

**Law of the Republic of Belarus**

No 2181-XII of February 5, 1993

On Trademarks and Service Marks

*[Amended as of July 9, 2012]*

***Section  
Trademark and Service Mark, their Legal Protection***

**Article 1. Trademark and Service Mark**

1. A trademark and service mark (hereinafter – trademark) is recognized to be a sign facilitating the distinguishing of goods and/or services (hereinafter – goods) of one person from goods and/or services of the same kind of other persons.
2. As trademarks may be registered signs consisting of words, including proper names, combinations of colours, signs consisting of letters, numbers, graphics, three-dimensional signs, including the form of the good or its packaging, and also combinations of such signs. Other signs may be registered as trademarks in cases provided by the legislative acts of the Republic of Belarus.
3. A trademark may be registered in any colour or colour combination.

**Article 2. Legal Protection of Trademark**

1. Legal protection of a trademark in the Republic of Belarus is carried out on the basis of its registration in the state institution "National Centre of Intellectual Property" (hereinafter – the patent body) in the order established by the legislation on trademarks or by virtue of treaties of the Republic of Belarus.
2. A trademark may be registered in the name of an organization or a citizen.
3. The right to a trademark is protected by the state. A certificate shall be issued for the registered trademark. The certificate for a trade mark certifies the priority of the trade mark, the exclusive right of the owner to the trade mark in relation to goods specified in the certificate and contains a reproduction of the trade mark.

**Article 3. Exclusive Right to a Trademark**

1. The owner of a trademark has the exclusive right to use the trademark and to dispose of it, and also the right to prohibit the use of the trademark by other persons.
2. Nobody may use the trademark protected in the territory of the Republic of Belarus for which the certificate is granted, without the permission of its owner.
3. Infringement of rights of the owner of a trademark is recognized to be non-sanctioned manufacturing, use, importation, offer to sale, sale and other introduction into the civil turnover or storage with this purpose of the trademark or of a good designated by this trademark, or of a sign similar to it to the extent of confusion, in relation to goods of the same kind, and also to goods not being of the same kind designated with a trademark recognized as well-known in the Republic of Belarus.

#### **Article 4. Absolute Grounds for Refusal of Registration**

1. Registration of the following trademarks is not allowed:

1.1. not having distinctive character;

1.2. accepted in general use as a sign of goods of a certain kind;

1.3. being customary symbols and terms;

1.4. consisting exclusively from marks or indications used for a designation of a kind, quality, quantity, property, purpose, value of the goods, and also of a place, time, and process of their manufacturing or selling;

1.5. Representing the form of the good or its packaging, determined exclusively or mainly by the essence or nature of the good, necessity of achievement of a technical result, essential value of the good.

2. The signs specified in point 1 of the present Article may be included in a trademark as unprotected elements if they do not have a dominant position in it.

3. Provisions provided by clause 1 of the present Article need not be applied in relation to signs which on the date of filing of the application for registration of a trademark have actually got a distinctive nature as a result of use.

4. It is not allowed to register trademarks consisting only from signs representing state armorial bearings, flags, and emblems, official names of the states, flags, emblems and abbreviations, or names of international intergovernmental organizations, official control, warranty and assay hallmarks, awards and other insignia or similar to them to the extent of confusion. Such signs may be included as unprotected elements in a trademark if there is a consent thereto of an appropriate competent body or their owner.

5. It is not allowed to register as trademarks the signs:

5.1. being false or capable to mislead the consumer concerning the good, place of its origin or its manufacturer;

5.2. representing or containing the indication of an appellation of origin of vines or strong alcoholic beverages protected by virtue of treaties of the Republic of Belarus, for designation of vines or strong alcoholic beverages which do not originate in that place;

5.3. contrary to public order, principles of humanity and morality.

#### **Article 5. Other Grounds for Refusal of Registration**

1. As trademarks may not be registered signs identical or similar to the extent of confusion to:

1.1. trademarks registered or claimed for registration in the Republic of Belarus in the name of another person and having the earlier priority, in relation to goods of the same kind;

1.2. trademarks of other persons protected in the Republic of Belarus on the basis of treaties of the Republic of Belarus, in relation to goods of the same kind;

1.3. Trademarks of other persons recognized as well-known in the Republic of Belarus in the order established by the State Committee on Science and Technology of the Republic of Belarus, in relation to any goods.

2. Registration of a sign similar the extent of confusion to a trademark specified in clause 1 of the present Article, is allowed subject to presentation of a written consent of the owner of such mark.

3. As trademarks in relation to any goods may not be registered signs identical or similar to the extent of confusion to an appellation of origin of the good protected in the Republic of Belarus, with the exception of the

case when such a sign is included as an unprotected element in the trademark being registered in the name of the person that has the exclusive right to such a sign if the registration of the trademark is carried out in relation to those goods for individualization of which the appellation of origin of the good has been registered.

4. As trademarks in relation to goods of the same kind may not be registered signs identical or similar to the extent of confusion to a trade name (certain elements of such a name) protected in the Republic of Belarus, the right to which is arisen in the Republic of Belarus for another person prior to the priority date of the trademark being registered.

5. As a trademark may not be registered signs identical to:

5.1. an industrial design the right to which in the Republic of Belarus belongs to another person if the industrial design possesses an earlier priority in comparison with the trademark claimed for registration;

5.2. the name, known in the Republic of Belarus, of a work of science, literature or art; a character or citation from such a work; a work of art or its fragment, without the consent of the right holder, if the right to the respective work arose prior to the priority date of the trademark being registered;

5.3. the name of a mass medium registered in the Republic of Belarus without the consent of its founder (founders), in relation to goods of the same kind;

5.4. The last name, first name, pseudonym or a sign derived from them, portrait or facsimile of a person known in the Republic of Belarus, without the consent of this person or his heirs.

6. The fact that the objects specified in sub-clauses 5.2 and 5.4 of clause 5 of the present Article are known is determined by the patent body on the priority date of the sign claimed for registration as a trademark.

#### **Article 6. Application for Registration of a Trademark**

1. The application for registration of a trademark (hereinafter – application) is filed by an organization or citizen (hereinafter – applicant) with the patent body.

2. Filing the application with the patent body, conducting the affairs with the patent body may be carried out by the applicant independently or through a patent agent registered in the patent body.

3. The application must relate to one trademark.

4. The application must contain:

4.1. a request for registration of a sign as a trademark with indication of the applicant and also his place of stay or place of residence;

4.2. requested sign;

4.3. List of goods for which the protection of the trademark is sought, and also, if possible, indication of a respective class (classes) according to the International Classification of Goods and Services for the Purposes of the Registration of Marks. If the applicant does not indicate class (classes), the patent body shall classify the goods according to respective classes of the International Classification of Goods and Services for the Purposes of the Registration of Marks.

5. The request must be accompanied:

5.1. by a document confirming the payment of the patent duty in the established amount;

5.2. by a document confirming the powers of the patent agent if the application is filed by a patent agent;

5.3. Regulation on the collective mark if the application is filed for a collective mark.

6. The requirements to the documents, the order of conducting expert examination of the application and taking the decision according to results of the expert examination are established by the Council of Ministers of the Republic of Belarus.

7. After the filing of the application any person is entitled to look through the documents of the application submitted as on the date of its filing. The procedure for looking through the documents and issuing copies of such documents is established by the Council of Ministers of the Republic of Belarus.

#### **Article 7. Priority of a Trademark**

1. The priority of a trademark is established by the date of filing of the application with the patent body. The date of filing of the application is deemed to be the date of receipt of the documents provided by clause 4 of Article 6 of the present Law by the patent body.

2. The priority of a trademark may be established by the date of filing of the first application for a trademark in a foreign state – participant of the Paris Convention for the Protection of Industrial Property of March 20, 1883, revised in Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967, and as amended on October 2, 1979 (conventional priority) if the application is received by the patent body within six months from the specified date.

3. The priority of a trademark placed on exhibits of official or officially recognized international exhibitions organized on the territory of one of the states – participants of the Paris Convention for the Protection of Industrial Property may be established by the date of beginning of an open display of the exhibit at an exhibition (exhibition priority) if the application is filed with the patent body within six months from the mentioned date.

4. The applicant wishing to take advantage of the right of conventional or exhibition priority is obliged to indicate this upon the filing of the application or within two months from the date of receipt of the application in the patent body and to enclose necessary documents confirming the legitimacy of such requirement, or to present these documents not later than three months from the date of receipt of the application by the patent body.

5. The priority of the trademark on a divisional application is established by the date of priority of the trademark of the initial application being filed in accordance with clause 7 of Article 8 of the present Law.

6. The priority of a trademark may be established by the date of priority of the international application for registration of the trademark filed in accordance with a treaty of the Republic of Belarus.

#### **Article 8. Expert Examination of the Application**

1. Expert examination of the application is carried out by the patent body and includes the preliminary expert examination and expert examination of the requested sign, conducted in accordance with the present Law and rules established by the Council of Ministers of the Republic of Belarus.

2. The applicant has the right, on his own initiative or on the invitation of the expert, to take part personally or through his representative in consideration of the questions arising in the course of the preliminary expert examination and examination of the requested sign.

3. The applicant is entitled, on his own initiative, to supplement, specify or correct materials of the application at any stage of its consideration before the date of registration of the trademark.

4. If additional materials change the sign requested for registration in essence or expand the list of goods indicated in the application, these materials are not accepted for consideration and may be made out by the applicant as an independent application.

5. In the course of the expert examination of the application, but not later than on the date of registration of the

trademark, the applicant is entitled to file with the patent body a request for change of the applicant on the application when there is the consent of the new applicant.

6. The application may be withdrawn at the request of the applicant at any stage of its consideration before the date of registration of the trademark.

7. In the course of the expert examination of the application, but before a decision has been taken on it, the applicant is entitled to file for the same sign a divisional application containing a part of names of the goods indicated in the list of the initial application on the date of its filing with the patent body, with preservation in the divisional application of the date of filing and the date of priority of the trademark on the initial application.

#### **Article 9. Preliminary Expert Examination**

1. The time limit for conducting preliminary expert examination shall be two months from the date of filing the application with the patent body.

2. In the course of preliminary expert examination the composition of necessary documents provided by Article 6 of the present Law, correctness of drawing up the application, payment of the patent duty shall be checked. When the given expert examination is being conducted, the applicant may be proposed to make corrections, additions or changes in materials of the application. Corrected, added or changed materials must be submitted to the patent body within a three-month period from the date of receipt of the inquiry. Upon a petition of the applicant the indicated time limit may be extended, but not more than by three months provided that the petition has arrived before the expiration of the time limit. If the applicant has broken the indicated time limit or has left the inquiry without answer, the application shall not be accepted for consideration.

3. According to the results of the preliminary expert examination shall be made a decision on acceptance of the application for consideration or about refusal of its acceptance for consideration.

4. When the application is accepted for consideration, the date of filing of the application, and also a conventional or exhibition priority (in case of submission of necessary documents confirming the legitimacy of this requirement), shall be established.

#### **Article 10. Expert Examination of Requested Sign**

1. Expert examination of a requested sign shall be effected upon the end of the preliminary expert examination.

2. In the course of expert examination of the requested sign, the priority of the trademark shall be established if it was not established within the performance of the preliminary expert examination, and conformity of the requested sign to the requirements established by Article 4 and clause 1 of Article 5 of the present Law shall be checked.

3. If submitted documents or data contained in them do not conform to the established requirements, the patent body directs to the applicant a query containing a proposal to submit materials correctly drawn up within a three-month period from the date of receipt of the query. Upon a petition of the applicant the three-month period may be extended, but not more than for twelve months provided that the petition has arrived before the expiry of this three-month period. If the applicant fails to submit required materials within the indicated period or does not submit a petition for extending the established time limit, the decision shall be taken about the refusal to register the trademark.

4. According to the results of expert examination shall be taken a decision on registration of the trademark or about refusal of its registration.

5. The decision of the expert examination about registration of a trademark may be revised by the patent body in connection with the receipt of an application enjoying an earlier priority in accordance with Article 7 of the present Law for a sign identical or similar to the extent of confusion in relation to goods of the same kind.

6. When the applicant does not agree with the decision of the expert examination, he has the right, within a three-month period from the date of receipt of the decision, to submit to the patent body a petition for conducting an expert re-examination. On the petition of the applicant the indicated period may be extended for not more

than eighteen months provided that the petition has arrived to the patent body before the expiration of this period.

7. [Excluded]

8. An expert re-examination shall be conducted within a two-month period from the date of receipt of the petition of the applicant.

#### **Article 11. Appealing the Decision on Application**

1. When disagreeing with the decision of the preliminary expert examination about refusal of acceptance of the application for consideration or with decision about the refusal of the registration of the trademark, taken on the grounds provided by clause 3 of Article 10 of the present law, or with the decision taken according to the results of the expert re-examination of the requested sign, the applicant is entitled, within one year from the date of receipt of the decision, to lodge a complaint with the Appeal Council at the patent body (hereinafter – the Appeal Council) and/or with the court.

2. The complaint must be considered within one month from the date of its receipt by the Appeal Council. The order of consideration of complaints by the Appeal Council is established by the Council of Ministers of the Republic of Belarus.

3. The decision of the Appeal Council may be appealed by the applicant to the Supreme Court of the Republic of Belarus within six months from the date of receipt of the decision.

#### **Article 12. Registration of a Trademark and Issue of the Certificate for a Trademark**

1. On the basis of the decision on registration of a trademark, the patent body shall within one month from the date of receipt of the document about payment of the established patent duty, effect the registration of a trademark in the State register of trademarks and service marks of the Republic of Belarus (hereinafter – the Register). The data concerning registration of a trademark, and also subsequent changes of these data shall be entered in the Register. The procedure for conducting the Register is established by the State Committee on Science and Technology of the Republic of Belarus. The composition of the data is determined by the patent body.

2. Upon a petition of any person, the patent body shall give an extract from the Register.

3. Issue of the certificate for a trademark shall be made by the patent body within one month from the date of registration of the trademark in the Register.

#### **Article 13. Duration of Registration**

1. Registration of a trademark is effective within ten years from the date of filing the application with the patent body.

2. The duration of the registration of a trademark may be renewed, without limitation of the number of renewals, upon a request of the owner filed within the last year of its duration, each time for ten years. Upon a petition of the owner for renewal of the duration of the registration of a trademark, he may be given a six-month time limit after the expiration of the duration of registration, subject to payment of the patent duty.

Registration of a trademark the duration of legal protection of which has expired on a new owner is allowed not earlier than in six months after the expiration of the duration of registration. If the old owner of a trademark filed with the patent body a request about refusal from the legal protection of his trademark, the registration of this trademark on a new owner may be carried out earlier than six months.

3. A record about renewal of the duration of registration of a trademark shall be entered by the patent body in the Register. At the request of the owner of a trademark, a similar record shall be entered in the certificate for the trademark.

#### **Article 14. Recordal of Changes in Registration and Correction of Mistakes**

1. The owner of a trademark shall notify the patent body about change in his name (for legal persons), surname, name and patronymic (for natural persons), in the place of stay or place of residence, about reduction of the list of goods in relation to which the trademark is registered, about change in separate elements of the trademark which does not change its essence, other changes relating to the registration of the trademark.

2. Changes shall be entered in the Register and, at the request of the owner, in the certificate on the trademark.

3. The patent body may, on the own initiative or at the request of the owner, to introduce corrections of grammatical, typographical and other obvious mistakes in the registration of a trademark.

4. Registration of a trademark may be divided, upon a request of its owner, by distributing the goods in relation to which the trademark is registered.

#### **Article 15. Publication of Data about Registration**

The data relating to the registration of a trademark and entered in the Register in accordance with Article 12 of the present Law shall be published in the official edition of the patent body (hereinafter - the official bulletin) within three months after the date of registration of the trademark in the Register or the date of entering changes or corrections in the Register.

#### **Article 16. Registration of Trademark in Foreign States, International Registration**

1. Citizens and organizations of the Republic of Belarus have the right to registration of a trademark in a foreign state and/or to its international registration.

2. The application for the international registration of a trademark shall be submitted in accordance with the treaties of the Republic of Belarus.

3. Expenses connected with the registration of a trademark in a foreign state and with the international registration are borne by the applicant or, under an agreement with him, another person.

**Article 17.** [Excluded]

### *Section I<sup>1</sup>* *well-known trademark*

#### **Article 17<sup>1</sup>. Well-known Trademark**

1. On the request of a person filed with the Appeal Council, his trademark or sign used as a trademark may be recognized as a trademark well-known in the Republic of Belarus (hereinafter – well-known trademark) and registered if this trademark or sign became, as a result of an intensive use by the applicant, well known in the Republic of Belarus among respective consumers in relation to goods of the applicant on the date indicated in the request.

Under a sign used as a trademark is understood a sign corresponding to the requirements of Article 1 of the present Law and used as a trademark, but which has no legal protection in the territory of the Republic of Belarus.

2. A well-known trademark is granted legal protection provided by the present Law.

3. Legal protection of a well-known trademark is effective indefinitely.

#### **Article 17<sup>2</sup>. Recognition of Trademark as Well Known**

1. A trademark or a sign used as a trademark are recognized to be a well-known trademark upon a decision of the

Appeal Council, adopted having regard to provisions of clause 1 of Article 17<sup>1</sup> of the present Law.

2. On the basis of a decision about recognition of a trademark or a sign used as a trademark as a well-known trademark, the patent body shall enter the data relating to the well-known trademark in the list of trademarks well known in the Republic of Belarus (hereinafter – the list of well-known trademarks). The composition of the data being entered in the list of well-known trademarks is determined by the patent body.

Upon a petition of any person, the patent body shall give an extract from the list of well-known trademarks.

3. Issue of the certificate on a well-known trademark to the person which filed the request with the Appeal Council about recognition of his trademark or sign used as a trademark as a well-known trademark shall be effected by the Appeal Council within one month from the date of entering the data in the list of well-known trademarks.

4. The data entered in the list of well-known trademarks are published in the official bulletin within three months from the date of their entering in this list.

5. Decision of the Appeal Council taken according to the results of consideration of a request about recognition of a trademark or sign used as a trademark as a well-known trademark may be appealed to the Supreme Court of the Republic of Belarus by the person who filed the said request within one year from the date of receipt of this decision or by another person within one year from the date of publication of the data relating to this well-known trademark in the official bulletin.

#### *Section ii* *collective mark*

#### **Article 18. Right to Collective Mark**

A collective mark is a trademark of an association of legal persons intended for designation of goods manufactured and/or realized by it and having uniform qualitative or other common characteristics.

#### **Article 19. Registration and Use of Collective Mark**

1. The application for a collective mark shall be accompanied by regulations on the collective mark which contains the name of the person authorized to register the collective mark, the list of persons having the right to use this mark, the purpose of its registration, the list of and uniform qualitative or other common characteristics of goods which will be designated by the collective mark, conditions of its use, the order of control over its use, responsibility for infringement of regulations on the collective mark.

2. In addition to the data stipulated by clause 1 of Article 12 of the present Law, the data about persons having the right to use the collective mark shall be entered in the Register and in the certificate on the collective mark. These data, and also an extract from regulations on the collective mark concerning uniform qualitative or other common characteristics of goods for which this mark is registered, shall be published by the patent body in the official bulletin. The owner of a collective mark shall notify the patent body about changes in regulations on the collective mark.

3. A collective mark and the right to use it may not be transferred.

In case of use of the collective mark on goods not having uniform qualitative or other common characteristics, its registration may be terminated prematurely (in full or in part) on the basis of the decision of the Supreme Court of the Republic of Belarus taken on a request of any person.

4. A collective mark or the application for its registration may be transformed accordingly into a trademark of one of the persons having the right to use it in accordance with regulations on the collective mark or into the application for its registration. The order of such transformation is established by the Council of Ministers of the Republic of Belarus.



*Section*  
*Use of Trademark*

**Article 20. Use of a Trademark and Consequences of Its Non-use**

1. Use of a trademark is recognized to be its using by the owner of the trademark, or by a person to whom such a right was granted on the basis of a licensing contract in accordance with Article 23 of the present Law, through applying the trademark on the goods for which it is registered, and also on their labels, packing, in the global computer network Internet (including in the domain name), on documents connected with introduction into the civil turnover, while executing works, rendering services; or using the trademark with changing its certain elements not affecting its distinctive ability and not diminishing the legal protection granted to the trademark.

2. Also as use may be recognized using a trademark in advertising, printed editions, on signboards, when displaying exhibits at exhibitions and fairs being held in the Republic of Belarus, when there are good reasons of non-use of the trademark on the goods or their packing.

3. Persons carrying out intermediary activity may, on the basis of a contract, use their mark on the goods realized by them alongside the trademark of the manufacturer of the goods and also place it instead of the trademark of the manufacturer.

4. Legal persons having the right to use a collective mark may, alongside with the collective mark, use their trademarks on the goods produced by them.

5. Use of a trademark in respect of goods legitimately introduced into the civil turnover in territory the states – participants of the Agreement on uniform principles of regulation in the sphere of protection of intellectual property rights, signed at Moscow on December 9, 2010, by the owner of the trademark directly or by other persons with his consent.

6. The legal protection of a trademark may be terminated prematurely in respect of all or of a part of goods for the individualization of which the trademark was registered because of non-use of the trademark without good reasons continuously within any three years after its registration. A request for premature termination of the legal protection of a trademark because of its non-use may be filed by any person with the Supreme Court of the Republic of Belarus upon the expiration of the indicated three years provided that the trademark has not been used till the filing of such a request.

7. When considering the question about premature termination of the legal protection of a trademark in connection with its non-use may be taken into account evidence submitted by the owner of the trademark that the trademark was not used on circumstances which are beyond his control.

**Article 21. Warning Marking**

The owner of a trademark may put down alongside the trademark a warning marking in the form of a Latin letter R or circled R or verbal signs "trademark" or "registered trademark", indicating that the used sign is a trademark registered in the Republic of Belarus.

*Section*  
*Transfer of Right to Trademark*

**Article 22. Cession, Pledge of the Right to a Trademark**

1. The right to a trademark may be conceded by the owner of the trademark under a contract to an organization or a citizen in respect of all or a part of goods for which it is registered.

2. The cession of the right to a trademark is not allowed if it can be a reason for misleading the consumer concerning the good or its manufacturer.

3. The right to a trademark may be the object of pledge.

#### **Article 23. Granting License to Use a Trademark**

1. The right to use a trademark may be given by the owner of the trademark (licensor) to another person (licensee) under the licensing contract agreement for all or a part of goods in respect of which the trademark is registered.

2. The licensing contract must contain a condition that the quality of goods of the licensee will be not lower than the quality of the goods of the licensor and that the licensor will carry out the control over fulfilment of this condition.

#### **Article 24. Registration of Licensing Contract, Contract on Cession of Right to a Trademark, Contract of Pledge of Property Rights Certified by the Certificate to a Trademark**

Licensing contract, contract of cession of the right to a trademark, contract of pledge of property rights certified by the certificate to a trademark, and also changes into registered Licensing contract, contract of cession of the right to a trademark, contract of pledge of property rights certified by the certificate to a trademark, shall be registered in the patent body under the procedure established by the legislation of the Republic of Belarus and are invalid without such registration.

### *Section V* **Termination of Legal Protection of Trademark**

#### **Article 25. Recognition of Granting Legal Protection to Trademark as Invalid**

1. Granting of legal protection to a trademark may be recognized invalid in full or in part:

1.1. within the duration of legal protection if it was made granted in violation requirements provided by clause 1 of Article 2, Article 4, clauses 4 and 5 of Article 5 of the present Law;

1.2. within the duration of the legal protection in the case of transformation of the trademark into a designation which became universally used as a designation of goods of a certain kind;

1.3. within the duration of the legal protection if actions of the owners of the trademark connected with the registration have been recognized by the antimonopoly body or the court as unfair competition;

1.4. within five years from the date of publication of the data about the registration of the trademark in the official bulletin on the grounds provided for by clauses 1 and 3 of Article 5 of the present Law.

2. The recognition of granting the legal protection to a trademark as invalid in connection with receipt of an application which has an earlier priority in accordance with Article 7 of the present Law, is effected irrespective of the fact whether the application has been received before to or after the registration.

3. Any person may file, within the time limits provided by clause 1 of the present Article, objection against granting the legal protection to a trademark with the Appeal Council. The order of consideration of objections by the Appeal Council is established by the Council of Ministers of the Republic of Belarus.

4. A decision of the Appeal Council taken according to the results of consideration of an objection against

granting the legal protection to a trademark may be appealed to the Supreme Court of the Republic of Belarus within six months from the date of its receipt.

#### **Article 26. Termination of Legal Protection of Trademark**

1. Legal protection of a trademark is terminated on the ground of:

1.1. the expiration of the duration of registration provided by Article 13 of the present Article;

1.2. a decision of the Supreme Court of the Republic of Belarus taken in accordance with clause 6 of Article 20 of the present Law;

1.3. uses of a collective mark on goods not having uniform qualitative or other common characteristics (clause 3 of Article 19 of the present Law);

1.4. a written request about its refusal of the owner of the trademark;

1.5. termination of activity of the organization or death of the citizen – owner of the trademark.

1<sup>1</sup>. Legal protection of a well-known trademark is terminated upon a decision of the Appeal Council adopted upon a request of any person if this mark loses a wide renown in the Republic of Belarus among respective consumers in relation to goods for which it was recognized as well known. The decision of the Appeal Council may be appealed to the Supreme Court of the Republic of Belarus within one year from the date of its receipt by the person who filed the said request or by the owner of the trademark recognized as well known.

2. Registration of a trademark shall be cancelled by the patent body in connection with the termination of its effect or its recognition as invalid. The record about cancellation of the registration of a trademark shall be entered in the Register and published by the patent body in the official bulletin.

### *Section VI Final Provisions*

#### **Article 27. The Patent Body**

The patent body shall accept for consideration applications for registration of trademarks, carry out expert examination on them, issue certificates being valid in all territory of the Republic of Belarus, carry out within the limits of the competence the control over observance of the legislation in the field of protection of trademarks, generalize practice and give explanations for its implementation, render the methodical assistance and services to the interested legal and natural persons on the specified questions.

#### **Article 28. Consideration of Disputes Connected With Violation of Legislation on Trademarks**

Disputes connected with violation of legislation on trademarks are considered by the Appeal Council and the Supreme Court of the Republic of Belarus in accordance with their competence.

#### **Article 29. Liability for Violation of Legislation on Trademarks**

1. For use of a trademark, and also a sign similar to it to the extent of confusion, for goods of the same kind with violation of requirements of the present Law, guilty persons shall bear the liability in accordance with the legislation of the Republic of Belarus.

1<sup>1</sup>. Goods, labels, packing of goods, in relation to which (on which) a trademark or a sign similar to it to the extent of confusion is used are counterfeit ones.

2. Protection of civil rights against illegal use of a trademark, except for demands about the termination of the infringement and recovering of the damages, may also be carried out by way of:

2.1. removal of an illegally used trademark or sign similar to it to the extent of confusion from the good or its packaging and/or destruction of manufactured images of the trademark or sign similar to it to the extent of confusion;

2.2. arrest or destruction of goods in relation to which the trademark was used illegally;

2.3. imposition of a fine in favour of the injured party in the amount of the value of the good in relation to which the trademark was used illegally.

3. Application of the measures provided by clause 2 of the present Article in respect of the persons guilty of illegal use of a trademark is effected in the order established by the legislation of the Republic of Belarus.

Application of the measures provided by sub-clauses 2.1 and 2.2 of clause 2 of the present Article is effected at the cost of the guilty person.

### **Article 30. Rights of Foreign Citizens, Stateless Persons, and Foreign Organizations**

Foreign citizens, stateless persons, and foreign organizations have the rights provided by the present Law, other acts of legislation of the Republic of Belarus in the field of protection of trademarks and bear the liability equally with citizens and organizations of the Republic of Belarus, unless otherwise determined by the Constitution of the Republic of Belarus, other acts of legislation and treaties of the Republic of Belarus.

### **Article 31. Treaties of the Republic of Belarus**

If a treaty of the Republic of Belarus establishes other rules than those contained in the present Law, the rules of the treaty are applied.

Chairperson of the Supreme Soviet of the Republic of Belarus

S. Shushkevich