

Law on Trade Names

Chapter 1: General Provisions

Relations Governed by the Law

1. This Law shall govern the relations linked to the registration, legal protection and use of trade names of legal entities.

Chapter 2: Trade Names

Trade Name

2. (1) A trade name is a name under which a legal entity carries out its activities and is distinguished from other legal entities.

(2) A trade name shall contain words characterizing the organizational and legal aspects of a legal entity and at least one specific (own name, place name or symbolic title) or common name allowing it to be distinguished.

(3) A trade name may also contain the name of the place of origin of a legal entity, words characterizing the essential features of its activities and also other information which its founders or participants consider to be essential.

(4) The trade name of an economic partnership shall contain the words "general partnership" or "limited partnership" and the names (titles) of all the participants (full members) of the partnership or the name (title) of at least one of the participants (full members) of the partnership, in addition to the words "and company" and "general partnership" or "limited partnership."

(5) The trade name of a commercial cooperative shall contain information on the basic purpose of its activities.

Legal Protection of a Trade Name

3. In the Republic of Armenia, legal protection is granted for a trade name on the basis of the registration of the trade name in conformity with this Law and, without its registration in accordance with international agreements, in conformity with this Law and other legislative acts of the Republic of Armenia.

Use in Trade Names of Names and Titles Requiring Authorization

4. (1) The full or abbreviated name of a famous person may be used in a trade name only with the consent of that person or his heirs.

(2) If the famous person or the heir giving consent to use that person's name considers that the activities of a legal entity compromise the reputation (prestige) of the famous person, he may bring a legal suit depriving the legal entity of the right to use the name in a trade name and/or claiming compensation for the harm caused.

(3) In trade names, the words "Ai", "Aiastan", and "Aikakan", and their translations in titles allowing them to be distinguished, the titles of administrative and territorial units of the Republic of Armenia, and also the full or abbreviated name of a famous person, in the case of his death and absence of heirs, may be used in trade names only in accordance with the procedure established by the Government of the Republic of Armenia.

Chapter 3: Registration and Recording of a Trade Name

Application for Registration of a Trade Name

5. (1) Prior to the State registration of a legal entity, considered to be a commercial organization, its trade name shall be registered with the Patent Office of the Republic of Armenia (hereinafter "the Office").

(2) Any change in a trade name shall be made only after registration with the Office of a new trade name in accordance with the procedure established by this Law.

(3) An application for registration of a trade name (hereinafter "the application") shall be filed with the Office by the founders of the legal entity, a person authorized thereby, or a body appropriately authorized by the entity's regulations (hereinafter "the applicant").

(4) An application may also be filed by a person authorized by the applicant. The application shall contain:

(a) a request to register the trade name, stating the trade name submitted for registration, its abbreviation or shortened form, where appropriate, and the applicant's address;

(b) clarification of the trade name submitted for registration, where it cannot be understood in Armenian.

(5) The following shall be attached to the application:

(a) consent (authorization)—in the cases envisaged in Article 4 of this Law;

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

(c) a receipt for payment of the prescribed State fee.

(6) The application shall be filed in Armenian.

(7) The form of the request and the procedure for its completion shall be determined by the Office.

Examination of an Application and Registration of a Trade Name

6. (1) The Office shall, within five days of receiving an application, examine and determine whether the application and the trade name submitted for registration meet the requirements of this Law.

(2) The applicant may, in the course of the application examination and until such time as a decision is taken to register the trade name, make changes to the filed application. In this case, the period specified in paragraph (1) of this article shall be calculated from the date when the changes are made.

(3) If, in the course of the examination, it becomes clear that the trade name submitted does not meet the requirements of this Law, a decision shall be taken to refuse to register the trade name and the applicant shall be informed accordingly, within three months, of the grounds for the refusal.

(4) Where the applicant does not agree with the examiner's decision, he may, within one month of the date on which he receives the decision, submit an appeal to the Office Appeals Board (hereinafter "the Appeals Board").

(5) The Appeals Board shall examine the appeal in accordance with the procedure established by the Office.

(6) Where the applicant does not agree with the decision taken by the examiner or that given by the Appeals Board, he may, in accordance with the requisite procedure, refer the matter to the courts.

(7) If the trade name meets the requirements of this Law, the Office shall take a decision to register it and, within three days, shall inform the applicant accordingly.

(8) Once a decision has been taken to register a trade name, the Office shall enter the trade name in the State Register of Trade Names of the Republic of Armenia.

(9) The day, month and year (hereinafter "the date") of registration of a trade name shall be established according to the date on which an application is filed with the Office.

(10) Trade names shall be registered in Armenian.

(11) The State Register shall contain details of the trade name, the registration number and date, application number, and applicant's address.

(12) Until the State registration of a legal entity, but for a period not exceeding six months, a trade name entered in the State Register shall receive temporary protection.

Grounds for Refusing to Register a Trade Name

7. The following shall not be registered as trade names; a name:

(a) coinciding with the trade name of a particular legal entity, registered previously in the Republic of Armenia, or with the trade name of some foreign legal entity, known to the public in a particular area or which has become generally known as a result of public use of the trade name or trademark and service mark, and also coinciding with a particular trademark or service mark, an appellation of origin, with an earlier deadline for validity of registration in the Republic of Armenia, or similar to the point of confusion and relating to one and the same sphere of activity;

(b) contrary to public interest, or the principles of humanity and morality;

(c) of a particular good or service, or one characterizing their quality, feature, quantity or production method, or advertising them;

(d) containing the full or abbreviated name of a historical or famous personality in the Republic of Armenia and submitted without the corresponding authorization for use of the name;

(e) coinciding with or similar to the point of confusion to the name of a particular State, international governmental or non-governmental organization.

Recording of Registered Trade Names

8. (1) Registered trade names shall be recorded by the Office on the basis of information provided by the body carrying out State registration of legal entities in the Republic of Armenia (hereinafter "the body registering legal entities").

(2) The body registering legal entities shall, on a quarterly basis, provide the Office with information relating to entries made concerning legal entities registered in a given quarter, their liquidation and also changes in their trade names.

(3) The information submitted shall contain the trade name, State registration number and date, the place of business of the legal entity and, in the case of liquidation, the date of inclusion in the register of legal entities of the appropriate entry. On the basis of the information obtained, the Office shall:

(a) take a decision to grant a certificate for the trade name or to recognize its registration as invalid;

(b) make the corresponding entries in the State Register of Trade Names.

Certification of Registration for a Trade Name

9. (1) For 10 days after a decision has been taken to grant a certificate for a trade name, the Office shall, according to a request made by a legal entity, grant that entity a certificate of registration for the trade name.

(2) The certificate of registration for the trade name shall attest to the State registration of the trade name and also to the exclusive right of the legal entity to use the trade name.

(3) The form of the certificate for registration of a trade name and the details of the information contained therein shall be determined by the Office.

(4) The registration of a trade name shall have immediate effect.

Publication of Information on the Registration of Trade Names

10. (1) Information on the registration of trade names and also on all the changes made, in accordance with this Law, to the State Register of Trade Names shall be published in the Office's official journal.

(2) The full content of the published information on State registration of a trade name shall be determined by the Office.

Chapter 4: Use of a Trade Name

Use of a Trade Name

11. (1) The use of a trade name shall include the completion of deals, the introduction of goods into the economy, advertising for goods and services, the completion of financial transactions, the bringing of a legal action under this name, and also the use of a trade name on goods, their packaging, signs, seals, stamps, forms, posters and other applications permitted by the law.

(2) Individual subdivisions of a legal entity shall use the trade name of the entity in conjunction with words characterizing the specific features of the subdivision's activities or the name of its place of business.

(3) The trade name shall be used only in the form in which it is entered in the State Register.

(4) The trade name may be used together with its translations into foreign languages. In this case, the distinguishing feature of the name contained in the trade name shall not be translated.

Exclusive Right to Use a Trade Name

12. (1) The exclusive right to use a trade name shall come into force from the day of State registration of a legal entity, or from the day on which entries concerning changes in the trade name of a registered legal entity are included in the register of legal entities, and shall be valid for the whole of its period of activity in the Republic of Armenia.

(2) The exclusive right to use the trade name of a foreign legal entity shall enter into force on the grounds that it has become generally known to the public or as a result of public use in the Republic of Armenia of the trade name or trademark and service mark in question in a particular sphere, and shall be valid for the whole period of such consecutive use, if the trade name does not contravene the requirements established by this Law for the registration of trade names.

(3) The infringement of the exclusive right to use a trade name shall comprise the use by other natural persons and legal entities of a name which is identical or similar to the point of confusion to the protected trade name.

(4) In case of unlawful use by other natural persons and legal entities of the trade name of a legal entity, including the acquisition of rights and duties relating to the trade name in question, the legal entity may protect his rights by referring the matter to the courts.

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

Termination of Validity of the Registration of a Trade Name

13. (1) The validity of the registration of a trade name shall be terminated and a legal entity shall be deprived of the exclusive right to use a trade name if:

- (a) in the cases established by the law, according to a court decision the legal entity was forbidden to use the trade name in question;
- (b) in the cases established by the law, the court recognized the registration of the trade name as invalid;
- (c) the legal entity has changed its trade name;
- (d) the legal entity has been liquidated.

(2) The courts of the Republic of Armenia shall inform the Office of the decisions taken in relation to trade names.

(3) On the basis of court decisions relating to trade names, the Office shall make the corresponding amendments to the State Register.

(4) Where a legal entity is deprived of the exclusive right to use a trade name, the name in question may be registered as the trade name of another legal entity after a minimum period of three years.

Chapter 5: Concluding Provisions

Fees

14. Fees shall be levied for activities connected with the registration and legal protection of a trade name, the types, amounts and procedure for payment of which shall be fixed by law.

Settlement of Disputes Connected with Trade Names

15. Disputes connected with the registration and use of trade names shall be settled by the courts.

Responsibility for Infringing the Exclusive Right to Use a Trade Name

16. (1) The harm caused to a legal entity where its exclusive right to use a trade name has been infringed shall be compensated by the infringing party.

(2) In order to reestablish the reputation (prestige) of the legal entity that has suffered harm, the Office shall, on behalf of the infringing party, publish information in its official journal concerning the corresponding court decision, having also indicated to whom the infringed right belongs.

(3) Where the exclusive right to use a trade name has been infringed, the signs, seals, stamps, forms, posters and other printed matter produced by the infringing party and containing the trade name shall be destroyed.

International Agreements

17. Where alternative provisions to those envisaged in this Law are made in international agreements to which the Republic of Armenia is party, those alternative provisions shall apply.

Transitional Provisions

18. (1) Following the entry into force of this Law, the validity of the registration of previously registered trade names of legal entities shall remain in force.

(2) Following the entry into force of this Law, unregistered trade names of legal entities shall be registered in accordance with the procedure established by this Law until the current registration of the legal entity.

(3) The Law of the Republic of Armenia on Trade Names, adopted on May 12, 1997, is hereby repealed.

Entry into force: January 7, 2000.