

**Law of the Russian Federation
of 23 September 1992 No. 3520-I
“On Trademarks, Service Marks and Appellations of Origin”
(Amended on 27 December 2000, 30 December 2001, and 11 December 2002)**

This Law shall govern relations arising in connection with legal protection and use of trademarks, service marks and appellations of origin.

SECTION I. Trademark and Service Mark

Chapter 1. Legal Protection of a Trademark and Service Mark

Article 1. Trademark and Service Mark

The trademark and the service mark (hereinafter, "trademark") are designations serving to individualize goods, works or services (hereinafter, "goods") of other legal entities or individuals.

Article 2. Legal Protection of a Trademark

1. The legal protection of a trademark in the Russian Federation shall be accorded either on the basis of its state registration (hereinafter, "registration") pursuant to the procedure established by this Law or by virtue of international agreements to which the Russian Federation is a party.

2. The right to a trademark shall be protected by law.

3. A legal entity or an individual engaged in entrepreneurial activity may be the holder of the exclusive right to a trademark (rights holder).

Article 3. Trademark Certificate

1. A trademark certificate shall be issued for a registered trademark.

2. The certificate shall establish the priority date of the trademark, the exclusive right to the trademark in respect of the goods specified in the certificate.

Article 4. Exclusive Right to a Trademark

1. The rights holder shall have the right to use the trademark as well as to forbid its use by others.

No one may use a trademark, to which protection has been extended in the Russian Federation, without the consent of the rights holder.

2. The use of a trademark, or of a designation confusingly similar thereto, without the consent of its rights holder in civil circulation on the territory of the Russian Federation, with respect to goods, to individualize that the trademark was registered, or in respect to similar goods, including placing the trademark or a designation confusingly similar thereto:

on a good, label, or the packaging of goods that are produced, offered for sale, sold

or displayed at exhibitions or fairs or by any other manner introduced into civil circulation on the territory of the Russian Federation, stored and/or transported with this purpose, or imported to the territory of the Russian Federation;

while implementing works, providing services;

in documents related to the introduction of the goods into civil circulation;

in offers of goods for sale;

on the global Internet, in particular, in the domain name or in other ways of addressing

shall be deemed to constitute an infringement of the exclusive right of the rights holder (illegal use of a trademark).

Goods, labels or packaging of these goods upon which the trademark or a designation confusingly similar thereto is illegally used, are counterfeit.

Article 5. Types of Trademarks

1. Verbal, figurative, three-dimensional and other designations or combinations thereof may be registered as trademarks.

2. The trademark may be registered in any color or color combination.

Article 6. Unqualified Grounds for Denial of Registration

1. The registration of designations as trademark shall not be permitted where they have no distinctive ability or consist merely of elements which:

- have come into common use as designations of goods of a certain kind;

- are generally accepted symbols and terms;

- characterize goods, including indicating their kind, quality, quantity, properties, intended purpose, or value of goods as well as the time, place, or manner of their manufacture or sale;

- represent the form of goods, which is determined exclusively or predominantly by the properties or designated purpose of such goods.

The elements described in paragraphs two through five of this clause may be included in a trademark as its elements not subject to protection, provided that they do not hold a dominant position therein.

The provisions of this clause shall not apply to designations, which have actually acquired a distinctive ability due to their use.

2. In compliance with the international agreement of the Russian Federation, the registration of designations as trademarks shall not be permitted where they consist merely of elements which represent armorial bearings, flags or other emblems of states, abbreviated or full names of international intergovernmental organizations or their armorial bearings, flags or other emblems, official control and warranty signs or hallmarks, official seals, awards or other marks of distinction, or designations thereof confusingly similar to the above. Such elements may be included in a trademark as elements thereof not subject to protection, subject always to the consent of a relevant sanctioned authority.

3. No designations shall be registered as trademarks or elements thereof, which are or contain elements:

- deceitful or capable of misleading the consumer as to good or its manufacturer;
- contrary to public interest, the principles of humanity or morality.

4. Designations shall not be registered as trademarks if they are identical with or confusingly similar to official names and depictions of especially valuable objects of cultural heritage of the nationalities of the Russian Federation, objects of global cultural or natural heritage, depictions of cultural artifacts kept in collections, compilations or repositories, if such registration is sought in the name of persons who are not their owners (holders) and that have no consent of the owners or persons authorized thereto by the owners, to register such designations as trademarks.

5. In compliance with the international agreement of the Russian Federation, designations shall not be registered in the Russian Federation as trademarks if they represent or include elements that are protected in one of the countries, which is a party of the aforementioned international agreement, as designations that identify wines or alcoholic beverages as originating from its territory (produced within the boundaries of the geographic place of this country), and having special quality, reputation or other characteristics, which are mainly defined by its origin, if the trademark is intended to designate wines or alcoholic beverages not originating from the geographical place concerned.

Article 7. Other Grounds for Denial of Registration

1. No designations may be registered as trademarks, which are identical with, or confusingly similar to:

trademarks of other persons who have applied for registration (if their applications are not withdrawn) or to which protection has been extended in the Russian Federation, as well as by virtue of international agreements to which the Russian Federation is a party, with respect to similar goods and having earlier priority;

trademarks of other persons recognized under the procedure set forth by this Law to be well known in the Russian Federation with respect to similar goods.

The registration of a trademark or designation confusingly similar to a trademark specified in paragraph 2 or 3 of this Clause with respect to similar goods shall be permitted only upon the consent of the rights holder.

2. Designations may not be registered as trademarks with respect to any goods if they are identical with or confusingly similar to the appellations of origin that are subject to protection under this Law, unless these designations are included as elements not subject to protection in a trademark being registered in the name of a party eligible to use such appellations.

3. Designations may not be registered as trademarks if they are identical with:

firm name (its part), which is subject to protection in the Russian Federation, with respect to similar goods, industrial design, compliance mark, the rights to which in the Russian Federation other persons acquired prior to the priority date of the trademarks being registered;

name of something famous in the Russian Federation before the application date, including a scientific, literary or artistic work, a character or quotation from such work, a work of art or a portion of one without the consent of the copyright holder or the legal

successor of the copyright holder, if the rights to these works emerged prior to the application date of the trademarks being registered;

last name, name, pseudonym or a designation derived therefrom, portrait or facsimile of a person famous by the application date without the consent of this person or this person's descendant.

Chapter 2. Registration of a Trademark

Article 8. Application to Register a Trademark

1. An application to register a trademark (hereinafter in this section, "application") shall be filed by a legal entity or individual engaged in entrepreneurial activity (hereinafter, "applicant") with the federal executive agency on intellectual property.

2. Dealings with the federal executive agency on intellectual property may be conducted by an applicant, the rights holder or another person concerned, either independently or through a patent attorney registered with the federal executive agency on intellectual property.

Foreign legal entities or individuals permanently residing outside the Russian Federation or their patent attorneys shall deal with matters with the federal executive agency on intellectual property through patent attorneys who are registered with the federal executive agency on intellectual property. The powers of a patent attorney shall be certified by a power of attorney issued in his name by the applicant, the rights holder or another person concerned.

A national of the Russian Federation permanently residing therein may be registered as a patent attorney. Other requirements made in respect of patent attorneys, the procedures for their certification and registration, and the powers in dealing with matters relating to the legal protection of trademarks shall be established by the Government of the Russian Federation.

3. An application shall be filed for a single trademark.

4. An application shall contain:

- a request to register a designation as a trademark with an indication of the applicant, its location or his/her place of residence;
- the designation applied for;
- a list of goods in respect of which the registration of the trademark is requested, and which are grouped by classes of the International Classification of Goods and Services for the Registration of Marks.
- description of the designation applied for.

The application shall be filed in the Russian language.

The application shall be signed by the applicant and, where the application is filed through a patent attorney, by the applicant or the patent attorney.

5. The following documents shall be attached to the application:

- a document evidencing payment of a fee for application filing of such amount established;
- the rules of a collective mark, if the application is filed for the registration of a collective mark.

The documents attached to the application shall be either in Russian or in another language. If the documents are submitted in such other language, their translation into Russian shall be enclosed with the application. The translation into Russian may be submitted by the applicant no later than two months after the date upon which the federal executive agency on intellectual property notified the applicant of the need to comply with this requirement.

6. The date of filing an application with the federal executive agency on intellectual property shall be considered the date of receipt of the documents listed in paragraphs two to four of Clause four of this Article or, where the said documents were not filed at once, by the date of receipt of the last of the documents submitted.

7. Upon the filing of an application with the federal executive agency on intellectual property, any person shall be entitled to familiarize himself with the documents attached to the application upon the filing date. The procedure for familiarizing with the documents attached to an application shall be laid down by the federal executive agency on intellectual property.

8. The requirements in respect of documents attached to the application shall be as determined by the federal executive agency on intellectual property.

Article 9. Priority of a Trademark

1. The priority of a trademark shall be established by the date of filing the application with the federal executive agency on intellectual property.

2. The priority of a trademark may be established by the date of filing of the first application in a state which is a member of the Paris Convention for the Protection of Industrial Property (Convention priority), if the filing of the application with the federal executive agency on intellectual property was completed within six months of such filing date.

3. The priority of a trademark placed on exhibits shown at official or officially recognized international exhibitions held on the territory of a state which is a member of the Paris Convention for the Protection of Industrial Property may be established by the date of commencement of the public showing of the exhibit (exhibition priority), if the filing of the application with the federal executive agency on intellectual property was completed within six months of such commencement date.

4. The applicant that wishes to exercise the right of Convention or exhibition priority shall be required to indicate this upon filing a trademark application or within two months from the date the application has been filed with the federal executive agency on intellectual property and to attach the required documents confirming the validity of such claim or to submit such documents no later than three days from the date the application has been received at the federal executive agency on intellectual property.

5. The priority of a trademark under an application filed by the applicant in compliance with Clause 6 of Article 10 of this Law (hereinafter, "divisional application") on the basis of another application by this applicant for the same designations (hereinafter, "initial application") shall be determined by the date of filing to the federal executive agency on intellectual property of the initial application, where the right exists to establish an earlier priority by the initial application, then by the date of such priority, provided that as of the date of filing the divisional application, the initial application is

not recalled nor determined to be recalled, and further provided that the divisional application is filed prior to a decision being made with respect to the initial application.

6. If different applicants have filed applications for identical trademarks with the same priority date with respect to fully or partially coinciding lists of goods, then with respect to the goods with fully or partially coinciding lists the registration of the trademark may, subject to agreement between the applicants, be effected in the name of one of them.

If identical trademarks with fully or partially coinciding lists of goods and the same priority date have been applied for registration by one and the same applicant, then the registration of the trademark with respect to such goods may be effected under one of the applications at the applicant's option.

Within six months of the date of receipt of the corresponding notification, the applicants (applicant) shall inform the authorities on the reached agreement (on their choice) under what particular application registration is sought.

If, within the prescribed time, no such information is communicated to the federal executive agency on intellectual property and no request is submitted for the extension of the prescribed time, the applications shall be recalled.

7. The priority of a trademark may be established by the date of the international registration of the trademark in compliance with international agreements to which the Russian Federation is party.

Article 10. Examining an Application for a Trademark

1. The examination of an application shall be conducted by the federal executive agency on intellectual property and shall comprise a formal examination and an examination of the designation applied for.

2. While an application is being examined and while a decision in respect thereof is pending, the applicant shall be entitled to supplement, update or amend the material attached to the application.

Should such supplementary material refer to the list of goods not mentioned in the application as of the date of its filing or substantially alter the designation applied for, such supplementary material shall not be accepted for consideration, and may be filed by the applicant as a separate application.

3. Any change in the identity of the applicant in the event of assignment of an application or in the event of change of the applicant's name and also corrections of obvious and technical mistakes in documents attached to the application may be made prior to the date of registration of the trademark.

4. While an application is being examined, the federal executive agency on intellectual property shall be entitled to request from the applicant supplementary material in the absence of which the examination is impossible. The procedure laid down by clause two of this Article shall apply to any supplementary material which refers to a list of goods not mentioned in the application as of the date of its filing or substantially altering the designation applied for.

Such supplementary material requested by the examiner(s) shall be submitted within two months of the date of the applicant receiving such request or copies of material, mentioned in the request from the examiner(s), provided that the applicant asks for such

copies within one month of the date of the applicant receiving the request from the examiner(s). If the applicant should fail either to submit the requested supplementary material on time or to file a timely request for extending the prescribed time period, the application shall be deemed recalled. The established time reserved for replying to a request by the examiner(s) may be extended by the federal executive agency on intellectual property to not more than six months. If the valid reasons for not meeting the established time period are confirmed, the federal executive agency on intellectual property may extend the established time for more than six months.

5. An application may be recalled upon the applicant's request at any stage of its examination, but no later than the date of registration of the trademark.

6. While an application is being examined and while a decision in respect thereof is pending, the applicant shall be entitled to file a divisional application with respect to the same designation containing a list of those goods indicated in the initial application as of the date of its filing with the federal executive agency on intellectual property, such goods not being similar to the goods the list of which is covered by the initial application.

Article 11. Formal Examination

1. A formal examination of an application shall be conducted within one month of the date of its filing with the federal executive agency on intellectual property.

2. A formal examination shall aim to check on the presence of the necessary documents of an application and on their conformity with the established requirements. Depending on the findings of the formal examination, the application shall either be accepted for examination or a decision shall be made to deny its acceptance, in which case a notice shall be given to the applicant.

3. The applicant shall be simultaneously notified of the positive outcome of the formal examination of the application and of the date of the application's filing determined pursuant to Article 8 Clause 6 of this Law.

Article 12. Examination of a Designation Applied For

1. The examination of the designation applied for shall be carried out upon the termination of the formal examination.

The examination shall aim to check on compliance of the designation applied for with the requirements set out in Articles 1 and 6 and Article 7 Clauses 1-2 of this Law, and to establish the priority of the trademark.

2. Depending on the findings of the examination, a decision shall be made either to register the trademark or to deny registration thereof.

3. Before a decision is made in accordance with the findings of the examination of a designation applied for, a written notice may be forwarded to the applicant concerning the findings of the check of the designation applied for on its conformity with the requirements laid down by paragraph two, clause one of this Article, suggesting that the applicant submit the arguments in connection with the line of reasoning set out in the notice. The applicant's arguments shall be taken into account in passing a decision based on the findings of the examination of the designation applied for, provided that they are

submitted within six months after the date of the aforementioned notice being forwarded to the applicant.

4. The decision to register a trademark may be re-considered by the federal executive agency on intellectual property before the trademark is actually registered for the following reasons:

the filing of an application which enjoys an earlier priority date in accordance with article nine of this Law with respect to an identical or confusingly similar designation with respect to similar goods;

the registration as an appellation of origin of a designation identical with this trademark or confusingly similar to such a trademark;

the discovery of an application, containing an identical trademark or the discovery of a protected identical trademark with a fully or partially coinciding list of goods and with the same or an earlier priority of the trademark;

the meeting of a request for altering the applicant, which caused a possibility to emerge for the consumer being misled as to the good or its manufacturer in the event of the designation applied for being registered as a trademark.

Article 13. Appeals Against Decisions on Applications and Restoration of Missed Time Periods

1. Should an applicant not agree with the decision made upon the findings of a formal examination of the application to refuse to accept his/her application for consideration or the decision made upon the findings of a formal examination of the designation applied for, or the decision to recognize an application as having been recalled, the applicant may file an objection with the Chamber for Patent-Related Disputes within three months after the date of receipt of the relevant decision, or copies of material counter-posed to the designation, as requested from the federal executive agency on intellectual property, provided that the applicant requested the same within one month of the date when he received the relevant decision.

2. The time periods provided for by Article 10 Clause 4 of this Law and Clause 1 of this Article, if missed by an applicant, may be restored by the federal executive agency on intellectual property pursuant to an appropriate request of the applicant, which shall be filed not more than two months after the date of their expiry, provided that the reasons [for having missed such periods] are confirmed to have been valid and that the [requisite] fee is paid.

Such request shall be submitted to the federal executive agency on intellectual property simultaneously with the supplementary material requested by the examiner(s) or with a request for extending the time for its submission or, alternatively, simultaneously with filing an appeal with the Chamber for Patent-Related Disputes.

Article 14. Registration of a Trademark

1. On the basis of the decision to register a trademark, the federal executive agency on intellectual property shall, within one month after the date of receipt of a document evidencing the payment of such fee as may be established, register the trademark in the Russian Federation State Register of Trademarks and Service Marks (hereinafter, in this

section "Register"). Such entry in the Register shall include the trademark, information about rights holder, the date of priority of the trademark, the date of its registration, the list of goods in respect of which the trademark has been registered, and other information relating to the registration of the trademark, as well as any subsequent changes in such information.

2. In the event of a failure to submit as required a document evidencing the registration fee payment for the trademark and the issuance of a certificate in respect thereof, the trademark shall not be registered, and the corresponding application shall be recognized to have been recalled.

Article 15. Issuance of a Trademark Certificate

1. The federal executive agency on intellectual property shall issue a trademark certificate within one month of the date of the trademark being recorded in the Register.

2. The form of the certificate and informational contents thereof shall be as determined by the federal executive agency on intellectual property.

Article 16. Term of Validity of Registration

1. The registration of a trademark shall remain valid until the expiration of ten years as from the date of the application's filing with the federal executive agency on intellectual property.

2. The term of validity of a trademark registration may be extended at the request of rights holder to be filed during the last year of such validity term, each time for a period of ten years.

After the expiration of the term of validity of a trademark registration, a six-month term may, upon the request of rights holder, be extended thereto for the purpose of extending the term of validity, provided that the rights holder pays an additional fee in respect thereof.

3. An entry concerning the extension of the validity term of a trademark registration shall be made by the federal executive agency on intellectual property in the Register and the trademark certificate.

Article 17. Modifications to Registration

1. The rights holder shall notify the federal executive agency on intellectual property of any changes in its corporate/official name or his first, second and family names, any reduction in the list of goods in respect of which the trademark is registered, any alteration of individual elements of the trademark, not affecting its substance, and of other changes not related to the trademark registration.

In the event that the legal protection of a trademark is challenged on such grounds and under such procedure as are determined by Article 28 of this Law, a separate registration for such trademark for one good or part of the goods, which are not similar to the goods, the list of which remains in the initial registration, may be detached from the effective registration of the trademark in respect to aforementioned goods upon the request of the rights holder. Such application may be filed by the rights holder before the decision is made regarding the results of the dispute on the registration of the trademark.

Modifications relating to the trademark registration shall be made to the Register and a trademark certificate given an appropriate fee has been paid.

2. The federal executive agency on intellectual property may amend the Register and a trademark certificate in order to correct obvious and technical mistakes.

Article 18. Publishing Information Concerning Registration

Information pertaining to the registration of a trademark and recorded in the Register pursuant to Article 14 of this Law shall be published by the federal executive agency on intellectual property in its official newsletter forthwith after the date on which such trademark was recorded in the Register or after the date of on which changes were made in the Register to the registration of the trademark.

Article 19. Registration of a Trademark in Foreign Countries

Legal entities and individuals of the Russian Federation shall have the right to register trademarks in foreign countries or to perform its international registration.

An application for the international registration of a trademark shall be filed via the federal executive agency on intellectual property.

Chapter 2.1. Well Known Trademark and its Legal Protection

Article 19.1. Well Known Trademark

1. Upon the application of the legal entity or individual a trademark protected in the Russian Federation on the basis of its state registration, a trademark protected in the Russian Federation without registration in compliance with an international agreement to which the Russian Federation is a party, and also a designation used as a trademark but having no legal protection in the Russian Federation, if such trademarks or designations have become well known in the Russian Federation among corresponding consumers as a result of their intensive use in relation to goods of a certain legal entity or individual as of the date indicated in the application, may be recognized as a well known trademark in the Russian Federation.

No trademark or designation may be recognized to be a well known trademark if they have become well known after the date of priority of another person's trademark identical with or confusingly similar to the former and intended for use with respect to similar goods.

2. A well known trademark shall be accorded legal protection provided for by this Law with respect to trademarks.

In the event that a trademark, which has already been registered with respect to specific goods, is recognized to be a trademark well known in the Russian Federation, legal protection of such trademark shall also extend to goods dissimilar to those in respect to which it has been recognized as well known on condition that the use of such trademark by another person in respect to the aforementioned goods will be associated by the consumers with the rights holder and may encroach on the legal interests of the rights holder.

Article 19.2. Extending Legal Protection to a Well Known Trademark

1. Legal protection shall be extended to a well known trademark pursuant a decision of the Chamber for Patent-Related Disputes, made upon the application filed in compliance Article 19.1 Clause 1 Paragraph 1 of this Law.

2. The federal executive agency on intellectual property shall record a trademark recognized to be well known in a List of Trademarks Well Known in the Russian Federation (hereinafter, "List").

3. The federal executive agency on intellectual property shall issue a certificate with respect to a well known trademark within one month after the date of the trademark's recording in the List. The form of the certificate and informational contents thereof shall be determined by the federal executive agency on intellectual property.

4. Information relating to a well known trademark shall be published by the federal executive agency on intellectual property in the official newsletter forthwith after its recording in the List.

5. Legal protection extended to a well known trademark shall be of unlimited duration.

Chapter 3. Collective Mark

Article 20. Right to a Collective Mark

1. In compliance with the international agreement to which the Russian Federation is a party, an association of people, the establishment and activities of which are not against the laws of a country where such association has been established, has the right to register in the Russian Federation a collective trademark, which is a trademark intended to designate goods possessing the same qualitative or other common characteristics, manufactured and/or sold by the persons, who are members of this association.

2. A collective mark and the right to use the same may not be transferred to other persons.

Article 21. Registration of a Collective Mark

1. An application for the registration of a collective mark shall be accompanied by the rules of the collective mark which shall indicate the official name of the association authorized to register the collective mark in its name, a list of persons entitled to use the mark, the objective of its registration, a list and the same qualitative or other common characteristics of the goods designated by the collective mark, the conditions of its use, the procedure for control over such use, and liability for breaching the rules of the collective mark.

2. The Register and the certificate of a collective mark shall, in addition to information provided by Article 14 of this Law, include information about persons entitled to use the mark. Such information and an excerpt from the rules of a collective mark indicating the same qualitative or other common characteristics of the goods in respect of which such mark is registered shall be published by the federal executive agency on intellectual property in its official newsletter. The rights holder a collective

mark shall notify the federal executive agency on intellectual about any changes in the rules of the collective mark.

3. In the event that a collective mark is used in relation to goods that do not have the same qualitative or other common characteristics, the registration may be terminated in full or in part pursuant to a court judgment passed upon the request of any person.

4. A collective trademark and an application for its registration may be transformed, accordingly, into a trademark or an application for the registration of the trademark and vice versa. The procedure for such transformation shall be laid down by the federal executive agency on intellectual property.

Chapter 4. Use of a Trademark

Article 22. Use of a Trademark and Consequences of Non-Use Thereof

1. Use of a trademark shall be understood to mean its use by the rights holder or a person to which (whom) such right has been extended pursuant to a license agreement in compliance with Article 26 of this Law on goods in respect of which such trademark has been registered, and/or on the packaging thereof.

Utilization of a trademark in advertising, printed materials, letterheads, signs and during demonstration of exhibits at exhibitions and fairs held in the Russian Federation may be recognized as the use of a trademark; provided valid reasons exist for non-use of such trademark on goods and/or their packaging.

2. Legal entities and individuals engaged in business as intermediaries may, pursuant to an appropriate agreement, use their own trademark alongside the trademark of the manufacturer of goods, as well as in place of the latter's trademarks.

3. The legal protection of a trademark may be terminated early with respect to all or a part of the goods because of uninterrupted non-use of the trademark during any three years after its registration. The application for early termination of the legal protection of the trademark because of its non-use may be filed with the Chamber for Patent-Related Disputes by any person upon the expiry of the said three years, provided that this trademark continues to be in non-use before the filing of such application.

Proof of use of a trademark shall be submitted by its rights holder.

For the purposes of this clause, the use of a trademark shall be understood to also mean the use of the trademark with modification of individual elements of the trademark that has not altered its substance.

Whenever a decision is to be take on an early termination of the term of the legal protection of a trademark in consequence of its non-use, consideration may be given to evidence submitted by the rights holder to the effect that the trademark was not in use for reasons for which the rights holder was not responsible.

Article 23. Limitations to the Rights Arising out of the Registration of a Trademark

The registration of a trademark shall not entitle its rights holder to prohibit other persons from using such trademark in respect of those goods introduced into civil

circulation on the territory of the Russian Federation either directly by the rights holder or with the consent thereof.

Article 24. Warning Sign

The rights holder may affix a warning sign in the form of the Latin letter R or the symbol ® or the verbal designation "Trademark" or "Registered Trademark" beside its (his) trademark indicating that the designation used is a trademark registered in the Russian Federation.

Chapter 5. Disposition of the Exclusive Right to a Trademark

Article 25. Transfer of the Exclusive Right to a Trademark

The exclusive right to a trademark may be transferred by the rights holder to another legal entity or individual engaged in entrepreneurial activity under the trademark exclusive right transfer agreement (trademark assignment agreement) in relation to all or part of the goods in respect of which it is registered.

No transfer of a trademark shall be permitted if it may be the reason for misleading the consumer with respect to goods or its manufacturer.

Article 26. Grant of a License for the Use of a Trademark

The right to use a trademark may be granted by the rights holder (licensor) to another legal entity or individual engaged in entrepreneurial activity (licensee) under a license agreement in relation to all or part of the goods with respect to which it is registered.

A license agreement shall contain a condition whereby the quality of the licensee's goods shall not be inferior to the quality of the licensor's goods and that the licensor shall exercise control over compliance with such condition.

Article 27. Registration of Agreements

A trademark exclusive right transfer agreement (trademark assignment agreement) and a trademark license agreement shall be registered with the federal executive agency on intellectual property. Failing such registration no such agreement shall be deemed valid.

The procedure for registering these agreements shall be laid down by the federal executive agency on intellectual property.

Chapter 6. Termination of Legal Protection of a Trademark

Article 28. Challenge and Invalidation of the Extension of Legal Protection to a Trademark

1. The extension of legal protection to a trademark may be challenged and invalidated:
 - (1) in full or in part, at any time during the term of validity of its legal protection, if it

was extended with breach of the requirements set out in Article 6 and Article 7 Clause 3 of this Law or within five years after the publishing of information about the trademark registration in the official newsletter if it was extended with breach of the requirements set out in clauses one and two of article seven of this Law;

(2) in full at any time during the term of validity of its legal protection, if it was extended with breach of the requirements set out in Article 2 Clause 3 of this Law;

(3) in full at any time during the term of validity of its legal protection, if it was extended in the name of an agent or a representative of the person who is the owner of the exclusive right to this trademark in one of the member countries of the Paris Convention on Industrial Property Protection with breach of the requirements set out by this Convention;

(4) in full or in part at any time during the term of validity of legal protection, if the actions by the rights owner related to the registration of the trademark are recognized under the established procedure to be an act of unfair competition.

2. The extension of legal protection to a well known trademark in the Russian Federation may be challenged and invalidated in full or in part at any time during its term of validity of legal protection, if effected with breach of the requirements set out in Article 19.1 Clause 1 of this Law.

3. Within such time and on such grounds as provided by subclauses one and two of clause one of this Article, any person may file an objection with the Chamber for Patent-Related Disputes against the extension of legal protection to a trademark.

An objection against the extension of legal protection to a trademark, if filed with a reason provided for by subclause three of clause one of this Article, shall be filed with the Chamber for Patent-Related Disputes by the interested owner of the exclusive right to a trademark in one of the member countries of the Paris Convention on Industrial Property Protection.

An objection against the extension of legal protection to a trademark well known in the Russian Federation, if filed by reason provided for by clause two of this Article, may be filed by any person in the Chamber for Patent-Related Disputes.

A request for invalidation of the extension of legal protection to a trademark pursuant to a decision made under the procedure as provided for by subclause four of clause one of this Article shall be filed with the federal executive agency on intellectual property by any person.

4. The extension of legal protection to a trademark shall be invalidated in full or in part, pursuant to a decision made under an objection or request filed pursuant to clause three of this Article.

Article 29. Termination of the Legal Protection of a Trademark

1. The legal protection of a trademark shall be terminated:
on the expiration of the trademark registration term of its validity;
pursuant to a court judgment that has taken effect legally concerning an early termination of legal protection of a collective mark by reason of this mark being used on goods which do not have the same qualitative or other common characteristics as required under Article 21, Clause 3 of this Law;

pursuant to a decision made under the established procedure on an early termination of the legal protection of a trademark in connection with the trademark's non-use, as filed in accordance with Article 22, Clause 3 of this Law;

pursuant to a decision of the federal executive agency on intellectual property concerning an early termination of legal protection of a trademark in the event of liquidation of the legal entity which is to be the rights holder or in the event of discontinuance of the entrepreneurial activity of the individual who happens to be the rights holder,

in the event of its abandonment by the rights holder of the trademark;

pursuant to a decision made in response to an application filed by any person with the Chamber for Patent-Related Disputes concerning an early termination of the legal protection of a trademark in the event of the trademark becoming a designation in common use as a designation of goods of a certain type;

2. Legal protection of a well known trademark shall be terminated on the grounds provided for by paragraphs four through seven of clause one of this Article and also pursuant to a decision of the Chamber for Patent-Related Disputes in the event that a well known trademark loses those features described by paragraph one of article 19.1, Clause 1 of this Law.

SECTION II. Appellation of Origin

Chapter 7. Appellation of Origin and its Legal Protection

Article 30. Appellation of Origin

1. An appellation of origin shall be a designation which is or contains modern or historical name of a country, community, locality or another geographical object (hereinafter, “geographical object”), or a derivative from such name, which has become known as a result of its use with respect to the goods, the special properties of which are determined, exclusively or substantially, by the natural conditions and (or) human factors specific to such geographical object.

2. A designation shall not be deemed an appellation of origin if it represents or includes the name of a geographical object, but is commonly used in the Russian Federation as a designation for a certain kind of goods which is not associated with their place of production.

Article 31. Inception of Legal Protection

1. Legal protection of an appellation of origin in the Russian Federation shall stem from its registration in accordance with the procedure prescribed by this Law or by virtue of international agreements to which the Russian Federation is a party.

2. An appellation of origin shall be protected by law.

3. An appellation of origin may be registered by one or more legal entities or individuals. A registrant of an appellation of origin shall be entitled to use the same if goods produced by such person meet the requirements set out in Article 30 Clause 1 of this Law.

The right to use the same appellation of origin may be granted to any legal entity or individual that produces goods with the same properties within the boundaries of the geographical object.

4. The registration of an appellation of origin shall be valid indefinitely.

Chapter 8. Registration and Grant of Right to Use an Appellation of Origin

Article 32. Application for Registration of and Grant of Right to Use an Appellation of Origin

1. An application for the registration of and grant of the right to use an appellation of origin or an application for the grant of the right to use an appellation of origin already registered (hereinafter, “application”) shall be filed by an individual(s) and/or legal entity(s) with the federal executive agency on intellectual property either independently or through a patent attorney registered with the federal executive agency on intellectual property in accordance with Article 8 Clause 2 of this Law.

2. An application shall be filed for a single appellation of origin.

3. An application shall contain the following:

statement requesting the registration of and grant of the right to use an appellation of origin or the grant of the right to use an appellation of origin already registered, naming the applicant(s) and its/his (their) location(s) or domicile(s).

designation applied for;

description of a good with respect to which the registration of and grant of the right to use the appellation of origin or the grant of the right to use the appellation of origin already registered is sought, and

an indication of the place of origin (production) of goods (boundaries of the geographical object);

a description of the special properties of such goods.

An application shall be filed in the Russian language.

An application shall be signed by the applicant or, if filed through a patent attorney, by the applicant or the patent attorney.

4. If the geographical object whose appellation is applied for as an appellation of origin is situated within the territory of the Russian Federation, an application shall be accompanied by a statement issued by a competent authority determined by the Government of the Russian Federation (hereinafter “competent authorities”) and serving to confirm that the applicant produces within the boundaries of the relevant geographic object goods the special properties of which are determined by the natural conditions and (or) human factors specific to such geographical object;

If the geographical object whose name is applied for as an appellation of origin is situated beyond the territory of the Russian Federation, an application shall be accompanied by a document certifying the right of the applicant in the country of origin to the appellation of origin applied for;

The application shall also be accompanied by a document evidencing payment of such fee for filing the application as established.

Documents accompanying an application shall be filed in Russian or another language. If they are filed in such other language, the application shall be accompanied by their translation into Russian. The applicant may submit such translation into Russian not later

than two months after the date when the federal executive agency on intellectual property sent the applicant a notice of the need to comply with this requirement.

5. The date on which an application is filed with the federal executive agency on intellectual property shall be the receipt date of the documents listed in clause three of this Article or, if such documents were submitted not simultaneously, the receipt date of the last of such documents filed.

6. The requirements in respect of documents attached to the application shall be as established by the federal executive agency on intellectual property.

Article 33. Examining an Application

1. The examination of the application shall be conducted by the federal executive agency on intellectual property and shall comprise a formal examination and an examination of the designation applied for.

2. While an application is being examined and while a decision in respect thereof is pending, the applicant shall be entitled to supplement, update or amend the material attached to the application.

Should any supplementary material alter an application in substance, such material shall not be accepted for consideration and may be formally filed by the applicant as a separate application.

3. While an application is being examined, the federal executive agency on intellectual property shall be entitled to request from the applicant supplementary material in the absence of which the examination is impossible.

Such supplementary material requested by the examiner(s) shall be submitted within two months of the date of the applicant receiving the request. Upon the applicant's petition this period may be prolonged on condition that such petition is filed prior to the expiration of this period. Should the applicant fail to submit the requested material on time or ignore the examiner's (examiners') request, the application shall be recognized as having been recalled.

4. A formal examination of an application shall be performed within two months of the date of its filing with the federal executive agency on intellectual property.

A formal examination of an application shall aim to check the presence of the necessary documents and their conformity with the established requirements. Depending on the findings of the formal examination, the application shall be accepted for consideration or a decision shall be made to deny acceptance of the same for consideration.

The applicant shall be simultaneously notified of the positive outcome of the formal examination and of the date of the application's filing, determined pursuant to Article 32, Clause 5 of this Law.

5. The designation applied for under an application which has been accepted for examination shall be examined for compliance with the requirements set out in Article 30 of this Law.

During the examination of the designation applied for, the legitimacy of indicating the place of origin (production) of a good within the territory of the Russian Federation also shall be checked.

Pending a decision on the findings of an examination of a designation applied for, the applicant may be notified of the results of the check performed to verify the compliance of

such designation to the requirements set out in Article 30 of this Law suggesting submitting his/her arguments regarding the grounds of such notification. The applicant's arguments shall be taken into account in decision-making, based on the findings of the examination of the designation applied for, provided that the same are submitted within six months of the date of giving such notice.

6. Depending on the findings of the examination, the federal executive agency on intellectual property shall decide either to register or to refuse to register the corresponding appellation of origin and grant the right to use the appellation, or shall decide to grant or to refuse to grant the right to use the corresponding appellation of origin already registered.

7. An applicant may withdraw an application at any time during its examination prior to the entry in the State Register of Appellations of Origins of Goods of the Russian Federation (hereinafter in this section "Register") information concerning the registration of the appellation of origin and/or the grant of the right to use this appellation.

Article 34. Appeals Against Decisions on Applications and Restoration of Missed Time Periods

1. Should an applicant not agree with the decision made upon the findings of a formal examination of the application to refuse to accept his/her application for consideration, or with the results of examination of the designation applied for, or the decision to recognize the application as having been recalled, the applicant may file an appropriate objection with the Chamber for Patent-Related Disputes within three months of the date of receipt of the respective decision.

2. The time periods provided for by Article 33 Clause 3 of this Law and Clauses 1 of this Article, if missed by an applicant, may be restored by the federal executive agency on intellectual property on the basis of an appropriate petition of the applicant, which shall be filed not more than two months after the date of their expiry, provided that the reasons [for having missed such periods] are confirmed to have been valid and that the fee is paid.

Such petition shall be filed by the applicant with the federal executive agency on intellectual property together with the supplementary material requested by the examiner(s) or with a request to extend the time period prescribed for its submission, or with filing an objection with the Chamber for Patent-Related Disputes.

Article 35. Registration of Appellation of Origin and Issuance of Certificate for Right to Use Appellation of Origin

1. On the basis of a decision upon the findings of the examination, the federal executive agency on intellectual property shall register the appellation of origin in the Register. Records in the Register shall include the appellation of origin, information about the holder of the certificate of the right to use the same (hereinafter, "certificate"), the indication of goods for which the appellation of origin was registered, a description of their special properties, and other information relating to the registration of and grant of the right to use the appellation of origin, and an extension of the certificate's validity period, as well as subsequent changes to such information.

2. The federal executive agency on intellectual property shall issue a certificate of the right to use an appellation of origin within one month of the date of receipt of a document evidencing payment of the fee.

Unless a document evidencing payment of the fee for the issuance of a certificate of the right to use an appellation of origin is duly submitted, the certificate of the right to use the appellation of origin shall not be issued.

3. The form of such certificate and informational contents thereof shall be as determined by the federal executive agency on intellectual property.

Article 36. Term of Validity of Certificate for Right to Use Appellation of Origin

1. A certificate shall remain valid until the expiration of ten years from the date of the application's filing with the federal executive agency on intellectual property.

2. The term of validity of a certificate may be extended at the request of its holder and subject to the submission of a statement issued by a competent authority (competent authorities) and confirming that the holder of the certificate produces goods featuring those properties which are stated in the Register within the boundaries of the relevant geographic object.

With respect to an appellation of origin which is the appellation of a geographical object outside the Russian Federation, in lieu of the said statement, the certificate holder shall submit a document confirming their right to use the appellation of origin in the country of origin of such goods as of the date of the request for extension of the validity of the certificate is filed.

Such request for the extension shall be filed during the last year of the term of validity period of a certificate.

The validity term of a certificate shall each time be extended for ten years.

At the request of a certificate holder, a six-month period may be granted thereto for filed an application for extension upon the expiry thereof subject to payment of an additional fee.

3. An entry concerning the extension of the validity term of a certificate shall be recorded by the federal executive agency on intellectual property in the Register and in the certificate.

Article 37. Amendments to Register and to Certificate

1. The holder of a certificate shall notify the federal executive agency on intellectual property of any changes in its corporate/official name or his first, second and family names, as well as any other changes relating to the registration of and grant of the right to use an appellation of origin.

Any modifications to the Register and the certificate shall be made subject to payment of an appropriate fee.

2. The federal executive agency on intellectual property shall make amendments to the Register and the certificate in order to correct obvious and technical mistakes made.

Article 38. Publishing Information About Registration of and Grant of Right to Use Appellation of Origin

Information about the registration of and the granting of the right to use the appellation of origin recorded in the Register pursuant to Articles 35 and 37 of this Law, except for information which describes any special properties of the good, shall be published by the federal executive agency on intellectual property in its official newsletter forthwith after the date on which they were recorded in the Register.

Article 39. Registration of Appellation of Origin in Foreign Countries

1. Legal entities and individuals of the Russian Federation shall have the right to register appellations of origin in foreign countries.

2. An application for the registration of an appellation of origin in foreign countries shall be filed after the registration of and grant of the right to use such appellation of origin in the Russian Federation.

Chapter 9. Use of Appellation of Origin

Article 40. Use of Appellation of Origin

1. Use of an appellation of origin shall be understood to mean its use on goods, labels and packaging, as well as in advertising, prospectuses, invoices, blank forms and other documentation connected with the introduction of such goods into the civil circulation.

2. A registered appellation of origin may not be used by such parties as do not have an appropriate certificate, even if they indicate the true place of origin of the corresponding goods or use the appellation of origin in its translation or in a combination with such words as "sort", "type", "imitation" and the like, nor may a designation similar to it be used for any goods if it is capable of misleading consumers as to the place of origin or special properties of the goods concerned (illegal use of appellations of origin of goods).

Goods, as well as labels and packaging of these goods, on which an appellation of origin or a confusingly similar designation is used illegally, are counterfeit.

3. The holder of a certificate shall not grant licenses to other persons for the use of the respective appellation of origin.

Article 41. Warning Sign

The holder of a certificate may affix a warning sign in the form of a verbal designation "Registered Appellation of Origin" or "Reg. AO." beside an appellation of origin, such sign indicating that the designation used is an appellation of origin duly registered in the Russian Federation.

Chapter 10. Termination of Legal Protection for Appellation of Origin

Article 42. Challenging and Invalidation of Extension of Legal Protection of Appellation of Origin and Granting of Certificate of Right to Use Appellation of Origin

1. The extension of legal protection of an appellation of origin may be challenged and invalidated during its entire validity period of legal protection if extended in violation of the requirements made by this Law.

The granting of a certificate may be challenged and a certificate may be invalidated during its entire validity period if issued in violation of the requirements established by this Law or should the extension of legal protection of the appellation of origin be invalidated.

2. Any party may file on those grounds laid down in clause one of this Article and objections against extension of legal protection of appellations of origin and issuing of certificate with the Chamber for Patent-Related Disputes.

3. The extension of legal protection of an appellation of origin and a certificate of the right to use an appellation of origin shall be invalidated on the basis of a decision made by the Chamber for Patent-Related Disputes or a valid court judgment.

Article 42.1. Termination of Legal Protection of Appellations of Origin and Validity of Certificates

1. The extension of legal protection of an appellation of origin shall be terminated:

- if those conditions characteristic of a particular geographical locality cease to exist and it becomes impossible to produce goods with the qualities recorded in the Register;
- if foreign legal entities or individuals lose the right to the appellation of origin concerned in the country of origin of the corresponding goods.

2. A certificate of the right to use an appellation of origin shall be invalidated:

- if the corresponding goods lose those special properties recorded in the Register regarding the appellation of origin concerned;
- if the legal protection of the appellation of origin is terminated;
- if the legal entity holding the certificate is liquidated;
- pursuant to an appropriate application filed by the holder of the certificate with the federal executive agency on intellectual property .

3. Any party may file, on those grounds stipulated in clause one and paragraphs two and three of clause two of this Article, an application to terminate the legal protection of appellations of origin and validity of certificates of the right to use appellations of origin with the Chamber for Patent-Related Disputes.

Any party may file, on those grounds stipulated by paragraph four of clause two of this Article, an application to terminate the validity of a certificate with the federal executive agency on intellectual property.

4. The legal protection of an appellation of origin and the validity of a certificate shall be terminated on the basis of a decision made by the Chamber for Patent-Related Disputes, the federal executive agency on intellectual property or a valid court judgment.

SECTION III. Final Provisions

Article 43. Federal Executive Agency on Intellectual Property

The implementation of a state policy and the functions provided for in this Law in the field of legal protection of trademarks and appellations of origin shall be entrusted to the federal executive agency on intellectual property.

The federal executive agency on intellectual property shall have the right in cases provided for this Law to issue regulatory acts regarding the application of this Law, while acting within the limits of its competence.

Article 43.1. Decisions by the Chamber for Patent-Related Disputes

The federal executive agency on intellectual property shall have the right to determine the procedure for filing appeals and applications with the Chamber for Patent-Related Disputes.

The decisions by the Chamber for Patent-Related Disputes made regarding appeals and applications filed under the procedure set out by Articles 13, 19.2, 22, 28, 29, 34, 42 and 42.2 of this Law are subject to approval by the head of the federal executive agency on intellectual property and become valid since the date of approval thereof and may be challenged in court in compliance with the legislation of the Russian Federation.

Article 44. Fees

Legally meaningful actions involved in the registration of a trademark and the registration of and grant of the right to use an appellation of origin shall be performed for a fee. The list of actions to be performed for a fee, the schedule of such fees, the procedure and terms for payment, and grounds for the refunding of fees paid shall be determined by the Russian Government.

Article 45. Disputes Settled in Court

Disputes arising in connection with the application of this Law shall be examined by courts within the limits of their jurisdiction in accordance with the procedure laid down by Russian legislation, including disputes over:

- infringement of the exclusive right to a trademark;
- early termination of the registration of a collective mark by reason of it being used on goods which do not have the same qualitative or other common characteristics.
- conclusion of and performance under trademark license agreement and trademark executive right transfer agreement (trademark assignment agreement);
- unlawful use of an appellation of origin.

Article 46. Liability for Unlawful Use of Trademark and Appellation of Origin

1. Such use of a trademark or appellation of origin or of a designation similar to a trademark or appellation of origin as runs counter to the provisions of Article 4, Clause 2 and Article 40, Clause 2 of this Law shall entail civil, administrative and criminal liability in accordance with the legislation of the Russian Federation.

2. Remedies available under civil law in connection with unlawful use of a trademark shall include the following, in addition to claims for the discontinuance of such infringement or for reimbursement of related damages:

publication of a court judgement in order to redress the damage caused to the business reputation of the injured party;

removal at the expense of the violator the unlawfully used trademark or designation confusingly similar thereto from counterfeit goods, labels or packaging or destruction of counterfeit goods, labels and packaging at the expense of the violator if it is not possible to remove the unlawfully used trademark or designation confusingly similar thereto, from the corresponding goods, labels and packaging except cases when these goods, labels and packaging are turned to the state revenue or transferred to the rights holder upon the rights holder's request as a reimbursement for damages, or for further destruction.

3. A person making unlawful use of a registered appellation of origin or designation similar thereto shall be obliged, if required to do so by the holder of a certificate of the right to use such appellation of origin, a governmental agency, public prosecutor or non-governmental organization:

to discontinue its use and compensate for related damages in accordance with the civil legislation of the Russian Federation;

to publish the relevant court judgement in order to redress the damage caused to the business reputation of the injured party; and

remove the unlawfully used appellation of origin or designation confusingly similar thereto from the corresponding counterfeit goods, labels and packaging or destroy the counterfeit goods, labels and packaging if it is not possible to remove from these goods, labels and packaging the unlawfully used appellation of origin or designation confusingly similar thereto.

4. The rights holder and the holder of the certificate to use the appellation of origin shall be entitled to request, instead of reimbursement for the damage incurred from the person unlawfully using the trademark or the appellation of origin, a monetary compensation determined by a court ruling, ranging from 1,000 to 50,000 minimum salaries as set forth by federal law.

5. A person affixing a warning sign regarding a trademark or appellation of origin which has not been duly registered in the Russian Federation shall be liable pursuant to the procedure laid down by the legislation of the Russian Federation.

Article 47. Rights of Foreign Legal Entities and Individuals

Foreign legal entities and individuals shall enjoy the rights granted by this Law on equal terms with legal entities and individuals of the Russian Federation by virtue of international agreements to which the Russian Federation is a party or on the basis of reciprocity.

The right to register appellations of origin in the Russian Federation shall be granted to legal entities and individuals of countries granting the same rights to legal entities and individuals of the Russian Federation.

Article 48. International Agreements

Where an international agreement to which the Russian Federation is a party establishes rules other than those herein contained, the rules of the international agreement shall apply.

President of the Russian Federation

Boris Yeltsin

Moscow

23 September 1992

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