

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.

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

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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