

LAW OF THE REPUBLIC OF ARMENIA

Adopted by the National Assembly
23 November 1999

ON TRADE NAMES

CHAPTER 1.

GENERAL PROVISIONS

Article 1. Relations regulated by the law

Relations associated with the registration, legal protection, and use of trade names of legal entities are regulated by this law.

CHAPTER 2.

TRADE NAMES

Article 2. The trade name

1. The trade name is the name under which a legal entity implements its activities and is distinguished from other legal entities.

2. The trade name shall contain words characterizing the legal organizational type of the legal entity and at least one proper (a personal name, a location name or a symbolic name) or common name of distinguishing significance.

3. The trade name may also contain the name of the location place of the legal entity, words characterizing the nature of its activities, other data considered necessary by its founders or participants.

4. The trade name of a business partnership (company) shall contain the words "unlimited partnership (company)" or "limited partnership (company)" and the names (denominations) of all participants (full partners) or the name (denomination) of at least one participant (a full partner) of the partnership with the addition of the words "and partners", and "unlimited partnership (company)" or "limited partnership (company)"

5. The trade name of a commercial cooperative shall include an indication of the main objective of its activities.

Article 3. Legal protection of the trade name

The legal protection of a trade name in the Republic of Armenia is carried out on the basis of the procedure of trade name registration defined by this law and without registration in compliance with the international treaties of the Republic of Armenia, this law, and other statutes.

Article 4. The use of names in the trade names requiring permission

1. The full or abbreviated name of a well-known person may be used in a trade name only upon the consent of that person or his/her heirs.

2. If the well-known person or the heir giving consent to use the person's name consider that the activities of the legal entity harm the prestige (reputation) of the well-known person, he/she may appeal to the court with the claim to deprive the legal entity of the right to use the name in the trade name and (or) with the claim of caused damages.

3. The words "Hai", "Haiastan", "Haikakan" and their translations, the titles of administrative territorial units of the Republic of Armenia in the names of distinguishing significance, as well as the full or abbreviated name of an well-known person in case of the latter's death and provided he/she has no heirs may be used in trade names only according to the procedure defined by the Government of the Republic of Armenia.

CHAPTER 3.

REGISTRATION AND INVENTORY-MAKING OF A TRADE NAME

Article 5. The application for the registration of a trade name

1. Before the state registration of a legal entity considered a commercial organization, its trade name shall be registered in the Patent Office of the Republic of Armenia (hereinafter, Office).

2. Any modification of the trade name shall be made only after the registration of the new trade name in the Office under the procedure defined by this law.

3. The founders of a legal entity, the person authorized by them or the body authorized for that purpose by the Charter of the legal entity (hereinafter, applicants) shall file an application for registration the trade name (hereinafter, application).

4. The application can also be filed by a person authorized by the applicant.

5. The application shall include:

a) a request on the registration of the trade name, which shall specify the trade name filed for the registration, its abbreviation or short form, if any, the address of the applicant;

b) the explanation of the trade name filed for the registration, if it is not clear in Armenian.

6. The application shall be accompanied by:

a) the consent (permission) in cases specified by the Article 4 of this law;

b) the power of attorney, if the application is filed by the person authorized by the applicant;

c) the receipt for the payment of the state duty in a prescribed value.

7. The application shall be filed in Armenian.

8. The form of the application and the procedure of its filling in shall be defined by the Office .

Article 6. Consideration of the application and the registration of the trade name

1. The Office, within the time period of 5 days from the day of receiving the application, carries out an examination and determines the compliance of the application and the trade name filed for the registration with the requirements of this law.

2. The applicant may make modifications in the filed application during the consideration of the application before taking a decision on the registration of the trade name. In this case, the time period defined by paragraph 1 of this Article shall be calculated from the day of making modifications.

3. If during the examination it is ascertained that the trade name filed for the registration does not conform to the requirements of this law, a decision on refusing the registration of the trade name shall be made, and within three days the applicant shall be notified thereof with the substantiation of the refusal.

4. In case of disagreement with the decision of the examination the applicant has the right to file an appeal with the Appeals Board of the Office (hereinafter, Appeals Board) within one month following the day of its receipt.

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

6. In case of disagreement with the decision of the 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.

7. If the trade name complies with the requirements of this law the Office shall make a decision on its registration and shall notify the applicant within three days period.

8. After making the decision on the registration of the trade name, the Office shall register the trade name in the State Register of the Republic of Armenia for registration of trade names.

9. The year, month and day (hereinafter, date) of the registration of a trade name shall be defined by the date of filing the application with the Office.

10. The trade name shall be registered in Armenian.

11. The trade name, the number, and the date of registration, the number of the application, the address of the applicant shall be recorded in the State Register.

12. Before the state registration of a legal entity, but not more than 6 months, the provisional protection shall be granted to the trade name registered in the State Register.

Article 7. Grounds for refusal of the registration of a trade name

A name shall not be subject to registration as a trade name that:

a) resembles with a previously registered in the Republic of Armenia trade name of any legal entity or with a trade name of any foreign legal entity

that is known to the public or has obtained widespread notoriety in any sphere owing to the public use of a trade name or a trademark and a service mark, as well as with any trademark or service mark, or appellation of origin of goods, having an earlier validity of registration in the Republic of Armenia or are confusingly similar with the above mentioned and relate to the same sphere of activities;

b) conflicts with the public interests and principles of humanity and morality;

c) is a name of a certain good or service, or characterizes their quality, feature, quantity or manufacturing process, or advertises them;

d) includes the full or abbreviated name of a historic or any well-known person of the Republic of Armenia, and is filed without the relevant permission to use this name;

e) resembles with or is confusingly similar to the name of any state, an international governmental and non-governmental organization.

Article 8. The inventory-making of registered trade names

1. The inventory-making of registered trade names shall be carried out by the Office on the basis of information provided by the body that performs the state registration of legal entities in the Republic of Armenia (hereinafter, body registering the legal entities).

2. The body registering the legal entities quarterly provides the Office with an information in respect of entries, made within the given quarter, on registered legal entities, their liquidation, as well as on modifications of their trade names.

3. The provided information shall include the trade name of the legal entity, the number and date of its state registration, its place of location, and, in case of liquidation, also the date of entry making thereon in the register of legal entities.

4. On the basis of the received information the Office shall:

a) make a decision on giving a trade name certificate or to revoke its registration;

b) make relevant records in the State Register of trade names.

Article 9. The certificate of registration of the trade name

1. After making a decision on giving a trade name certificate, on a request of the legal entity, within 10 days the Office shall deliver it the certificate of the registration of a trade name.

2. The certificate of the registration of a trade name shall attest the fact of the state registration of the trade name, and the exclusive right of the legal entity to use it.

3. The Office shall define the form of the certificate of the registration of a trade name and the list of information to be mentioned in it.

4. The registration of a trade name is effective indefinitely.

Article 10. Publication of information on the registration of trade names

1. The information on the registration of trade names, and on the all modifications made in the state register of trade names according to this Law, shall be published in the Official Bulletin of the Office.

2. The Office shall determine the full list of information on the state registration of a trade name to be published.

CHAPTER 4

USE OF A TRADE NAME

Article 11. The use of a trade name

1. The performance of transactions, putting the product into economic turnover, advertisement of goods and services, performance of financial operations, or filing a claim with the court under the trade name, as well as the application of the trade name on goods and on their packaging, signboards, seals, stamps, forms (letterheads), announcements, and other applications not prohibited by the law shall constitute the use of a trade name.

2. Separate subdivisions of a legal entity shall use the trade name of the legal entity by adding words that characterize the nature of the activities of the subdivision or the name of its place of location.

3. The trade name shall be used only in the form as it is registered in the State Register.

4. Foreign language translations of the trade name may be used together with it. In this case, the name having a distinguishing significance included in the trade name shall not be translated.

Article 12. The exclusive right to use the trade name

1. The exclusive right to use a trade name shall enter into force from the date of the state registration of a legal entity or from the date of entering a notice in the Register of legal entities on the modification of the trade name of a registered legal entity, and shall be effective during the whole period of their activities in the Republic of Armenia.

2. The exclusive right of a foreign legal entity to use a trade name shall enter into force on the basis of the fact of becoming known to the public or acquisition of widespread notoriety in any sphere owing to the public use of the given trade name or trademark and service mark in the Republic of Armenia, and shall be effective during the whole period of such consistent use, unless the trade name contradicts with the requirements of registration of the trade names defined by this Law.

3. The use by other legal or natural persons of a trade name identical or confusingly similar to the protected trade name shall be considered an infringement of the exclusive right to use a trade name.

4. In case of unlawful use of the trade name of a legal entity by other legal or natural persons, including cases when they obtain rights and obligations under the given trade name, the legal entity may assert its rights under the judicial procedure.

5. The exclusive right to use a trade name of a legal entity can be transferred only together with the given legal entity, in case of its reorganization.

Article 13. Cessation of the validity of registration of a trade name

1. The validity of registration of a trade name shall be ceased and the legal entity shall be deprived of its exclusive right to use a trade name if:

a) in cases defined by the law, he was prohibited to use the given trade name under a court decision;

b) in cases defined by the law, the court has declared the registration of the trade name to be invalid;

c) the legal entity has changed its trade name;

d) the legal entity has liquidated.

2. The courts of the Republic of Armenia shall notify the Office about decisions on trade names.

3. The Office shall make relevant modifications relating to trade names in the State Register on the basis of the court decisions on trade names.

4. In case the legal entity has deprived of its exclusive right to use a trade name, that name may be registered as a trade name of another legal entity not earlier than three years later.

CHAPTER 5

FINAL PROVISIONS

Article 14. Duties

For the registration and acts relating to a legal protection of the trade name shall be charged state duties. The types, amount and the procedure of payment of duties shall be defined by the law.

Article 15. Settlement of disputes associated with trade names

The disputes associated with the registration and the use of trade names shall be settled by judicial procedure.

Article 16. Liability for infringement of the exclusive right to use a trade name

1. In case of infringement of the exclusive right of the legal entity to use the trade name, the damages caused to the latter shall be indemnified by the infringer .

2. For the purposes of restoration of the reputation (prestige) of the legal entity that has suffered damages the Office, at the expense of the infringer, shall publish an information on the relevant decision of the court in its Official Bulletin noting as well the holder of the infringed right.

3. In case of infringement of the exclusive right to use a trade name, the signboards, seals, stamps, forms (letterheads), announcements, and other printed publications with the trade name made by the infringer shall be subject to destruction.

Article 17. International treaties

If the international treaties of the Republic of Armenia stipulate norms other than in this Law the norms of the international treaties shall be applied.

Article 18. Transitional provisions

1. After the entry into force of this law, the validity of registration of the previously registered trade names of the legal entities shall be remained in force.

2. After the entry into force of this law, the unregistered trade names of legal entities shall be subject to registration by the procedure defined by this law until the routine registration of the legal entity.

3. The law of the Republic of Armenia on Trade Names adopted on May 12, 1997 shall be deemed as ceased to be in force .

**THE PRESIDENT OF THE
REPUBLIC OF ARMENIA**

R.KOCHARYAN

Yerevan, December 15,1999

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