

Law on Trademarks and Industrial Designs

(No. 95 of December 5, 1967)*

Article 1

This Law governs the establishment, use, assignment, termination and protection of rights in trademarks, service marks, industrial designs and appellations of origin.

I. Trademarks and Service Marks

General Provisions

Article 2

Trademarks and service marks are the signs by which enterprises, organizations and persons designate the goods they manufacture or supply or the services they perform, so as to distinguish them from goods or services of the same kind offered by other enterprises, organizations or persons.

A trademark may also designate goods intended to be incorporated as an integral part, element or detail of another finished product, irrespective of the fact that there is a separate trademark for such product as a whole.

Article 3

Trademarks and service marks may consist in words or images, may be graphic, in relief, sonorous or combined.

Article 4

No registration or use as a trademark may be made of signs which:

- (a) are already in common use to designate goods of a certain type;
- (b) have no distinguishing characteristics or are of a descriptive nature;
- (c) do not differ substantially from marks already registered in the country by other enterprises or organizations in respect of identical or similar goods;
- (d) are already known in the country as marks of worldwide fame;
- (e) consist exclusively or partially in armorial bearings, flags, signs or emblems of State, or in those of international intergovernmental organizations or in their abbreviations without the consent of the organizations concerned;
- (f) consist in official signs indicating control and warranty or signs of quality, or resemble such signs;
- (g) are identical with or similar to international signs of quality;
- (h) reproduce wholly or in part the effigy or the name of a head of State;
- (i) contain untrue information;

* BIRPI translation.

(j) are contrary to public interest and socialist morality.

Article 5

Enterprises, organizations or persons, both Bulgarian and foreign, may register one mark for all of their goods or services or different marks for separate kinds of goods or services.

Article 6

Two or more enterprises manufacturing goods of the same type may jointly register and possess in common a trademark applied to such goods.

Article 7

State economic trusts and cooperative unions may register their own trademarks.

Article 8

Commercial enterprises, organizations and companies may register their own trademarks and apply them to the goods of their trade in place of the mark of the producing enterprises, or alongside the mark of the producing enterprises, with the agreement of the latter.

Article 9

Enterprises, organizations or persons using a non-registered mark to designate the goods they manufacture or sell ("prior users") may object to an application for the registration of a mark by a third party if this mark does not differ substantially from their own. In such cases, the "prior user" shall be given three months in which to file an application for the registration of the mark he employs. If he does not meet this time limit, action shall be taken, in accordance with the prescribed procedure, on the application filed by the third party for the registration of a mark.

The "prior user" may request cancellation of any mark not substantially different from his own if such mark was registered after he started using it. If his request for cancellation is granted, the "prior user" shall be obliged to apply for the registration of his own mark within three months of the decision pronouncing cancellation. If he does not meet this time limit, the cancellation of the second mark shall be null and void, and ownership in the mark shall revert to the enterprise, organization or person having registered the mark.

Article 10

A mark not substantially different from a mark in which rights have expired may be registered only after three years have elapsed from the date of such expiry.

Registration and Priority

Article 11

Trademarks and service marks shall be recorded in a special register at the Institute of Inventions and Rationalizations.

For each registration of a mark, an application shall be filed by the interested party or by his attorney.

Article 12

The application shall contain:

- (a) the name and address of the enterprise, organization or person applying for the registration of the trademark, Bulgarian enterprises also being obliged to specify the higher organization on which they are dependent;
- (b) information relating to the activity of the enterprise, organization or firm applying for the registration;
- (c) a full list of the goods or services to which the mark is to be applied, with an indication of their class according to the Classification of Goods and Services for the Purposes of the Registration of Marks;
- (d) the wording of the mark and its description, together with a graphic representation thereof.

The application shall be accompanied by documents attesting to the payment of the State registration fee and the fee for publication of the registration.

Foreign applicants shall also be obliged to join to their applications a document attesting to the legal existence of the enterprise and stating its activity.

Article 13

An application for the registration of a mark containing the information prescribed in the [first paragraph of Article 12](#) shall entitle the applicant to a right of priority with regard to applications filed subsequently and pertaining to a mark not substantially different.

Article 14

Applicants from countries members of the Union for the Protection of Industrial Property, and applicants from countries outside the Union but who have real and effective commercial or industrial enterprises in the territory of one of the countries of the Union shall enjoy a right of priority on the basis of the application made in the respective country of the Union in accordance with its domestic law.

The applicant may avail himself of the right of priority for a period of six months from the date of filing of the first application.

An applicant who wishes to avail himself of the right of priority shall file a request to that effect with the Institute of Inventions and Rationalizations, indicating the date of his first application and the country where such application was filed.

Within three months of the filing of his request, the applicant shall be obliged to prove his right of priority by producing a copy of the first application, duly certified by the competent authority of the country member of the Union for the Protection of Industrial Property.

Article 15

The applicant shall have a right of priority when exhibiting the mark at an official or officially recognized international exhibition in the country or in a country of the Union. The right of priority shall be deemed to exist as from the date of the exhibition of the mark and shall be recognized if, within one month from the end of the exhibition, an application for the registration of the mark is filed, together with a document attesting to the participation in the exhibition.

Article 16

Where the required documents are not attached to the application for the registration of the mark, the Institute of Inventions and Rationalizations shall accept the application but shall notify the applicant that he must produce the missing documents within three months of receipt of the notification.

If the applicant fails to comply with these provisions, the application shall be rejected.

Article 17

Where two or more applications are filed for the registration of marks not substantially different from one another and applied to identical or similar goods, the registration shall be effected in the name of the applicant who first began uninterrupted use of his mark. In case of controversy, the date of first use shall be established by a court judgment or by arbitration.

If none of the applicants claim prior use of the mark, registration shall be effected in respect of the mark first applied for.

Article 18

If the application is in order, the Institute of Inventions and Rationalizations shall register the mark, within three months of the date of filing of the application, in the name of the applicant and shall enter the mark in the Register of Trademarks or in the Register of Service Marks.

A separate certificate shall be issued for each registration of a mark.

Article 19

Registration of a trademark or service mark shall confer the right to the exclusive use thereof as from the date of filing of the application with the Institute of Inventions and Rationalizations. This right shall be granted for a term of ten years.

The term provided for in the preceding paragraph may be extended for subsequent periods of ten years each.

Article 20

The request for extension of the term of protection of the mark shall be filed during the last year of validity of the term, or not later than six months after its expiry. In the latter case, the amount of the fee payable shall be increased.

The extended term of protection of the mark shall run from the date on which the previous term expires.

The extended term of protection of the mark shall be recorded in the Register.

Article 21

A mark may be assigned in the event that one enterprise is taken over by another or when enterprises merge together.

In the event that an enterprise is divided or transfers part of its activity to another enterprise, questions concerning the use of the mark shall be settled by the document establishing the division or transfer of activity.

The right to use a mark may be transferred or assigned, by a special license agreement, to another enterprise, organization or person. The licensee shall be required, in using the mark, to ensure the same quality of goods manufactured or services performed.

Termination and Cancellation

Article 22

The right to protection of the mark shall terminate:

- (a) at the expiry of the term provided for in [Article 19](#)
- (b) upon final liquidation of the enterprise, and
- (c) upon renunciation by the owner.

Article 23

The registration of the mark shall be canceled at the request of an interested party or ex officio by the Institute of Inventions and Rationalizations, if:

- (a) it becomes evident that the registration was effected in violation of the law;
- (b) the mark has not been used, or has not been offered for use through advertisements in the press, for a period of five years.

II. Industrial Designs

Nature

Article 24

An industrial design may be any new external rendering of a product, consisting in the particularity of the form, design, ornaments, combination of colors, and the like, that can be achieved through industrial processes.

A slight change in the particularities mentioned in the preceding paragraph, or any other insignificant change not obvious at first sight, shall not be considered a new industrial design.

Applications and Priority

Article 25

Applications for the registration of industrial designs shall be filed with the Institute of Inventions and Rationalizations in the name of the enterprise, organization or person wishing to introduce the design.

The application shall contain:

- (a) the name and address of the applicant;
- (b) the denomination of the industrial design;
- (c) a description of the design;
- (d) the author of the design—physical person, collective body or legal entity;
- (e) drawings, photographs, or other illustrative material, suitable for reproduction by stereotype.

The application shall be accompanied by a document attesting to the payment of the State registration fee and the fee for publication of the registration.

A single application may not contain more than 50 varieties of the industrial design concerned.

Article 26

The application shall contain an estimation of the usefulness and industrial applicability of the industrial design, as well as information as to whether or not it was created in connection with the official activity of the author.

Article 27

Where the application for the registration of an industrial design does not satisfy the requirements prescribed in [Article 25](#) the Institute of Inventions and Rationalizations shall accept the application but notify the applicant that he must remove the defects within three months of receipt of the notification.

If the applicant fails to do so within the prescribed period of time the application shall be rejected.

Article 28

Industrial designs shall be registered following examination as to their novelty in the country.

No industrial design shall be registered which

- (a) does not differ substantially from other industrial designs already registered in the country;
- (b) has already been used in the country;
- (c) is known in the country through publications;
- (d) was displayed at exhibitions prior to the filing of the application and the provisions of [Article 15](#) of this Law were not complied with.

Article 29

If the application is in order, the Institute of Inventions and Rationalizations shall register the design within three months in the Register of Industrial Designs.

Registration of an industrial design shall confer the right to the exclusive use thereof as from the date of filing of the application with the Institute of Inventions and Rationalizations. This right shall be granted for a term of five years.

Article 30

The Institute of Inventions and Rationalizations shall issue a certificate, attesting to the exclusive right to use the industrial design, in the name of the enterprise, organization or person, and also including the name of the author.

Article 31

Authors of industrial designs may file their applications with the Institute of Inventions and Rationalizations direct, by observing the provisions of [Article 25](#).

In such cases, the certificate permitting the use of the industrial design shall be issued in the name of the applicant.

Article 32

The depositor of an industrial design shall be entitled to the right of priority provided for in [Articles 13](#), [14](#) and [15](#) of this Law, subject to compliance with the conditions prescribed therein.

If the subject matter of the application is altered, the priority shall be recognized as from the date of filing of the amended application.

Cessation of Rights in Industrial Designs

Article 33

Enterprises, organizations and persons having obtained rights to the exclusive use of industrial designs, as well as foreign holders of certificates for industrial designs, may assign to other enterprises, for valuable consideration or gratuitously, their rights to the use of such industrial designs.

Article 34

If it is in the public interest that the industrial design should be put to use and the holder of the certificate does not consent to do so, the State Committee for Science and Technical Progress may, on the basis of a duly motivated request, authorize the grant of a compulsory license. Such a request must be accompanied by a document issued by the competent authority and attesting to the necessity of the license.

Remuneration

Article 35

An author of an industrial design accepted for use shall be entitled to remuneration in the conditions and to the extent determined by the Council of Ministers, provided that the design was not created in fulfillment of his service obligations.

Should this remuneration not be paid within the time limit appointed, the author shall have the right to a forfeit at the rate of 0.05% per day on the amount due to him.

Termination and Cancellation

Article 36

Any registration of industrial designs may be terminated or canceled in accordance with the provisions of [Articles 22](#) and [23](#).

Article 37

The registration of an industrial design may be canceled at the request of any person who establishes, through legal proceedings or by arbitration, that, prior to the filing of the application for registration, he was already using the industrial design independently of the depositor or had undertaken preparations with a view to making use of the design as a "prior user."

Such action may be brought within two years of the date of registration of the industrial design.

III. Appellations of Origin

Article 38

An appellation of origin of a product is the geographical name of the country, region or locality which serves to designate a product originating therein, the characteristics or qualities of which are due exclusively or essentially to the geographical environment, including natural factors and the traditions of production of the place.

Article 39

For each registration of an appellation of origin, a separate application shall be filed with the Institute of Inventions and Rationalizations.

The application shall contain:

- (a) the name and address of the applicant;
- (b) information relating to the activity of the applicant;
- (c) a list of the products to which the appellation of origin is to be applied with an indication of their class according to the Classification of Goods and Services for the Purposes of the Registration of Marks;
- (d) the actual designation of the appellation of origin;
- (e) the country, region or locality where the products indicated are produced.

The application shall be accompanied by documents attesting to the payment of the State registration fee and the fee for publication of the registration.

Foreign enterprises and firms shall also join to their application a document attesting to the filing of the appellation of origin in the country of origin.

Article 40

Where the required documents are not attached to the application, the Institute of Inventions and Rationalizations shall accept the application but shall notify the applicant that he must remove the defects within three months of receipt of the notification.

If the applicant fails to do so within the period of time prescribed in the preceding paragraph, the application shall be rejected.

Article 41

If the application is in order, the Institute of Inventions and Rationalizations shall register the appellation of origin within three months in the special Register of Appellations of Origin.

A certificate permitting the use of the appellation of origin shall be issued to the applicant.

Article 42

Appellations of origin may be registered by any enterprise, organization or person engaged in an economic activity at a given place, provided that the qualitative characteristics of the products manufactured or sold correspond to the specific features characterizing the appellation of origin.

Article 43

An appellation of origin shall enjoy protection against any unlawful use or deceptive indication, even if the true origin of the product is indicated on the product itself or if the appellation is used in translated form or accompanied by terms such as “kind,” “type,” “make,” and the like.

Article 44

Trademarks also comprising an appellation of origin may only be registered in cases where the right to the use of such appellation is justified.

Article 45

Registered Bulgarian appellations of origin shall be canceled if the business activity of all enterprises, organizations or persons using such appellations has been discontinued.

Registrations of foreign appellations of origin shall be canceled if they have been canceled in the country of origin.

IV. General Provisions

Article 46

All entries in the Registers of Trademarks, Service Marks, Industrial Designs and Appellations of Origin shall be published in the Official Gazette of the Institute of Inventions and Rationalizations.

Changes in ownership or in the use of marks or industrial designs shall be made known to the Institute of Inventions and Rationalizations within three months for purposes of entering such changes in the appropriate registers.

Article 47

A fee, the amount of which shall be established in the Administrative Tariff in accordance with the Law on State Fees, shall be payable in advance for the registration of trademarks, service marks, industrial designs and appellations of origin, for the extension of the term of protection, for assignments or the granting of licenses, for appeals, cancellations, changes of name and address of the owner, restrictions of the list of goods in respect of which a trademark is registered, for the issuance of certificates for the use of industrial designs, for the issuance of copies, and for any publications in the Official Gazette of the Institute of Inventions and Rationalizations.

Should the registration of the mark, industrial design or appellation of origin be refused, the State fees paid shall not be refunded to the applicant.

Article 48

Foreign applicants shall file their applications for the registration of marks, industrial designs or appellations of origin through the Bulgarian Chamber of Commerce.

Article 49

Marks, industrial designs and appellations of origin may be registered abroad at the request of enterprises, organizations or persons who have registered them in this country in accordance with the prescribed procedure.

Article 50

Decisions of the Institute of Inventions and Rationalizations refusing the registration and issuance of a certificate for the use of a trade mark, service mark, industrial design or appellation of origin, or pronouncing cancellation under [Article 23](#), may be appealed before the Municipal Court of Sofia within three months of receipt of notification of the decision taken.

Prior use shall be established by a court decision or by arbitration.

Article 51

Disputes concerning the ownership, use, assignment or termination of trademarks, service marks, industrial designs and appellations of origin, as well as the remuneration due or the use of industrial designs or the exercise of compulsory licenses, shall be referred to the Regional Courts or settled by State arbitration.

Article 52

Goods imported or produced in the People's Republic of Bulgaria and unlawfully bearing a trademark of a third party, or manufactured according to an industrial design of a third party, registered in this country, or products bearing false appellations of origin, shall be subject to seizure on behalf of the State.

The offenses described in the preceding paragraph shall be established in an official document drawn up by the organs of control of the Institute of Inventions and Rationalizations. Seizure shall be effected by virtue of a penal order issued by the Director of that Institute.

The official documents shall be drawn up and the orders issued and appealed from in accordance with the provisions of [Section XXVIII](#) of the Penal Code.

V. Transitional Provisions

Article 53

Applications for the registration of trademarks still pending at the time this Law comes into force shall be decided upon in accordance with the provisions of the said Law.

Article 54

Where the term of protection of a trademark registered under the provisions of the Decree on Trademarks of 1952 is not established or exceeds 10 years, the term of the protection shall be 10 years from the date of the entry into force of this Law.

Article 55

The State Committee for Science and Technical Progress shall issue instructions for the implementation of this Law.



Article 56

The Decree on Trademarks, published in *Izvestija* No. 13/1952, amended and supplemented by *Izvestija* Nos. 73/1954 and 31/1958 are hereby repealed.

This Law shall enter into force on January 1, 1968.

The President of the State Committee for Science and Technical Progress shall be entrusted with the implementation of this Law.