

The Law of the Republic of Armenia on Geographical Indications (comes into force from July 1, 2010)

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Chapter 1: Basic provisions

Article 1. Objectives and the scope of the Law

1. This Law shall regulate the relations concerning registration, legal protection and use of the names of geographical indications, registration of designation and guaranteed traditional product.

2. The provisions of this Law shall apply to the agricultural products and food-stuff, except for natural and mineral waters.

Article 2. Concepts used in the Law

The main concepts used for the purposes of this Law are as follows:

Geographical indication - title of a territory (settlement) of a certain area or, in exceptional cases, of a country, which directly or indirectly identifies the territory, area or country of origin of a product and the specific quality, reputation or other characteristics of that product are primarily conditioned by the geographical origin, while the production and/or processing and/or preparation of that product take place in that particular geographic location;

Designation of origin – the geographical name of a territory (settlement), a certain area or, in exceptional cases, a country, which serves as a designation of a product, which has originated from that territory, a certain area or country, and the quality or characteristics (qualities) are primarily or totally conditioned by geographic conditions, including natural and human factors, and the production, processing and preparation of which take place in that particular geographic location;

Guaranteed traditional product – agricultural product or foodstuff with well-known characteristics, that is registered in accordance with this Law;

Generic name– name of a product, where even if it contains the name of the territory (settlement), of a certain area or a country, where that particular product was originally

produced or put into commercial circulation, has lost its initial meaning and has become a common name for the product produced in the Republic of Armenia;

Product – agricultural product or foodstuff;

Specifics – a characteristics or a set of characteristics which distinguish that particular product from other similar product of the same category;

Traditional – use in the market over a long period of time, which proves the fact of transferring it from generation to generation (that period should correspond to the commonly accepted known duration of human generation, which is at least 25 years);

Geographical name – name of an existing territory, area or country;

State authorized body – a national body of executive power authorised by the Government of the Republic of Armenia on Intellectual property subject matters which, in accordance with this Law and its Statute, carries out the functions with regard to granting legal protection to geographical indications, designations of origin and guaranteed traditional products;

Board of Appeal - Board established in the State Authorized Body to solve the disputes connected with legal protection of geographical indications, designations of origin and guaranteed traditional products;

Group – any association of manufacturers or processors which regardless of its organizational-legal form and composition, operates on the basis of its statute and runs manufacturing activities over the goods stated in the application;

Date – day, month, year.

Mutatis Mutandis – with the necessary changes made (within the meaning of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS));

Article 3. Legislation on the geographical indications, designations of origin and guaranteed traditional products

1. The legislation on geographical indications, designation of origin and guaranteed traditional products consists of the Civil Code of the Republic of Armenia, this Law and other legal acts.

2. Where there are norms defined under the international treaties of the Republic of Armenia other than those prescribed under this Law, then the norms of international treaties shall be applied.

Article 4. Rights of foreign persons

1. Foreign physical and legal entities shall, in accordance with international treaties to which the Republic of Armenia is a party, or under the principle of reciprocity, enjoy the rights provided for by this Law and bear liability on an equal basis with the citizens and legal entities of the Republic of Armenia.

2. For the purpose of benefiting from the principle of reciprocity, the existence of reciprocity shall be established by the person seeking to benefit from it.

Article 5. State authorised body

1. The main functions of the state authorised body under this Law shall be the following:

(1) accepting and considering applications for the registration of geographical indications, designation of origin and guaranteed traditional products, conducting examination and registration thereof;

(2) issuing certificates of right to use the geographical indications, designation of origin and guaranteed traditional products on behalf of the State;

(3) maintaining of a Register for the geographical indications, designation of origin and guaranteed traditional products, as well as a list of those using the geographical indications and designation of origin;

(4) providing information services with regard to the geographical indications, designation of origin and guaranteed traditional products;

(5) representing the Republic of Armenia in foreign and international organisations operating in the field of intellectual property;

(6) implementing other functions within the scope of its competences.

2. The state authorised body shall publish information concerning registered geographical indications, designation of origin and guaranteed traditional products, and other information relating to its activities in its “Industrial Property” Official Bulletin.

3. The Board of Appeal of the state authorised body shall dispose of disputes related to legal protection of geographical indications, designation of origin and guaranteed traditional products and its decision shall be considered as final decision of the state authorised body. Any decision of the Board of Appeals may be subject to judicial appeal. The Statute of the Board of Appeal and the procedure for examination of appeals shall be approved by the Government of the Republic of Armenia.

Article 6. State fees

State fees shall be charged for the purposes of implementing certain operations with regard to acquisition and protection of rights under this Law. Types of state fees, their amount and timelines for their payment, refund of state fees, decreasing the amount of fees, as well as grounds for exempting from state fees and the procedure thereof shall be prescribed by Law.

Chapter 2: Legal protection

Article 7. Basic provisions of legal protection

In the Republic of Armenia, geographical indications, designation of origin and guaranteed traditional product shall be granted legal protection by virtue of their

registration in accordance with this Law.

Article 8. Conditions for protection of geographical indication and designation of origin

1. The geographical name of a territory (settlement), a certain area or, in exceptional cases, a country, can be protected, which is used to denote the given product:

- 1) that has originated from that territory, settlement, certain area or country;**
- 2) which specific quality, reputation or other qualities are primarily conditioned by its geographic origin; and**
- 3) that has been produced and/or processed and/or prepared in that particular geographical location.**

2. As a designation of origin can be maintained the name of a territory or a settlement, certain area or, in exceptional cases, the geographical name of the country that serves to indicate the product:

- 1) which has originated from that territory, settlement, certain area or country;**
- 2) which specific quality, reputation or other qualities are primarily or exclusively conditioned by that geographical conditions, including natural and human factors; and**
- 3) which has been produced, processed and prepared in that particular geographical location.**

3. Traditional geographical or non-geographical names of the product, which comply with the requirements set out in paragraphs 1 and 2 of this Article, can also be maintained as geographical indications or designation of origin.

4. Regardless the provisions set out in clause 1 of paragraph 2 of this Article, designation of origin shall be made equal to certain geographical names in case, where the original raw material used for the production of products with those names, has originated from a wider geographical location or another territory, which is different from the location, where that product is processed with the condition, that:

1) the boundaries of the territory where the initial raw material is produced, are determined;

3) inspection control is organized, which fulfil the conditions referred to in clause 2 of this paragraph.

5. Only live animals, meat and milk shall be considered as raw material for the purposes of paragraph 4 of this article.

6. For wines “geographical indication” means an indication referring to a region, a specific place or, in exceptional cases, a country, used to describe a product which complies with the following requirements:

- (i) it possesses a specific quality, reputation or other characteristics attributable to that**

geographical origin;

(ii) at least 85 % of the grapes used for its production come exclusively from this geographical area;

(iii) its production takes place in this geographical area;

(iv) it is obtained from vine varieties belonging to *Vitis vinifera* or a cross between the *Vitis vinifera* species and other species of the genus *Vitis*.

7. For wines “designation of origin” for wines means the name of a region, a specific place or, in exceptional cases, a country used to describe a product that complies with the following requirements:

(i) its quality and characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors;

(ii) the grapes from which it is produced come exclusively from this geographical area;

(iii) its production takes place in this geographical area;

(iv) it is obtained from vine varieties belonging to *Vitis vinifera*.

8. For wines certain traditionally used names shall constitute a designation of origin where they:

(a) designate a wine;

(b) refer to a geographical name;

(c) meet the requirements referred to in paragraph 7 (i) to (iv);

(d) undergo the procedure conferring protection on designations of origin laid down in this Law.

9. For spirits a geographical indication shall be an indication which identifies a spirit drink as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of that spirit drink is essentially attributable to its geographical origin.

Article 9. Legal protection of guaranteed traditional product

1. As a guaranteed traditional product can be protected the product which meets one of the following requirements:

1) is produced from initial traditional raw material;

2) is characterized by its traditional composition, or

3) is characterized by its production and/or processing method, which complies with the

traditional method of the production and/or processing.

2. The characteristics or the set of characteristics that determine the specific feature of the product should be related to the physical and chemical, microbiological or organoleptic characteristics of the product, method of production or specific conditions. The appearance of the product shall not be considered to be the characteristics of its specific feature.

3. The guaranteed traditional product can be registered provided its name is in essence specific or expresses the specific feature of the product.

5. The name of the guaranteed traditional product can contain geographical name, provided it does not damage the right to use the protected geographical indication or protected designation of origin.

6. The name of the guaranteed traditional product should not damage the trademark right or other intellectual property rights.

7. The name of a plant variety and an animal breed can be used in the name of a traditional guaranteed product, provided it does not mislead the consumer as to the nature of the product.

Article 10. Grounds for refusing to register the geographical indication, designation of origin and guaranteed traditional product

1. Those names, which do not comply with the conditions referred to in paragraph 1 of Article 8 of this Law, or, in respective cases, the conditions of paragraph 3 of this article of this Law, shall not be eligible for registration and protection as geographical indication.

2. Those names, which do not comply with the conditions referred to in paragraph 2, Article 8, or, in respective cases, the conditions of paragraphs 3 and 4 of this Article, shall not be eligible for registration and protection as designation of origin.

3. The names of those products that do not comply with the conditions of Article 9 of this Law shall not be eligible for registration and protection as guaranteed traditional product.

4. The following names shall not be eligible for registration and protection as geographical indication, designation of origin or guaranteed traditional product, which:

1) have become the generic name of the product;

2) contradict with public order, accepted principles of humanism or morality or undermines national or spiritual values.

5. The name cannot be registered as geographical indication or designation of origin, where it:

1) may mislead the consumer as to the true nature of good with respect to any trade

mark due to its reputation and recognition , as well as the duration of its use;

2) creates confusion with the names that are homonymous with names of plant varieties or animal breeds for comparable products if as of the date of filing the application for registration of the geographical indication or designation of origin the variety or breed is in such commercial production that the consumer may be liable to confuse the products bearing the registered name and the variety or the breed;

6. The registration of a name homonymous or partly homonymous to the protected name shall be rejected, where considering the local and traditional application, as well as the danger of confusing, the consumer may be misled as to the true origin of the product, even if that name is true for that territory, area or residential area, from where the protected product with that very name is originated.

7. The product cannot be registered as a guaranteed traditional product, which specific feature is conditioned by its origin or geographical location. The name of a guaranteed traditional product can contain names of geographical locations, provided it does not infringe other earlier intellectual property rights, in particular that of for trade marks, protected geographical indications and designation of origin.

Article 11. Technical requirements

1. To acquire right over the protected geographical indications and designations of origin or for recognizing the product as guaranteed traditional product, it shall therefore meet the technical requirements approved by the authorised body in accordance with paragraph 1 of Article 38 of this Law.

2. The technical requirements of the geographical indication or designation of origin shall contain the following:

1) the geographical indication or designation of origin, which protection is claimed;

2) in case, where the product is necessary, also the name and description of the initial raw material, as well as the physical and chemical, microbiological or organoleptic characteristics of the product;

3) indication of the borders of geographical zone and, if necessary, indications, which certify that the conditions laid down in paragraph 4 of Article 8 of this Law are complied with;

4) indications, which prove the origination of a product from the given geographical zone in accordance with paragraph 1 or, where necessary, 2, 6, 7 or 9 of Article 8 of this Law;

5) description of producing methods and, if necessary, of the local honest and regularly practiced methods of the production of the product, as well as the description of packaging information, where the applicant indicates and justifies the necessity for packaging the product in the given geographical zone aiming to ensure quality protection or guarantee the origin or supervision;

6) indications, which justify the relation of the product characteristics and quality with the geographical environment, or, where necessary, the relation of product-specific qualities, reputation or other characteristics with its geographical origin;

7) names of state bodies or bodies authorized to implement supervision over the compliance with the provisions of technical requirements, their addresses, as well as the clarification of their duties;

8) special rules of processing of the given product;

9) other potential requirements, which shall be met in accordance with the current legislation.

3. Technical requirements of the guaranteed traditional product shall contain:

1) name of the guaranteed traditional product;

2) description of the product indicating its physical and chemical, microbiological or organoleptic characteristics;

3) description of production manner applied by the producers, including, upon need, the description of the nature and qualities of initial raw material or used components and production methods;

4) basic elements determining the specifics of the product;

5) essential elements, which determine that the product is traditional; and

6) minimum requirements of the product specifics and the description of evaluation process.

Article 12. Right of protection

1. Geographical indication, designation of origin or guaranteed traditional product is eligible for registration, where:

1) it complies with the provisions of Article 8 or, in respective cases, of Article 9, as well as Article 11 of this Law, and the provision of protection shall not be rejected in accordance with the provisions of Article 10;

2) the application submitted for registration meets the requirements referred to in this Law.

2. Only the group shall be entitled to submit an application for registration of a geographical indication, designation of origin or guaranteed traditional product which carries out activities in production of goods mentioned in the application and the production as the outcome of such activity meets the requirements of Article 8 or 9 of this Law.

3. To the group, submitting application for the registration of the geographical

indication, designation of origin or guaranteed traditional product:

1) may be made equal to one physical or legal persons, if, as of the date of submitting the application, he is the only person implementing the production activity of the products stated in the application;

2) may join as well other interested persons.

4. The group may submit application for registration in accordance with paragraph 2 of this Article only for those products which it produces or mines.

5. The right of use the protected geographical indication or protected designation of origin belongs jointly to those persons who produce and/or process and/or prepare in respective geographical zone in the meantime complying with provisions of technical requirements.

6. Any physical or legal person located in respective geographical zone, that produces and/or processes and/or prepares product in accordance with the provisions of technical requirements for protected geographical indication or protected designation of origin, may submit an application to the state authorized body to acquire the right to use it.

7. Any physical or legal person that puts the guaranteed traditional product into commercial circulation for the first time, even if they are a member of the group, shall be obliged to, in advance, notify to competent bodies in writing, listed in Article 37 of this Law.

Article 13. Validity period and renewal of the right to use

1. The protection of geographical indication or designation of origin or guaranteed traditional product shall be in force from the year of filing application with the state authorized body, without limitation of term.

2. The right to use the protected geographical indication or designation of origin shall be entitled for a period of ten years. This date can be extended for no more than ten years for every single time, provided the technical requirements of that particular product are met.

3. The proprietors of the right to use the protected geographical indication or designation of origin, before the termination of each ten-year period, may apply to the state authorized body for its renewal. The request on renewal shall be submitted to the state authorized body along with the certificate on protection of product-specific qualities issued by competent body, as well as the payment receipt of state fee as prescribed by the Law for the cases of renewal of the right to use.

4. The request form on renewal of the right to use, the procedure for submission and examination thereof shall be defined by the Government.

5. The request on renewal of right to use protected designation of origin or geographical indication shall be submitted by the proprietor of the right or his representative.

6. The request on renewal of the right to use shall be submitted throughout the last year of its validity. The application can be submitted after the completion of its 10 years of validity under the condition of paying additional state fee within a period of six months.

7. The renewed term of the right to use shall be effective from the day following the previous ten year period. The data on renewal of validity of registration shall be entered into the Register for geographical indications or designation of origin maintained by the state authorized body and published in the "Industrial Property" Official Bulletin.

Article 14. Validity period of registration of geographical indication and designation of origin

1. Registered geographical indications and designation of origin shall be protected:

1) from any direct or indirect commercial use of the registered name, for products not covered by the registration to the extent, where those products are comparable with the products registered under that name or to the extent, where such use allows to benefit from the reputation of the protected name;

2) from any misappropriation, reproduction, duplication or any use creating association to them, (even where the true origin of the product is mentioned), or its protected name is used in translation, or is accompanied with such expressions as “gender”, “kind”, “type”, “style”, “duplication” or similar other expressions;

3) from any false or misleading indication referring to the origin, geographical location, natural conditions or essential qualitative features of the product, which are found on the product or its packaging, advertisement, documents of the given product or containers designed for packaging, which can mislead as to the geographical origin of the product;

4) from any action, which can mislead the consumer as to the true geographical origin of the product.

2. Protected names cannot become generic names.

3. The right to use the geographical indication or designation of origin shall arise from the registration thereof. Registered geographical indication or designation of origin cannot become an object of transfer or of a licence or any other economic right.

4. Illegal use of the indications “Protected geographical indication” or “Protected designation of origin” or other corresponding indications, symbols shall be prohibited.

Article 15. Protection of guaranteed traditional product

1. The names of guaranteed traditional products registered in accordance with this Law shall be protected:

1) from any action misleading the consumer, especially that of leading to the assumption that it is a guaranteed traditional product;

2) from any type of imitation of registered name, that is reserved under paragraph 2 of Article 40 of this Law.

2. The use in trade of the names of products which may be confused with the names registered in accordance with paragraph 2 of Article 40 of this Law shall be prohibited.

3. Illegal use of “Guaranteed traditional products” or other corresponding indications, symbols shall be prohibited.

Article 16. Termination of protection and revocation of right

1. The rights acquired on the basis of registration shall be terminated:

1) from the date of filing an application for registration, where the registration is deemed to be invalid;

2) from the date of withdrawal, where the protection is withdrawn.

2. The registration of geographical indication, designation of origin or guaranteed traditional product shall be deemed invalid, where it has taken place through infringement of the provisions of this Law.

3. The protection of geographical indication or designation of origin shall be withdrawn, where:

1) it is not possible anymore to obtain products compliant with the technical requirements in the result of changes or elimination of the natural conditions typical for the mentioned geographical zone and/or human factors as prescribed by Article 8 of this Law;

2) that particular geographical indication or designation of origin is no more protected in the country of origin where the geographical zone belongs to another country.

4. The protection of geographical indication or designation of origin shall be withdrawn, where the body, assigned in accordance with Article 37 of this Law, identifies incompliance between the real characteristics of the product and its technical requirements where there is no way to eliminate these.

5. The state authorized body shall terminate the validity of the certificate for the right to use geographical indication or designation of origin:

1) in accordance with paragraph 1 of this Article;

2) where the legal person considered to be the proprietor is dissolved;

3) on the basis of the request of the proprietor;

4) on the basis of inquiries by the assessing body assigned under Article 37 of this Law, where it thinks that the technical requirements have not been complied with.

Chapter 3: The process of registering geographical indication, designation of origin and guaranteed traditional product

Article 17. Application for registration

1. The application for registration (hereinafter “application”) of the geographical indication or designation of origin or guaranteed traditional product shall be submitted by the group that complies with the provisions of paragraph 2 in Article 12 of this Law.

2. The application shall be submitted to the state authorized body in Armenian language. The documents to be attached to the application shall also be in Armenian. Where the documents to be attached to the application are submitted in another language, their Armenian translations shall be submitted within two months after the submission of the application.

3. The application form, procedures and methods of its submission, including electronically, shall be defined by the Government.

Article 18. Requirements for the application

1. The application for registration of the geographical indication or designation of origin shall contain:

1) technical requirements envisaged by paragraph 2 of Article 11 of this Law, which should be verified and approved by competent state body;

2) single document, which contains principal elements of technical requirements, the name, for which the registration is sought, description of product and, where necessary, special rules applied to the packaging or labeling of the product, brief description of the boundaries of mentioned geographical zone, the description of relation between the product and, in accordance with clauses 2 of paragraphs 1 and 2 of Article 8 of this Law, geographical environment or geographical origin, including, where necessary, special elements of the description of the product or its production method, that come to establish that relation.

2. For wines applications for protection of names as designations of origin or geographical indications shall include a single document containing:

(1) the name to be protected;

(2) the main elements of technical characteristics;

(3) the principal analytical and organoleptic characteristics of the wine and in the case of designation of origin, as well as an evaluation of its organoleptic characteristics;

(4) where applicable, the specific oenological practices used to make the wine(s) as well as the relevant peculiarities on making the wine(s);

(5) the demarcation of the geographical area concerned;

(6) the maximum yields per hectare;

(7) an indication of the wine grape variety or varieties the wine(s) is obtained from;

(8) the details bearing out the link referred to in Article 8 paragraph 6 (1) or, as the case may be, in Article 8 paragraph 7 (1).

3. For spirit drinks the single document for registration of geographical indication shall include:

(1) the name and category of the spirit drink including the geographical indication;

(2) the main elements of technical characteristics;

(3) a description of the spirit drink including the principal physical, chemical and/or organoleptic characteristics of the product as well as the specific characteristics of the spirit drink as compared to the relevant category;

(4) the definition of the geographical area concerned;

(5) a description of the method for obtaining the spirit drink and, if appropriate, the authentic and unvarying local methods;

(6) the details bearing out the link with the geographical environment or the geographical origin;

(7) any requirements laid down by the country concerned and/or national and/or regional legislation;

(8) any supplement to the geographical indication and/or any specific labelling rule, according to the relevant technical file.

3. The application of guaranteed traditional product shall contain:

1) the name and location (address) of the applicant;

2) technical requirements envisaged by paragraph 3 of Article 11, which should be verified and approved by the competent state body;

3) the names, location (addresses) and precise functions of the bodies competent to carry out the supervision of technical requirements;

4) documents, proving the specific and traditional nature of the product.

3. Apart from the elements mentioned in clauses 1 and 3 of paragraph 1 of this Article, the application referring to the geographical zone outside the territory of the Republic of Armenia shall be accompanied with the document certifying the registration of that particular name in the country of origin.

4. The payment receipt of the state duty defined under the Law for publishing the

application shall be attached to the application.

5. The application submitted by the representative shall have a letter of authorization attached.

Article 19. Representation

1. Legal and physical entities having a place of residence or location in the Republic of Armenia or functioning industrial or commercial institution, shall run their affairs of obtaining and protecting rights in compliance with this Law with the state authorized body either independently or through their representative. The competency of the representative shall be ratified by the letter of authorization drawn up in a simple written form issued by them.

2. Foreign physical and legal persons not having permanent place of residency or functioning industrial or commercial institution, shall run their affairs of obtaining and protecting rights in compliance with this Law with the state authorized body either through patent or trademark accredited person or other representative, unless otherwise specified under international treaties of the Republic of Armenia.

Article 20. Date of filing of an application

1. The date of receipt by the state authorised body of the documents listed below shall be considered the date of filing of the application:

The date of filing of an application for registration of geographical indication, designation of origin or guaranteed traditional product shall be considered the date of receipt of the application by the state authorized body, provided it includes all elements envisaged by paragraph 1 (taking into consideration the requirements stated in paragraphs 2 and 3), or in respective cases, paragraph 4, as well as paragraph 6 of Article 18 of this Law.

Article 21. Withdrawal of and amendments in application

1. Prior to the date of making the decision on registration or refusing of registration of the geographical indication or designation of origin or guaranteed traditional product, the applicant may apply to the state authorized body:

1) for withdrawal of the application;

2) for amendments, suppliments or correction in the application documents, provided these actions do not significantly affect the name sought to be registered and do not extend the list of goods.

2. Suppliments, amendments and/or corrections which significantly change the name to be registered or extend the list of goods, shall not be considered. These may become an object of new application.

3. Once the application is published in the “Industrial Property” Official Bulletin, the information on its withdrawal or other amendments introduced shall also be published.

4. The actions envisaged by paragraph 1 of this Article shall be carried out provided

that state fees defined by Law are paid.

5. The application form, procedure for submission and its examination shall be defined under the Government.

Article 22. Examination of application

1. The state authorized body shall make an examination under the received application to verify the compliance of the application with the provisions of Article 18 of this Law and the requirements for the protection of this Law. The duration of making an examination shall not exceed the period of six months.

2. The process of making an examination in accordance with paragraph 1 of this Article shall include examination of compliance with conditions for filing an examination and substantive examination.

3. The state authorized body may make an inquiry to the applicant on submitting additional documents during the examination. The time period that lies between the date of sending the notification and the date of receipt of its answer by the state authorized body shall not be considered when calculating the term defined by paragraph 1 of this Article.

4. The materials required in accordance with paragraph 3 of this Article shall be submitted within the period of two months from the date of receiving the notification.

5. If the applicant does not submit the required materials within the period defined by paragraph 4 of this Article or does not submit an application on extending the defined period, then the application shall be considered to be withdrawn and the applicant is being notified about it. The application on extension of the period shall be attached with the payment receipt of state fee in the order established by Law. The conditions for extending the period shall be determined under the Government.

Article 23. Examination in compliance with the conditions for filing an application

1. The state authorized body shall, within the period of one month after the receipt of the application, carry out an examination to verify the compliance of the application with the requirements defined by Article 20 of this Law with the purpose of defining the date of filing the application.

2. If, in the result of the examination of application in accordance with paragraph 1 of this Article, it turns out, that:

1) the application complies with the requirements of defining the date of filing, then the state authorized body shall define the date of filing the application in compliance with Article 20 of this Law;

2) the application does not comply with the requirements of defining the date of filing, then the state authorized body shall notify the applicant on identified discrepancies and invite him to eliminate those within three months time after the receipt of notification.

3. If the applicant, in accordance with clause 2 of paragraph 2 of this Article:

1) eliminates the identified discrepancies, then the state authorized body shall define the date of application as that of eliminating the discrepancies;

2) does not eliminate the identified discrepancies, then the application is considered to be not filed, and the applicant is notified about within ten days.

4. Where the state authorized body defines the date of filing the application, the data of application shall be entered into the respective database of applications for geographical indications, or of applications for designation of origin or of applications for guaranteed traditional product.

5. The state authorized body shall, after entering the data of application into the respective database, carry out an examination on the following grounds:

1) compliance of the application with the requirements specified by Article 12 of this Law;

2) compliance of the application with the technical requirements specified by Article 11 of this Law;

3) compliance of the documents attached to the application with the requirements specified by this Law and the Government;

4) existence of the payment receipt for the state fee as defined by Law.

6. If, in the result of the examination in accordance with paragraph 5 of this Article, it turns out that the application:

1) complies with the conditions envisaged by paragraph 5 of this Article, then the state authorized body shall make the decision on carrying out a substantive examination and notify the applicant within the period of ten days stating the date of filing the application;

2) does not comply with the conditions envisaged by paragraph 5 of this Article, then the state authorized body shall notify the applicant on identified discrepancies and invite to eliminate those within the period of three months.

7. If the applicant does not eliminate the discrepancies in the result of being notified in accordance with clause 2, paragraph 6 of this Article, or if he does not apply for extending the term, then the state authorized body shall make a decision on considering the application as withdrawn and inform the applicant about it within the period of ten days.

Article 24. Publication of application

Where the state authorized body makes a decision in compliance with clause 1 of paragraph 6 of Article 23, then it shall publish the data on application for geographical indication, designation of origin or guaranteed traditional product in the “Industrial

Property” Official Bulletin within one month. The list of data eligible to be published shall be defined by the Government.

Article 25. Objections

1. Any interested person, state bodies and organizations, among them those belonging to other countries shall be entitled to present objection against the registration within the period of six months after the publication of the application for registering the geographical indication, designation of origin or guaranteed traditional product.

2. The objection shall be presented to the state authorized body in writing and be justified. The objection shall be presented along with the payment receipt of state fee established by Law. The objection shall be considered not to be presented if it is not accompanied by the payment receipt of the established state fee.

3. The person presenting an objection may submit additional arguments and justifications within the period of one month following the date of submitting the objection.

4. The objections presented to the state authorized body within the specified time-period under paragraph 1 of this Article shall undergo examination.

5. The objections presented against the registration of geographical indication or designation of origin may be sustained only when these come to prove that the name applied for:

1) does not comply with the requirements of respectively paragraphs 1 and 2 of Article 8 of this Law; or

2) contradicts clause 2 of paragraph 4, paragraphs 5 or 6 of Article 10; or

3) will prejudice the geographical indication or designation of origin registered earlier, which are partly or wholly homonymous to whose trademarks or products that have been in legal commercial circulation for minimum five years before the publication of the application; or

4) is generic in the context of this Law.

6. The objections presented against the registration of guaranteed traditional product can be sustained only where these come to prove that:

1) the requirements of Article 9 of this Law are not complied with;

2) in cases envisaged by paragraph 2 of Article 40 of this Law, the name applied for a similar product is already known and is being used legitimately and in significant economic scales.

Article 26. Substantive examination

1. During the examination of the application for registration of geographical indications, designation of origin or guaranteed traditional product the state authorized body shall

verify:

- 1) the existence of grounds for refusal as prescribed by Article 10 of this Law;
- 2) the objections presented against the registration.

2. The state authorized body shall make the decision on registration or refusal of application for registration of the geographical indication, designation of origin or guaranteed traditional product based on the results of the examination. The applicant shall be notified about the decision within the period of ten days.

3. The examination of the application shall be carried out when the state fee established by Law has been paid.

Article 27. Consideration of objection

1. Where the objection presented in accordance with paragraph 4 of Article 25 is being considered, then the state authorized body shall notify the applicant about it. The applicant may, within the period of two months after the receipt of the notification, set out his own opinion, which is followed by the proposal from the state authorized body on resolving the dispute in peaceful manner.

2. If the objecting party and the applicant group have arrived at an agreement, then this agreement shall be presented to the state authorized body. If in the result of agreement no or insignificant changes are made to the information published in accordance with Article 24 of this Law, then the state authorized body shall act in compliance with Article 29 of this Law. In the opposite case, the state authorized body shall carry out new examination in accordance with Article 22 of this Law.

3. If the parties do not arrive at an agreement, then the state authorized body shall, in accordance with paragraphs 4-7 of this Article, consider the presented objections and make a decision taking into account local customs and traditions and existing danger of confusion.

4. The state authorized body shall consider the chances of sustaining the objection and the arguments of parties. The criteria, envisaged by clauses 2-4 of paragraph 5, or in respective cases, paragraph 6, of Article 25 of this Law, shall be considered with regards to the territory of the Republic of Armenia, and in case of existence of intellectual property rights, with regards to those rights protected in the territory of the Republic of Armenia.

5. On the basis of inquiry by the applicant, the proprietor of the trademark registered earlier that served as a basis for objection, shall provide evidence that before the publication of application, the earlier trademark has been used for 5 years in the territory of the Republic of Armenia for those goods and services it is registered for and on which the objection is based, or, that there are justified grounds for not using, provided, that the trade mark is registered for at least 5 years as of that very date. Where such evidence is not provided, then the objection shall be refused.

6. The consideration of the objection may, on the basis of one of the parties, be

suspended for a period not exceeding six months.

7. Where the objection is sustained in the result of consideration, then the state authorized body shall refuse the application, in the opposite case, the state authorized body shall refuse the objection and notify the parties.

Article 28. Rejection of application

1. The state authorized body shall make a decision on rejecting the application, where:

1) in the result of examination carried out in accordance with Articles 23 and 26 of this Law it turns out, that the name applied for cannot be registered as a geographical indication or designation of origin in accordance with the provisions of this Law, or that the product applied for does not comply with the conditions envisaged by this Law for registering guaranteed traditional product;

2) presented objection has been sustained in accordance with Article 27 of this Law.

2. If the geographical indication or designation of origin presented for registration contain one or more generic name, and if their inclusion in the name may mislead as to the scope of protection of that name, then the state authorized body shall require from the applicant, as a condition for registration, to declare that he does not request exclusive right over those elements. That declaration shall be published with the registration data at the same time.

3. Where the application has been rejected in accordance with the the process defined by Law, on the basis that the name applied for as geographical indication or designation of origin is a generic name, then the state authorized body shall publish that particular decision in the “Industrial Property” Official Bulletin.

4. The decision on rejection shall not be adopted unless the applicant has been given the opportunity to express his opinion on withdrawal of or amending the application, or the grounds of rejection.

Article 29. Registration of geographical indication, designation of origin and guaranteed traditional product and grant of right on use

1. If in the result of examination of the application, in accordance with Articles 23 and 26 of this Law, it turns out that all conditions for registering the geographical indication, designation of origin or guaranteed traditional product are met, and that no objection was presented against the registration or the presented objections were rejected, then the state authorized body shall make the decision respectively:

1) on registration of the geographical indication in the State Register for geographical indications and grant the applicant the right to use the geographical indication;

2) on registration of the designation of origin in the State Register for designation of origins and grant the applicant the right to use the designation of origin;

3) on registration of the guaranteed traditional product in the State Register for guaranteed traditional product.

2. The state authorized body shall within ten days after the date of making the decision stated in paragraph 1 of this Article, notify the applicant inviting him to pay the established state fee and to present the payment receipt within three months after receiving the notification. The state authorized body shall within one month after the day of receiving the mentioned payment receipt handover the applicant a certificate on the right to use the geographical indication or designation of origin. The format and list of contained information shall be established by the Government.

3. If the applicant or his representative does not receive the certificate of right to use, then the state authorized body shall deliver it by post within the period of ten days.

4. The data on registration of geographical indication or designation of origin or guaranteed traditional product, as well as the data on the persons being granted the right to use the geographical indication or designation of origin shall be published in the “Industrial Property” Official Bulletin.

5. The right to use the geographical indication or designation of origin may, on the basis of an application, be provided to any physical or legal person that comply with the conditions of paragraph 6 of Article 12 of this Law.

6. The right holder may, in case of loss or the worthlessness of the certificate of right to use the geographical indication or designation of origin, apply to the state authorized body with a request to obtain a copy attaching payment receipt of the state fee to the request. The state authorized body shall issue the copy of the certificate within ten days.

Article 30. State registers

1. The state authorized body shall run a State Register for protected geographical indications, protected designation of origin and protected guaranteed traditional products.

2. All data envisaged by this Law and the Government shall be entered in the State Registers. Any record or change in the State Register shall be published in the “Industrial Property” Official Bulletin.

3. State Registers shall be accessible to the public.

4. The state authorized body shall, upon request by any person and on the condition of paying the state fee established by Law, provide excerpts from State Registers in accordance with the procedure defined by the Government.

Chapter 4: Appeal against the decisions. Contradiction with other rights. Supervision

Article 31. Appealation of decisions on applications

1. The parties may contest any decision made on the application of registering geographical indications, designation of origin or guaranteed traditional product within the period of two months after the receipt of the decision, or it can be contested by a third person having information on their registration, within the period of making the

decision and the date of registration.

2. The appeal shall be submitted to the Board of Appeal in writing and be justified. It shall be considered to be submitted only when the state fee established by Law has been paid.

Article 32. Discussion of the appeal

1. During the discussion of the appeal, the Board of Appeal shall give opportunity to the parties to submit comments on the arguments of the opposing party.

2. The Board of Appeal shall make one of the following decisions resulting from the discussion:

1) to leave in force the decision that was appealed;

2) to recognize wholly or partly invalid the decision that was appealed.

3. The decision made by the Board of Appeal shall enter into force upon the day of its adoption.

4. The Board of Appeal shall within ten days inform the parties on the decision made, which may be contested in the court within the period of three months following the day when the decision was made.

Article 33. Use of homonymous names

The use of geographical indications or designation of origin registered in totally or partially homonymous names shall be allowed only in cases, when the next registered homonymous name is sufficiently different from the earlier name in view of fair treatment to the producer and prevention of consumer's confusion.

Article 34. Contradiction with trade marks

1. If the geographical indication, designation of origin or guaranteed traditional product has been already registered in accordance with this Law, then the application filed for registration of trademark for similar products, which corresponds to one of the situations described in respectively Articles 14 or 15, shall be rejected provided that application for registration the trademark has been filed after the date of launching the protection of geographical indication, designation of origin or guaranteed traditional product.

2. The registration of a trademark that has taken place by infringing paragraph 1 of this Article shall be recognized invalid.

3. In situations corresponding to one of those described in Articles 14 or 15 of this Law, the use of trademark, which was filed for registration or appropriately already registered before the date when the protection of geographical indication, designation of origin or guaranteed traditional product started, can co-exist with the registered geographical indication, designation of origin or guaranteed traditional product,

provided there are no legislative grounds for recognizing the registration of the trademark as invalid or nullified.

Article 35. Contradiction with trade names

1. If the geographical indication, designation of origin or guaranteed traditional product is protected in accordance with this Law, then the application, filed for registration of trade name for similar products, corresponding to one of the situations described in Articles 14 and 15 of this Law, shall be rejected provided that application for registering the trade name has been filed after the date of launching the protection of geographical indication, designation of origin or guaranteed traditional product.

2. In situations corresponding to one of those described in Articles 14 or 15 of this Law, the use of trade name which was filed for registration or appropriately already registered before the date when the protection of geographical indication, designation of origin or guaranteed traditional product started, can co-exist with the registered geographical indication, designation of origin or guaranteed traditional product, provided there are no legislative grounds for recognizing the registration of the trade name as invalid or nullified.

Article 36. Contradiction with domain name

1. If the geographical indication, designation of origin or guaranteed traditional product is protected in accordance with this Law, then the registration of any domain name, which use corresponds to one of the situations described in Articles 14 and 15 of this Law, shall be recognized invalid, where the registration of domain name took place after launching the protection of geographical indication, designation of origin or guaranteed traditional product.

2. In situations corresponding to one of those described in Articles 14 or 15 of this Law, the use of domain name, which was appropriately registered before the date when the protection of geographical indication, designation of origin or guaranteed traditional product started, can co-exist with the registered geographical indication, designation of origin or guaranteed traditional product, provided there are no legislative grounds for recognizing the registration of the domain name as invalid or nullified.

Article 37. Official supervision

1. The Government shall determine the list of bodies authorized, in compliance with legislation concerning the assessment of the conformity of goods, to carry out official supervision over the conformity of goods with names of geographical indications, designation of origin and guaranteed traditional product.

2. The system of official supervision shall be available for any producer.

3. The state authorized body shall publish and regularly update the names and locations (addresses) of bodies specified in paragraph 1 of this Article and Article 38 of this Law in the “Industrial Property” Official Bulletin.

Article 38. Supervision over the provision of technical requirements

1. The Government shall determine the list of bodies authorised and responsible both for

establishment of technical requirements for various types of goods, as well as for establishment of general principles, stages and procedures of the supervision carried out over the compliance with technical requirements in accordance with the provisions of this Law.

2. Supervision over the compliance with technical requirements for geographical indications, designation of origin or guaranteed traditional product, which geographical zone is the Republic of Armenia, shall be carried out by the bodies specified in Article 37 of this Law, and/or by one or more than one body that supervises the goods' certification functions, before putting the goods into commercial circulation.

3. Supervision over the compliance with technical requirements for geographical indications, designation of origin or guaranteed traditional product, which geographical zone is outside the territory of the Republic of Armenia, shall be carried out by the bodies in the country of origin or by one or several respective competent bodies and/or one or more than one certification bodies, before putting the goods into commercial circulation.

4. The certification bodies specified in paragraphs 1 and 2 of his Article should be accredited in accordance with defined procedure.

Article 39. Application of indications, marks and symbols

1. The geographical indication or designation of origin protected under this Law may be used only by persons entitled to use that particular geographical indication or designation of origin.

2. The products, originating from the Republic of Armenia and having names of geographical indications and designation of origin protected by this Law, can be put into market circulation by using the indication "Protected geographical indication" or in respective cases "Protected designation of origin" and/or the national symbol established by the Government of the Republic of Armenia.

3. The products, produced in a third country and having names of geographical indications and designation of origin protected by this Law, can be put into market circulation by using the indications envisaged by paragraph 2 of this Article.

4. Only those producers that comply with technical requirements shall have the right to refer to the guaranteed traditional product on the labels of the product, in the advertisement or accompanying documents.

5. Where the guaranteed traditional product is referred to, then the label of the goods produced in the Republic of Armenia can have the indication "Protected guaranteed traditional product" and/or the national symbol established by the Government of the Republic of Armenia.

6. The indications envisaged by paragraph 5 of this Law shall be applicable also for the guaranteed traditional product produced outside the Republic of Armenia.

Article 40. The conditions for using the names of guaranteed traditional product

1. The name of the guaranteed traditional product cannot be used, starting from the date of publication of the application of guaranteed traditional product, for labeling that particular product, when its technical requirements comply only with the conditions of paragraphs 4, 5 and 6 of Article 39 of this Law. However, the use of the names of registered guaranteed traditional products, that do not comply with registered technical requirements, may continue without the writing “Protected guaranteed traditional product” or respective national symbol.

2. The guaranteed traditional product may be registered by reserving the name of the product which complies with the published technical requirements, if the group has requested so in its application for registration and, if the substantive examination carried out in accordance with Article 26 of this Law has not revealed that the name for a similar product is well-known, is used legitimately and in significant economic scales. Starting from the date when the application for the registration of guaranteed traditional product was published, that particular name cannot be used on the labels of similar goods not complying with technical requirements, even without the writing “Protected guaranteed traditional product” or respective national symbol.

3. If the guaranteed traditional product was registered in only one language, then the applying group can specify in their technical requirements, that during the commercialization of the product the label may, along with the original name of the product, contain indications in other languages, which also denotes, that the product is obtained (prepared, produced) in accordance with the traditions of the country from where the application was filed, in cases, when the country of origin of the product is not the Republic of Armenia.

Article 41. Introducing changes to the technical requirements

1. The group, which complies with paragraph 2 of Article 12 of this Law and has legitimate interests, may request for introducing changes to the technical requirements for the geographical indication or designation of origin, especially in view of the developments in scientific and technical knowledge. The changes may be requested for the purpose of reviewing the territorial boundaries. The changes requested for and their justifications shall be described in the respective application.

2. If the changes requested for, in accordance with paragraph 1 of this Article, assume one or more than one changes to the unified document described in clause 2 of paragraph 1 in Article 18, then the request for introducing changes, shall be subject to the procedures specified by Articles 22, 25 and 26 of this Law.

3. If the changes requested for in accordance with paragraph 1 of this Article do not assume any changes to the single document, then the following rules shall apply:

1) if the geographical zone is located within the territory of the the Republic of Armenia, then the applicant shall submit the decision of the competent body on approving the changes;

2) if the geographical zone is located outside the territory of the the Republic of Armenia, then the applicant shall submit evidence that the changes were approved in the country of origin.

4. The state authorized body shall enter the changes into the State Register for protected geographical indications or in the State Register for protected designation of origin and publish all changes and justifications in the “Industrial Property” Official Bulletin.

5. The application on introducing changes to the technical requirements for the guaranteed traditional products can be submitted by the group complying with paragraph 2 of Article 12 of this Law. The application on introducing changes shall prove the existence of legitimate economic interest, contain the description and justification of the changes requested for.

6. The application on introducing changes submitted in accordance with paragraph 5 of this Article shall be subject to the procedures specified by Articles 22, 25 and 26 of this Law.

7. If the changes submitted in accordance with paragraph 5 of this Article are not essential, then the state authorized body can make the decision on approving or rejecting those changes without the application of the procedures envisaged by Articles 25 and 26 of this Law. The changes adopted shall be published in “Industrial Property” official journal.

8. When discussing the changes submitted in accordance with paragraph 5 of this Article, then, except for the objections specified by this Law, those objections should be considered which prove the existence of economic interest in the production of guaranteed traditional product.

9. Where temporary changes to the technical requirements are requested due to the adoption of sanitary or phyto-sanitary obligatory means by the state authorized bodies, then:

1) the application for introducing changes to the geographical indications or designation of origin shall be considered in accordance with the procedure envisaged by paragraph 3 of this Article;

2) the application for introducing changes to the guaranteed traditional product shall be considered in accordance with the procedure envisaged by paragraph 7 of this Article.

10. The application on introducing changes in accordance with paragraph 1, or in respective cases 5 or 9 of this Article, shall be submitted to the state authorized body. The procedure for submitting and discussing the application on introducing changes to the technical requirements shall be established by the Government.

Article 42. Prohibition of use of names of geographical indications, designations of origin and guaranteed traditional products

1. Any physical or legal person who proves that the use of the protected t on goods deprived of relevant characteristics cause direct or indirect damage to his rights in natural or processed goods may file a claim with the court for prohibition of use of that name or indication.

Article 43. Cancellation of registration, invalidation of protection and revocation of right of use

1. If as a result of supervision according to Articles 37 or 38 of this Law it is revealed that the technical requirements are no more met in goods bearing geographical indication or designation of origin registered according to this Law or guaranteed traditional product then the assessing body starts a procedure for cancellation of registration, invalidation, or as the case may be the revocation of right to use the name or indication.

2. Any interested physical or legal person may file a claim with a court for the cancellation of registration of geographical indication or designation of origin or guaranteed traditional product, invalidation of protection, or as the case may be the revocation of right to use the name or indication.

3. The provisions of paragraph 2 of this Article shall apply mutatis mutandis to the associations of protection of rights of consumers or producers provided that they are established at least six months before.

Chapter 5: Transitional provisions and entry into force of the law

Article 44. Transitional provisions

1. Prior to the entry into force of this Law the certificates of the registered designations of origin of goods shall be in force before the end of their term of validity but no longer than December 31, 2010.

2. Prior to the entry into force of this Law, registrations of registered designation of origin and their certificates for the right to use shall be declared invalid from January 1, 2011.

3. Prior to the entry into force of this Law, the examination of the registration of the designation of origin submitted to the state authorized body and/or those applications for the right to use, which are still under examination, shall be carried out in compliance with the requirements defined by this Law.

Article 45. Entry into force of this Law

This Law shall come into force from July 1, 2010.
