
CLIENT NOTE

TRADEMARKS AS AN INTELLECTUAL PROPERTY UNDER ARMENIAN LAW



INTRODUCTION

Maurizio Gucci once stated, “Gucci is not a fashion or a design house, it was always a trademark”. Distinctive signs enable a company to distinguish its products and services from those of other companies. Trademarks provide protection for these signs, thus allowing companies to create visibility and build their brand image.

Trademark protection is one of the most important aspects of the protection of an entity’s business. In this client note our experts talk about the regulatory framework of trademark registration and protection in Armenia.

WHAT IS A TRADEMARK AND WHY SHOULD IT BE REGISTERED?

Trademarks are perhaps some of the most important intellectual property rights for businesses. A trademark is a sign used to distinguish the goods and/or services of one enterprise from the goods and/or services of a competitor. They can be in the form of corporate logos, slogans, bands, or the brand name of a product.

The owner of a registered trademark has the exclusive right to prohibit third parties from using it without its permission any character that:

- is identical to the registered trademark and is used in relation to the goods and/or services for which the trademark is registered,
- is identical or similar to the registered trademark and is used in relation to goods and/or services that are identical or similar to the goods and/or services for which the trademark is registered, if the use of that mark poses a risk of confusion among the public, including incorporation into a registered trademark;
- is identical or similar to the trademark registered for other goods and/or services, if the latter has a good reputation in the Republic of Armenia, and the use of that mark will lead to unreasonable advantages or harm the distinctive nature of the trademark or the good reputation.

TRADEMARK REGULATIONS IN ARMENIA

«An image is not simply a trademark, a design, a slogan or an easily remembered picture. It is a studiously crafted personality profile of an individual, institution, corporation, product, or service».

Daniel J. Boorstin

In the Armenia trademarks are protected by the law. The law “On Trademarks” in force since April 29, 2010, provides the legal grounds for the protection of intellectual rights that are related to trademarks and the process of registration of a trademark. Moreover, the legislative texts providing the means of protection for the trademarks are composed of the Constitution, the Civil Code Armenia as well as other legislative acts that may be enforceable in the protection of intellectual property rights.

Under Armenian Law, trademarks are legally protected, either based on state registration in accordance with the procedure established by the law “on Trademarks” or based on the recognition of the trademark as a well-known trademark and on international registration. The legal protection of a trademark extends to the goods and/or services for which the trademark has been registered. Signs and/or characters that can be graphically depicted can be registered as trademarks, in particular: words, phrases, names or slogans, letters or numbers, pictures, images or symbols, three-dimensional images, in particular the appearance of the product or its packaging (container), holograms, colors, color combinations or compositions, sound signals. The period of trademark registration is 10 years from the date of submission of the application. The registered trademark may be indefinitely renewed each time for a period of 10 years.

TRADEMARK REGISTRATION PROCESS



Armenian legislation regulates the procedure for the registration of a trademark. The trademark application, completed in Armenian language shall be submitted to the Intellectual Protection Agency (IPA) in written form or electronically. The application shall be submitted by the applicant directly or through its representative. Foreign individuals and legal entities which do not have a formal

residence or an operating business in Armenia are entitled to perform the registration process either through a trademark attorney or a representative.

Within 10 working days, the IPA shall register the application in its database, by providing a serial number and shall conduct a preliminary examination of the application in accordance with the procedure established by Government, during which a verification of the compliance of the application documents and their submission conditions with the requirements established by law is conducted. If the application is in compliance with the legal requirements, then the IPA shall publish the application in the official bulletin “Industrial Property”, thus providing a period of 2 months for any third parties to present objections to the registration of the trademark and at the same time shall conduct a thorough examination of the trademark.

In the case if any objections or discrepancies are not presented during the provided period the IPA is entitled to register the trademark and provide the applicant with the certificate of registration. When the IPA rejects the application, the applicant may appeal the decision either to the board of appeals of the IPA or to the court.

HOW WE CAN HELP?

Our experienced lawyers in the field of intellectual property law are very eager to advise on the process of registration of a trademark and provide legal assistance for the protection of your intellectual property rights.

#trademarks #IPLaw #IPTalks #IPRights

NOTE: This material is for general information only and is not intended to provide legal advice

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