. Other Grounds for the Refusal of a Registration

1. The designations which are identical or similar to the degree of their confusion may not be registered as trademarks

- with those already registered or pending registration in the Russian Federation in the name of another person with respect to similar goods;
- with trademarks of other persons protected without registration by virtue of the international treaties of the Russian Federation;
- with appellations of the origin of goods, protected in accordance with the law of the Russian

Federation, excluding the cases when they are incorporated as a non-protectable element into the trademark being registered in the name of the person which has the right to use such an appellation;

- with certification marks registered in accordance with the established procedure.

2. The designations shall not be registered as trademarks if they reproduce:

- company names (or a part thereof) known on the territory of the Russian Federation and belonging to other persons who have acquired the right to such names before the filing date of the trademark with respect to similar goods;

The Rules of Recognizing a Trade Mark as Generally Known in the Russian Federation were approved by Order of the Russian Patent and Trade Mark Agency No. 38 of March 17, 2000

- industrial designs, the rights to which in the Russian Federation belong to other persons;

- titles of the works of science, literature and art known in the Russian Federation, characters or quotations thereof, works of art or fragments thereof, without the consent of the copyright owner or his successors in law;

- surnames, names, pseudonyms and derivatives thereof, portraits and facsimiles of renowned people without the consent of the latter, or of their heirs, of the relevant authority or of the Supreme Soviet of the Russian Federation, if such designations are a part of the historical and cultural heritage of the Russian Federation.

Chapter 2. The Registration of a Trademark

Article 8. The Application for Registering a Trademark

See Rules for the Making, Submission and Consideration of the Application for the Registration of a Trademark and a Service Mark approved by the Committee of the Russian Federation for Patents and Trademarks on November 29, 1995

1. The application for registering a trademark (hereinafter referred to as an application) shall be filed by a legal or a natural person (hereinafter referred to as an applicant) with the State Patent Office of the Russian Federation (hereinafter named the Patent Office).

2. The application may be filed through a patent agent/attorney, who is registered with the Patent Office.

Foreign legal or natural persons permanently residing outside the Russian Federation or their patent attorneys shall exercise activities associated with the registration of trademarks through patent attorneys who are registered with the Patent Office. The authority of the patent attorney shall be certified by a power of attorney granted by the applicant.

The requirements which patent attorneys must meet, and the procedures for their attestation and registration shall be established by the Regulations for Patent Attorneys approved by the Decision of the government of the Russian Federation.

3. The application shall relate to a single trademark.

4. The application must contain:

- a petition for registering a designation as a trademark, indicating the applicant, his location or place of residence;

- the designation as applied for and its description;

- the list of goods with respect to which the registration of the trademark is requested, grouped by classes as prescribed by the International Classification of Goods and Services for the Registration of Marks.

The application shall be submitted in the Russian language.

5. The following documents shall be attached to the application:

- proof of payment of the duty in the due amount;

- the charter of a collective mark, if the application is filed for a collective mark.

The documents attached to the application shall be submitted in Russian or in any other

language. If the documents are submitted in any other language, their translation into Russian shall be enclosed with the application. The translation into Russian may be submitted by the applicant within two months of the date of the filing with the Patent Office of the application containing the documents in another language.

6. The requirements which the documents attached to the application must meet shall be prescribed by the Patent Office.

Article 9. The Priority of the Trademark

1. The priority of the trademark shall be established according to its filing date. The filing date of the trademark shall be the date of the receipt by the Patent Office of the application which meets the requirements, provided for in [Item 4](#) of Article 8 of this Law.

2. The filing date may be the date of the filing of the first application in a State, which is a member of the [Paris Convention](#) for the Protection of Industrial Property (Convention priority), if the application has been received by the Patent Office within six months of that date.

3. The filing date of the trademark placed on exhibit at official or officially recognized international exhibitions, organized on the territory of one of the States, which is a member of the Paris Convention for the Protection of Industrial Property, may be the first date of the public demonstration of the exhibit (exhibition priority), if the trademark application has been received by the Patent Office within six months of that date.

4. The applicant wishing to enjoy the convention or exhibition priority, shall claim it when filing the trademark application or within two months of the date of the receipt of the application by the Patent Office, and shall also enclose all the necessary documents confirming the grounds for such a claim or else submit these documents no later than three months after the date of the receipt of the application by the Patent Office.

5. The filing date of the trademark may be the date of the international registration of the trademark in accordance with the international treaties of the Russian Federation.

Article 10. The Expert Examination of an Application for the Registering of a Trademark

1. The expert examination of the application shall be carried out by the Patent Office and shall consist of a preliminary examination and an examination of the designation applied for.

See [Recommendations on Specific Issues Concerning the Expert Examination of Declared Designations \(endorsed by \[Order\]\(#\) of the Russian Patent Agency No. 39 of March 23, 2001\)](#)

2. In the course of the expert examination of the application and before any decision concerning it has been passed, the applicant shall be entitled to supplement, further specify or amend the application package on his own initiative.

If the added materials change the submitted application on its merits, these materials shall not be accepted for consideration and may be submitted by the applicant as an independent application.

3. In the course of the expert examination, the Patent Office shall be authorized to request the applicant to submit additional materials, in the absence of which the examination cannot be carried out.

The additional materials requested by the examining authority must be submitted within two months of the date of the receipt of the request. This time-limit may be extended following the relevant petition of the applicant, on the condition that this petition is received before the expiration of the established time-limit. If the applicant breaks the established time limit or leaves the request of the examining authority without an appropriate reply, the application shall be deemed to have been withdrawn by the applicant.

4. The applicant may withdraw the application at any stage of its examination, but no later than the date of the registration of the trademark.

Article 11. The Preliminary Expert Examination

1. The preliminary expert examination of the application shall be carried out within one month of the date of its receipt by the Patent Office.

2. In the course of the preliminary expert examination the examining authority shall verify the content of the application, the presence of all the necessary documents, as well as their compliance with the established requirements. Depending on the results of the preliminary expert examination, the applicant shall be informed either of the acceptance of the application for consideration or of the refusal of its acceptance.

3. Upon the acceptance of the application for consideration the applicant shall be notified of the established priority of the trademark, excluding the cases when the convention or exhibition priority is requested, but at the moment of the acceptance of the application for consideration the applicant has not submitted the necessary documents supporting the request.

Article 12. The Expert Examination of the Designation Applied For

1. The expert examination of the designation applied for shall be carried out upon the termination of the preliminary examination.

In the course of the expert examination the examining authority shall consider the compliance of the designation applied for with the requirements provided for in [Articles 1, 6](#) and [Item 1 of Article 7](#) of this Law, and establish the filing date of the trademark, if it has not been established in the course of the preliminary examination.

2. On the basis of the expert examination results the decision shall be passed either to register the trademark or to reject its registration.

3. The decision to register the trademark may be reconsidered, if the received application enjoys the earlier priority date in accordance with Article 9 of this Law.

Article 13. Appeals Against a Decision Concerning the Application and the Reinstatement of the Missed Time Limits

1. If the applicant disagrees with the decision passed on the basis of the results of the preliminary examination or the examination of the designation applied for, he shall be entitled to file an appeal with the Chamber of Appeals of the Patent Office (hereinafter referred to as the Chamber of Appeals) within three months of the date of the receipt of the decision of the examining authority. The appeal shall be considered by the Chamber of Appeals within four months of the date of the receipt of the appeal.

2. If the applicant disagrees with the decision passed by the Chamber of Appeals, he shall be entitled to file a further appeal with the Supreme Patent Chamber of the Russian Federation (hereinafter referred to as the Supreme Patent Chamber) within six months of the receipt of such a decision. The decision passed by the Supreme Patent Chamber shall be final.

See [Rules of Submission of Complaints, Applications and Petitions and Examination of Same by the Higher Patent Chamber of the Russian Agency for Patents and Trademarks approved by Order of Russian Patent Agency No. 107 of May 21, 1998](#)

3. The applicant shall have the right to be acquainted with the materials referred to in the decision of the examining authority.

The applicant may request copies of such materials within one month of the date of the receipt of the decision concerning the application.

4. The time-limits prescribed in [Item 3 of Article 10](#) of this Law and Items 1 and 3 of this Article which were missed by the applicant, may be reinstated by the Patent Office upon the petition of the applicant submitted no later than two months after the date of their expiry, on the condition that the applicant confirms the valid reasons for this and pays the official duty.

Article 14. The Registration of Trademarks

On the basis of the decision to register a trademark, the Patent Office shall record the trademark in the State Register of Trademarks and Service Marks of the Russian Federation (hereinafter referred to as the Register) within one month of the date of the receipt of the proof of

the payment of the duty. The following shall be recorded in the Register:

the trademark itself, information about its owner, the priority date and the registration date of the trademark, the list of goods with respect to which the trademark has been registered, and other particulars related to the registration of the trademark, as well as any subsequent changes in these particulars.

Article 15. The Issue of a Trademark Certificate

1. The trademark certificate shall be issued by the Patent Office within three months of the date of the registration of the trademark in the Register.

2. The layout of the certificate and the particulars it is to contain shall be determined by the Patent Office.

Article 16. The Term of the Validity of the Registration

1. The registration of a trademark shall be valid for ten years from the date of the receipt of the application by the Patent Office.

2. The term of the validity of the trademark registration may be renewed upon the request of the owner, submitted within the last year of its validity, each time for a period of ten years.

Upon the petition of the owner a six months' grace term starting upon the expiry date of the registration may be granted for the renewal of the registration, provided the supplementary duty is paid.

See also the [Rules for the Prolongation of the Period of Validity of Registration of a Trademark and a Service Mark in the Russian Federation approved by the Order of the Rospatent No. 63 of September 16, 1993](#)

3. The renewal of the term of the validity of the trademark registration shall be recorded by the Patent Office in the Register and in the trademark certificate.

Article 17. Amendments to the Registration

The trademark owner shall notify the Patent Office of any changes in the company name, surname, first name and patronymic, restriction of the list of goods with respect to which the trademark has been registered, changes in certain elements of the trademark which do not affect its essence, and of other changes related to the trademark registration.

These changes shall be recorded in the Register and the trademark certificate upon the condition of the payment of the duty.

Article 18. The Publication of Information Concerning the Registration

Information related to the trademark registration and recorded in the Register in accordance with [Article 14](#) of this Law shall be published by the Patent Office in the official bulletin within six months of the date of the registration of the trademark in the Register or of the date that changes were made in the registration of the trademark.

Article 19. The Foreign Registration of Trademarks

Legal and natural persons of the Russian Federation shall be entitled to register their trademarks in foreign countries or internationally.

Applications for the international registration of trademarks shall be filed through the Patent Office.

Chapter 3. The Collective Mark

Article 20. The Right to a Collective Mark

1. The trademark of a union, economic association or other voluntary amalgamation of enterprises (hereinafter referred to as amalgamation), intended to designate goods manufactured and/or sold by them, and possessing unified qualitative, or other common features, shall be

deemed to be a collective mark.

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

Article 21. The Registration of a Collective Mark

1. The application for the registration of a collective mark shall contain the charter of a collective mark, which shall include the name of the amalgamation which is authorized to register the collective mark in its name, the list of enterprises entitled to use the mark, the purpose of its registration, the list of unified qualitative or other common features that the goods designated by the collective mark possess, the conditions for its use, the procedure for monitoring such use, and the liability for violations of the charter of the collective mark.

2. In addition to the information required by Article 14 of this Law, information concerning the enterprises entitled to use the collective mark shall be recorded in the Register and the collective mark certificate. This information as well as an extract from the charter of the collective mark regarding the unified qualitative or other common features of the goods for which the mark has been registered shall be published by the Patent Office in the official bulletin. The owner of the collective mark shall notify the Patent Office about changes in the charter of the collective mark.

3. If the collective mark is used in relation to goods not possessing unified qualitative or other common features, the registration may be terminated fully or in part before it is due to be terminated, on the basis of the decision of the Supreme Patent Chamber taken upon the request of any party.

Chapter 4. The Use of Trademarks

Article 22. The Use of the Trademark and the Consequences of Its Non-Use

1. Placing the trademark on goods with respect to which it has been registered and/or on their packaging by the trademark owner or the party who has obtained such a right on the basis of a license contract in accordance with Article 26 of this Law, shall be deemed to be the use of the trademark.

The use of a trademark in advertising, publications, on letterheads, on billboards, and on exhibits during exhibitions and fairs organized in the Russian Federation, in the event that there are valid reasons for the non-use of the trademark on goods and/or on their packaging, may also be considered to be the use of a trademark.

2. Legal and natural persons engaged in intermediary activity, may, on the basis of a contract, use their trademark along with the trademark of the manufacturer of goods, as well as instead of the latter.

3. The registration may be terminated before it is due to be terminated fully or in part on the basis of the decision of the Supreme Patent Chamber passed upon the request of any party, for the reason of the continuous non-use of the trademark for five years from the date of its registration, or five years preceding the filing of such a request.

The evidence submitted by the trademark owner to the effect that the trademark has not been used for reasons beyond the control of the owner may be taken into account when the issue of the early termination of the registration is being considered.

Article 23. The Termination of Rights Arising from the Registration of Trademarks

The registration of the trademark shall not empower its owner to prohibit the use of the trademark by others with respect to the goods which have been introduced into the market directly by the trademark owner or with his consent.

Article 24. The Warning Mark

The trademark owner may use with the trademark a warning mark showing that the used designation is a trademark registered in the Russian Federation.

Chapter 5. The Transfer of Trademarks

Article 25. The Concession of a Trademark

The trademark may be contractually assigned by its owner to a legal or a natural person in relation to all or part of the goods with respect to which it has been registered.

No assignment shall be permitted, if it may cause confusion for the consumer regarding the product or its manufacturer.

Article 26. Granting a License to Use a Trademark

The right to use a trademark may be granted by the trademark owner (licensor) to another party (licensee) on the basis of a license contract.

The license contract shall contain the term stipulating that the quality of goods of the licensee should not be inferior to that of the licensor and that the licensor will monitor the observance of this term.

Article 27. The Registration of a Contract Conceding a Trademark and of a License Contract

The contract conceding a trademark and the license contract shall be registered with the Patent Office. The absence of such registration shall render them invalid.

See [Rules for the Registration of Agreements on the Assignment of a Trademark and of License Agreements on Giving the Right to Use a Trademark](#), approved by the Russian Patent Agency on September 26, 1995

Chapter 6. The Termination of the Legal Protection of a Trademark

Article 28. The Recognition of the Trademark Registration as Invalid

1. The trademark registration may be recognized as invalid fully or in part during the whole term of its validity, if it has been effected in violation of the requirements stipulated in [Item 3 of Article 2](#) and in [Article 6](#) of this Law, or else within five years of the date of the publication of the trademark registration particulars in the official bulletin on the grounds provided for in [Article 7](#) of this Law.

2. Any person may file an objection against the trademark registration with the Chamber of Appeals within the time-limits prescribed in Item 1 of this Article. The objection against the trademark registration shall be examined within four months of its receipt.

3. The decision of the Chamber of Appeals may be further appealed against with the Supreme Patent Chamber within six months of the date of it having been passed. The decision passed by the Supreme Patent Chamber shall be final.

Article 29. The Cancellation of The Trademark Registration

The trademark registration shall be cancelled by the Patent Office:

- by reason of its expiry in accordance with [Article 16](#) of this Law;
- by a decision of the Supreme Patent Chamber to terminate its validity short of the term by reason of the use of the collective mark on goods which do not possess the unified qualitative or other common features, in accordance with [Item 3 of Article 21](#) of this Law;
- by a decision of the Supreme Patent Chamber to terminate its validity short of the term by reason of the non-use of the trademark, in accordance with [Item 3 of Article 22](#) of this Law;
- in the event of it being recognized as invalid in accordance with [Article 28](#) of this Law;
- when the legal person which owns the trademark is liquidated;

[Rules on the Cancellation of a Trademark upon the Liquidation of a Legal Entity being a Trademark Holder](#) were approved by the Russian Patent Agency on June 27, 1996

- by a decision of the Supreme Patent Chamber in the event of the transformation of the trademark into a designation which has entered the public domain as a designation of goods of a

definite kind;

- in the event that it is expressly abandoned by the trademark owner.

SECTION II. THE APPELLATION OF THE ORIGIN OF GOODS

Chapter 7. The Appellation of the Origin of Goods and Their Legal Protection

Article 30. The Appellation of the Origin of Goods

1. The appellation of the origin of goods is the name of a country, localities, venue or some other geographic place (hereinafter referred to as geographic object) used to designate goods whose specific features are exclusively or primarily determined by the natural conditions or by human factors or by both at the same time, which are characteristic of this geographic object. The historical name of a geographic place may represent the appellation of the origin of goods.

2. The designation which, through representing or containing the name of a geographic place, has entered into the Russian Federation, into the public domain as a designation of goods of a definite kind, which are not related to the place of their manufacture, shall not be deemed to be the appellation of the origin of goods.

Article 31. The Basis for Legal Protection

1. The legal protection of the appellation of the origin of goods in the Russian Federation shall result from its registration in accordance with the procedure established by this Law or by the operation of the international treaties of the Russian Federation.

2. The appellation of the origin of goods shall be protected by law.

3. The appellation of the origin of goods may be registered by one or more legal or natural persons. The person who has registered the appellation of the origin of goods shall receive the right to use it, if the goods which this party manufactures meet the requirements stipulated for in [Item 1 of Article 30](#) of this Law.

The right to use the same appellation of the origin of goods registered in accordance with the established procedure, may be conferred to any legal or natural person located in the same geographic object and who is manufacturing goods with the same features.

4. The registration of the appellation of the origin of goods shall be valid with no time-limit.

Chapter 8. The Registration and Conferral of the Right to Use the Appellation of the Origin of Goods

Article 32. The Application for Registering and Granting the Right to Use the Appellation of the Origin of Goods

See the [Rules for Drawing up, Submitting and Considering the Request for the Registration and Granting of the Right to Use the Name of the Place of Origin and Request for the Use of the Registered Name of the Place of Origin of Goods approved by the Committee of the Russian Federation for Patents and Trademarks on February 11, 1997](#)

1. The application to register and grant the right to use the appellation of the origin of goods or the application to grant the right to use the already registered appellation of the origin of goods (hereinafter referred to as an application) shall be filed with the Patent Office directly by the applicant/applicants or through the intermediary or a patent attorney in accordance with [Item 2 of Article 8](#) of this Law.

2. The application must relate to one appellation of the origin of goods.

3. The application must contain:

- a petition to register and grant the right to use the appellation of the origin of goods or to grant the right to use the already registered appellation of the origin of goods, indicating the applicant/applicants, as well as its/their location or place of residence;

- the designation as applied for;
- an indication of the type of the product with respect to which the registration and granting of the right to use the appellation of the origin of goods or the granting of the right to use the already registered appellation of the origin of goods is requested, and of the venue of its manufacture (boundaries of a geographic object);

- a description of the specific features of the product.

The application shall be submitted in the Russian language.

4. The following must be attached to the application:

- the document issued by a competent authority confirming that the applicant is located in the geographic object referred to, and that it manufactures the product whose specific features are determined by natural conditions or human factors or by both at the same time, which are characteristic of this geographic object;

- for a foreign applicant the document certifying the right to the appellation of the origin of goods, applied for in the country of origin of the product;

- the proof of the payment of the prescribed duty.

The documents attached to the application may be submitted in Russian or any other language. If the documents are submitted in any other language, their translation into Russian shall be enclosed with the application. The translation into Russian may be submitted by the applicant within two months of the date of the filing with the Patent Office of the application, containing the documents in another language.

5. The Patent Office shall determine the requirements which the documents, submitted with the application, must meet.

Article 33. The Expert Examination of Applications

1. The expert examination of the application shall be carried out by the Patent Office and shall consist of a preliminary examination and an examination of the designation applied for.

2. In the course of the expert examination of the application and before any decision concerning it is passed, the applicant shall be entitled to supplement, specify or amend the application materials on his own initiative.

If the additional materials change the application on its merits, these materials shall not be accepted for consideration and may be submitted by the applicant as an independent application.

3. In the course of the expert examination the Patent Office shall be authorized to request that the applicant submit additional materials, in the absence of which this examination cannot be carried out.

The additional materials, requested by the examining authority, shall be submitted within two months of the date of the receipt of the request. Upon the petition of the applicant this time-limit may be extended on the condition that the petition is received before the expiration of the time-limit. If the applicant violates the established time-limit, or leaves the request of the examining authority without an answer, the application shall be deemed to have been withdrawn by the applicant.

4. The preliminary examination of the application shall be carried out within two months of the date of its receipt by the Patent Office.

In the course of the preliminary examination the examining authority shall verify the contents of the application, the presence of all the necessary documents, as well as their compliance with the established requirements. Depending on the results of the preliminary examination the applicant shall be informed either of the acceptance of the application for consideration, or of the refusal of its acceptance for consideration.

5. After the application is accepted for consideration, the examining authority shall carry out the examination of the designation applied for with regard to its compliance with the requirements established by Article 30 of this Law.

6. On the basis of the examination results the Patent Office shall pass a decision to register the appellation of the origin of goods and to grant the right to use it or to refuse the registration of the appellation of origin of goods and the granting of the right to use it or else shall pass a decision to grant the right to use the already registered appellation of the origin of goods or to refuse the

granting of the right to use it.

7. The applicant may withdraw the application at any stage of its examination.

Article 34. The Appeal Against the Decision Passed Concerning the Application and the Reinstatement of the Terms Missed

1. If the applicant disagrees with the decision passed as a result of the preliminary examination or of the examination of the designation applied for, he shall be entitled to submit his appeal with the Chamber of Appeals within three months of the date of the receipt of the decision. The appeal shall be examined by the Chamber of Appeals within four months of the date of its receipt.

2. If the applicant disagrees with the decision passed by the Chamber of Appeals, he shall be entitled to submit a further appeal with the Supreme Patent Chamber within six months of the receipt of the decision. The decision passed by the Supreme Patent Chamber shall be final.

3. The terms stipulated in Item 3 of Article 33 of this Law and Item 1 of this Article, which were missed by the applicant, may be reinstated by the Patent Office upon the petition of the applicant submitted not later than two months of the date of their expiry, on the condition that the applicant shows valid reasons for this and pays an official duty.

Article 35. The Registration of the Appellation of the Origin of Goods and the Issue of a Certificate for the Use of the Appellation of the Origin of Goods

1. On the basis of the decision of the examining authority the Patent Office shall record the appellation of the origin of goods in the State Register of Appellations of the Origin of Goods of the Russian Federation (hereinafter referred to as the Register). The Register shall contain the appellation of the origin of goods, information about the owner of the certificate for the use of the appellation of the origin of goods (hereinafter referred to as the certificate), an indication of the type of the product with respect to which the appellation of the origin of goods has been registered and a description of its specific features, other particulars related to the registration and granting of the right to use the appellation of the origin of goods, a renewal of the term of the validity of the certificate, as well as any subsequent changes in these particulars.

2. The certificate for the use of the appellation of the origin of goods shall be issued by the Patent Office within three months of the date of the receipt of the proof of the payment of the official duty.

3. The form of the certificate and the particulars it shall contain shall be determined by the Patent Office.

Article 36. The Term of the Validity of the Certificate for the Use of the Appellation of the Origin of Goods

1. The certificate shall be valid for ten years from the date of the receipt of the application by the Patent Office.

2. The term of the validity of the certificate may be renewed upon the request of the certificate owner and the submission of the document issued by the competent authority, confirming that the owner of the certificate is located in the geographic place referred to, and manufactures the product whose specific features are listed in the certificate.

The request shall be submitted during the last year of the validity of the certificate.

The term of the validity of the certificate shall be renewed each time for a period of ten years.

Upon the petition of the certificate owner a six months' grace term after the expiry date of the certificate may be granted for its renewal, provided the additional official duty is paid.

See also the [Rules for the Prolongation of the Period of Validity of a Certificate of the Right to Use the Name of Goods Origin in the Russian Federation approved by the Order of the Rospatent No. 63 of September 16, 1993](#)

3. The renewal of the term of the validity of the certificate shall be recorded by the Patent Office in the Register and in the certificate.

Article 37. Amendments to the Register and to the Certificate

The certificate owner shall notify the Patent Office of any changes in the company's name, his name, first name and patronymic, as well as of other changes related to the registration and granting of the right to use the appellation of the origin of goods.

These changes shall be recorded in the Register and in the certificate on the condition of the payment of the official duty.

Article 38. The Publication of Information About the Registration and the Granting of the Right to Use the Appellation of the Origin of Goods

Information about the registration and granting of the right to use the appellation of the origin of goods and recorded in the Register in accordance with [Article 35](#) of this Law, shall be published by the Patent Office in the official bulletin within six months of the date of their entry into the Register.

Article 39. The Foreign Registration of the Appellation of the Origin of Goods

1. Legal and natural persons shall be entitled to register the appellation of the origin of goods in foreign countries.

2. The application for registering the appellation of the origin of goods in foreign countries shall be filed after its registration and the right to use it in the Russian Federation has been granted.

Chapter 9. The Use of the Appellation of the Origin of Goods

Article 40. The Use of the Appellation of the Origin of Goods

1. Placing the appellation of the origin of goods on a product, packaging, in advertisements, in prospectuses, on bills, letterheads and other documents related to the introduction of the goods into commerce shall be deemed as its use.

2. The use of the registered appellation of the origin of goods by persons, who do not have a certificate, even if the true origin of a product is indicated or the appellation is used in the translated form or else in combination with the words such as "kind", "type", "imitation", etc., as well as the use of a similar designation for similar goods, which is capable of causing confusion for consumers as regards the origin and specific features of the product, shall not be permitted.

3. The certificate owner shall not be authorized to grant licenses for the use of the appellation of the origin of goods by other persons.

Article 41. The Warning Mark

The certificate owner may use with the appellation of the origin of goods a warning mark which shows that the designation as used, is the appellation of the origin of goods registered in the Russian Federation.

Chapter 10. The Termination of the Legal Protection for the Appellation of the Origin of Goods

Article 42. The Recognition of the Registration of the Appellation of the Origin of Goods and of the Certificate to Use the Appellation of the Origin of Goods as Invalid

1. The registration of the appellation of the origin of goods may be recognized as void, if it has been effected in violation of the requirements provided for by this Law.

2. The registration of the appellation of the origin of goods may be terminated in connection with the disappearance of the conditions characteristic to the given geographic place and the impossibility of the further manufacture of goods possessing the properties recorded in the Register.

The registration of the appellation of the origin of goods in the name of a foreign legal or natural person may, in addition to the said grounds, be terminated by reason of the loss by this

party of the right to use the appellation of the origin of goods in the country of the origin of the goods.

3. The certificate to use the appellation of the origin of goods may be recognized as void, if it has been granted in violation of the requirements established by this Law.

4. The validity of the certificate may be terminated:

- by reason of the loss by the product of the specific properties recorded in the Register with respect to the appellation of the origin of goods;
- by reason of the cancellation of the registration of the appellation of the origin of goods;
- when the legal person which owns the certificate has been liquidated;
- on the basis of the request of the certificate owner submitted to the Patent Office.

5. Any person may file his objection against the registration of the appellation of the origin of goods and of the granting of the certificate to use the appellation of the origin of goods with the Chamber of Appeals on the grounds stipulated in Items 1-4 of this Article. The objection shall be considered within four months of the date of its receipt. The person who has made the objection shall be allowed to take part in its consideration along with the certificate owner.

6. The decision of the Chamber of Appeals may be further appealed against with the Supreme Patent Chamber within six months of the date of it having been passed. The decision passed by the Supreme Patent Chamber shall be final.

7. The registration of the appellation of the origin of goods as well as the certificate for the right to use the appellation of the origin of goods shall be cancelled by the Patent Office, if they are recognized as invalid by a decision of the Supreme Patent Chamber.

SECTION III. CONCLUDING PROVISIONS

Article 43. The State Patent Office of the Russian Federation

In accordance with this Law the State Patent Office of the Russian Federation, shall carry out a uniform policy of protecting trademarks and appellations of the origin of goods in the Russian Federation. It shall accept for examination applications to register trademarks and applications for the registering and granting of the right to use the appellation of the origin of goods. It shall examine application and effect their official registration, shall issue certificates, shall publish official information, shall print rules and clarifications concerning the application of this Law, and shall perform other functions related to trademarks and appellations of the origin of goods. These acts shall be in accordance with the Statute of the Patent Office, approved by the President of the Russian Federation.

See the [Regulations on the Russian Agency on Patents and Trade Marks approved by the Decision of the Government of the Russian Federation No. 1203 of September 19, 1997](#)

[Decree of the President of the Russian Federation No. 651 of May 25, 1999 abolished the Russian Agency for Patents and Trademarks, and transferred its functions to to the \[Ministry of Justice of the Russian Federation\]\(#\)](#)

[Federal Law No. 150-FZ of December 27, 2000 suspended the effect of Article 44 of this Federal Law for the year 2001 in as much as it concerns the payment of patent duties to the Patent Department](#)

Article 44. Duties

Official duties shall be collected for the legally significant acts related to the registration of trademarks and the registration and granting of the right to use the appellation of the origin of goods. Duties shall be payable to the Patent Office. The list of actions, for the performance of which the duties are collected, their amount and the terms for their payment, as well as the grounds for their return shall be established by the Government of the Russian Federation.

Article 45. The Consideration of Disputes Arising from the Application of This

Law

1. Disputes, arising from the application of this Law, shall be resolved in accordance with the procedure established by the legislation of the Russian Federation, by courts of law, by arbitration courts, or by mediation boards, including disputes related to:

- the infringement of the exclusive right to a trademark;
- the conclusion and performance of a license contract and of a contract conceding a trademark;
- the illegal use of the appellation of the origin of goods.

2. The Supreme Patent Chamber shall examine disputes over which it has the authority in accordance with [Articles 13, 21, 22, 28, 29, 34](#) and [42](#) of this Law.

Article 46. The Liability for the Illegal Use of the Trademark or of the Appellation of the Origin of Goods

1. The use of the trademark and the appellation of the origin of goods or the designation similar to them for similar goods, which violates the provisions of [Item 2 of Article 4](#) and [Item 2 of Article 40](#) of this Law shall entail civil or/and criminal liability in conformity with the legislation of the Russian Federation.

2. The protection against the illegal use of the trademark, in addition to the claims to stop their infringement or to compensate the damage incurred as a result, shall be effected also by means of:

- the publication of a judicial decision to restore the business reputation of the aggrieved party;
- the elimination of the illegally used trademark or the designation similar to it used to the extent of its confusion with the product or with its packaging, or else the destruction of the manufactured samples of the trademark or the designation similar to it used to the extent of its confusion.

3. The person who illegally uses the registered appellation of the origin of goods or the designation similar to it, shall, upon the demand of the owner of the certificate for the right to use the appellation of the origin of goods, or of a non-governmental organization, or of a procurator:

- cease to use it and compensate for the damage to all adversely aggrieved parties, as well as pay for the benefit of the local state authority the sum equal to the profits obtained through the illegal use of the appellation of the origin of goods, which are in excess of the losses compensated;
- publish the judicial decision to restore the business reputation of the aggrieved party;
- eliminate the illegally used appellation of the origin of goods or identical designation or destroy the manufactured samples of the appellation of the origin of goods or the identical designation.

4. The person using the warning mark with respect to a trademark or the appellation of the origin of goods, which is not registered in the Russian Federation, shall be liable for it in accordance with the procedure established by the legislation of the Russian Federation.

Article 47. The Rights of Foreign Legal and Natural Persons

Foreign legal and natural persons shall enjoy the rights under this Law on an equal level with the legal and natural persons of the Russian Federation by reason of the international treaties of the Russian Federation or according to the legal principle of reciprocity.

The right to register appellations of origin of the goods in the Russian Federation shall be granted to legal and natural persons of the countries which grant similar rights to the legal and natural persons of the Russian Federation.

Article 48. International Treaties

If the international treaties of the Russian Federation establish rules different from those contained in this Law, then the rules of the international treaties shall apply.

President of the Russian Federation

B.Yeltsin

Moscow,

the House of Soviets of Russia