

New Trade Mark Law in Armenia valid since 1 July 2010

New Trade Mark Law in Armenia came into force on 1 July 2010. The law follows recent trade mark developments and contains many important changes in order to follow the International Treaties to which Armenia is a part.

Firstly, the law contains a new definition of a trade mark and broadens the list of signs which can be registered as trade marks. In accordance with the new law also holograms, colors or combination of colors and sounds can be protected as trade marks in Armenia.

Secondly, the law includes new relative ground for the refusal of the applied trade mark, namely the applied mark can be refused due to the prior registration covering also not similar goods or services in case the earlier mark has a reputation in Armenia and if the use of the applied mark would lead to unfair advantages to the owner of the applied mark.

Further, the cancellation actions due to non-use and oppositions based on absolute and relative grounds should be filed at the Court instead of the Board of Appeals as earlier. This change will definitely lead to changes in these proceedings. It is expected that the procedure will at least become more expensive and a bit longer.

As to the cancellation actions, the new law contains an important article: The cancellation action due to non-use may not be accepted if during the interval between filing the cancellation action and issuance of the decision the trade mark has become a subject to assignment or license agreement or if genuine use of the trade mark has commenced or resumed.

The new law specifies required documents for registration of the assignment and license agreements. Moreover, a trade mark license and assignment agreement becomes effective against third parties from its registration date at the Patent Office. In this respect the law also includes time limits for the Patent Office to consider of the submitted documents. The Examiners are obliged to act accordingly.

The new law also regulates the publication of the trade mark application, namely all new trade mark applications will be published in the Official Gazette for opposition purposes. Third parties have an opportunity to file an opposition within two months from the publication date. This is probably the most important change to the previous regulations. The opposition term has been shortened from five years to two months.

For any additional information, please contact our trade mark attorneys at trademarks@papula-nevinpat.com