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LAW OF THE KYRGYZ REPUBLIC

On inserting of amendments into the Law of the Kyrgyz Republic
“On Firm Names”

Article 1.

To insert into the Law of the Kyrgyz Republic “On Firm Names” the following amendments:

1. In the Article 4:

to add the fifth part of the following content:

“Natural person in accordance with requires of norms of the Civil Code of the Kyrgyz Republic shall obtain and realize rights for business activity only under his/her proper name, including name, surname and patronymic name. Natural person may realize the business activity’s individualization by his/her name registration as a trademark”;

parts 5th and 6th shall be considered as parts 6th and 7th respectively.

2. In Article 5:

to exclude the word “foreign” in point 1;

to replace the words “the Kyrgyz Republic” by the word “Kyrgyzpatent” in point 5;

to reject point 6;

points 7-16 shall be considered as points 6-15;

to add the words “well-known trademarks” after the word “owners” in point 6;

to add the second part to the Article as follows:

“Registration of a sign similar to confusion with a firm name, indicated in points 5 and 6 of the first part of the present Article relatively to similar activities shall be possible at owner’s permission of this firm name for registration of this sign”.

3. In Article 7:

to add the third part to the Article as follows:

“Application and corresponding documents shall be submitted in state or official languages”;

parts 3-6 shall be considered as parts 4-7;

to add the following paragraph to the part 5th: “a copy of statistic registration card, properly verified”.

4. In Article 9:

to add the word “working” after the word “fifteen” in part 1;

to replace the words “10 day term” by the words “during ten work days” in part 2;

to formulate the third part as follows: “At applicant’s petition filed before the indicated term expiring, at presence of valid cause and a fee payment, the term of response may be prolonged for two months”;

to add to the 5th part the words “on which an applicant shall be notified” after the word “revoked”.

5. In Article 11:

to formulate the 2nd part in the following version: “If the application for a trademark, identical or similar to confusion with a firm name which has already received positive decision, is submitted with conventional or exhibition priority and obtained a decision on trademark registration; in this case the decision on a firm name shall be deleted”.

6. In Article 13:

to add the words “and Article 26” after the words “Article 5” in the first part;

to replace the word “registered” by the word “declared” in 4th part;

6. In Article 14:

to add the Article by 4th part in the following way: “Correction of evident and technical mistakes assumed not by an applicant’s responsibility, shall be inserted by Kyrgyzpatent in the Register and certificate for a firm name without fee payment”;

Part 4 shall be considered as Part 5.

8. Article 16 shall be worded in the following version:

“Article 16. Restoring of missed terms. The terms, provided by the second part of Article 9 of the present Law which were missed by applicant, may be restored by Kyrgyzpatent on the applicant’s petition, filed not later than in one month after expiring; terms provided by the part 2 of Article 13 and part 4 of Article 14 of the present Law – not later than during 3 months after expiring at the condition of valid causes confirming and fees payment”.

9. In Article 19:

to word the Part 2 in the following version: “The exclusive right to a firm name shall arise from the date of publication of information, concerning this firm name registration in the Register, in Official Bulletin, edited by Kyrgyzpatent”;

to add the Article by the 7th part of the following content: “Licensing agreement may be registered in Kyrgyzpatent et shall be valid from the date of registration. A relative fee shall be paid for the agreement registration”.

10. In Article 20:

to add the article by the part 2 of the following content: “As an infringement of exclusive right of a juridical person for protected firm name shall be considered also an unsanctioned usage of an identical or similar name as an address in Internet. The order of usage of the firm name or a sign, similar to confusion as an address in Internet, shall be established by the Government of the Kyrgyz Republic”.

the part 2 shall be considered as part 3.

11. The first part of Article 21 to complete by a paragraph of the following content: “usage of a firm name as an address in Internet”.

12. The first part of Article 26 shall be worded as follows: “Firm names of juridical persons who were registered before this Law entering into force, shall be possess a legal protection relatively identical or similar types of activities. Exclusive right (right for owning, using and managing of firm name, as well as forbidden to use it by other person) shall arise at condition of a distinctive sign including”.

Article 2.

Normative and legal acts of the Government of the Kyrgyz Republic, ministries and offices of the Kyrgyz Republic shall be applied without conflicting with this Law.

Article 3.

The present Law shall enter into force from the day of official publication.

The present Law shall be applied towards to legal relationship, which has been established since its entering into force.

The Government of the Kyrgyz Republic ought to bring to conformity with the present Law its normative legal acts.

President of the Kyrgyz Republic K.Bakiev

Adopted by Jogorku Kenesh (Parliament) of the Kyrgyz Republic on June 16, 2006
