

**By-Law subject of Article 16 concerning Protection of
Geographical Signs (Jan.26.2005)**

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The esteemed managing director of State Official Gazette

The letter No.1/22152 dated Dec.3.2005 of the esteemed Chief Judiciary Deputy and the Director of State Organization for Registration of Deeds and Landed Properties , together with one copy of the by-law subject of Article 16 Act concerning Protection of Geographical Signs passed on Jan.26.2005 by Islamic Consultative Assembly , was seen by Chief Judiciary on which he wrote :

(In the name of the Most High- the By-law subject of Article 16 of Act concerning Protection of Geographical Signs is hereby confirmed).

As such, while serving duly the foregoing ,enclosed please find a copy of the said by-law for publishing in the official gazette.

Abdolreza Izadpanah
Director,
Office of Chief Judiciary

First Chapter- Generalities :

Article 1- In the present by-law the applied terminology and expression have the following meaning :

- A- Law : shall mean the Act concerning protection of geographical signs passed on Feb.26.2005 by Islamic Consultative Assembly.
- B- Registration Authority: The registration authority is General Dept. of Corporations Registration and Industrial Property and State Organization for Registration of Deeds and Properties.
- C- Permissible User / manufacturer : Any producer being qualified to use the geographical sign according to Article 10.
- D- Applicant : Any real person or legal entity who submits the geographical sign registration declaration to the registration authority according to clause 7 of the law.
- E- Beneficiary: any beneficiary including manufacturers, consumers, businessmen and competent authorities.
- F- Origin country : shall mean the country whose name or place is the component of geographical sign where the reputation of product is attributed to .

Second Chapter- Submission of Declaration

Article 2- Registration of geographical sign requires submission of declaration to the registration authority .

Article 3- The declaration for registration of geographical sign must be executed in two copies in special form and in Farsi Language and to be duly signed after typing by the applicant or his/her legal representative.

Note : The declaration shall be accepted when the declaration charges to be paid and its receipt to be submitted together with the declaration.

Article 4- The declaration for geographical sign includes the following:

- A- Name , sign , nationality and capacity of the applicant or his/her legal representative .
- B- The geographical sign whose registration has been requested.
- C- The name and legal domicile of the person(s) obtaining the notices and warning in Tehran
- D- The origin country that the geographical sign is related to and the producing / manufacturing place of product .
- E- If the geographical sign includes any non-Persian word(s) its phonetics in Persian must be stipulated in special place.
- F- Determining the sign in Tehran for the foreign applicants
- G- Telephone number and email sign if any

Note : the name and sign of the applicants residing abroad , must be written in Latin in addition to Persian and to be registered and published with the same words.

Article 5-

The declaration of Geographical Sign must have the following appendixes:

- A- Positive document of the applicant's identification or his legal representative
- B- The original copy or certified copy of the power of attorney if the application is made by an attorney
- C- 10 samples of geographical sign in manner which is used at most in dimensions of 10 x 10 cm.
- D- The specification of the products including the following information:
 - 1- Name of product and geographical sign for which registration would be applied.
 - 2- Description of product including raw materials, if requires ,and the main physical, chemical , microbiological properties, and/or taste ,scent and appearance (Organoliptic)of the same
 - 3- The geographical specific region of production
 - 4- Evidence indicating that the origin of product is of certain geographical region or the product has been produced /manufactured in the said region.
 - 5- Description of product procurement and also information relating to packaging if there would be need for packaging as to quality supply or identifying the production origin or control assurance in the determined geographical region
 - 6- Details of relations with geographical environment or geographical origin

- 7- Details of control phases or inspection structure which are necessary and required for the purpose of controlling or monitoring continuous conformity of the product properties.
- 8- The special method and way for affixing the related product label as applied by term of “geographical sign”, “protected geographical sign”, “registered geographical sign” and/or the similar natural and traditional specifications on the products .
- E- Approval of competent authority of the related associations and/or the relevant organizations indicating to verification of production origin and attribution of quality , reputation and the other particulars and specifications of the envisaged /claimed issue to that geographical origin by the applicant .
- F- If geographical sign origin country is not Iran , t is required to submit one copy of instrument / document indicating to registration and/or legal recognition in the origin country in original and principal language to be approved and certified by issuing authority and legalized by Iranian Consulate together with the official translation of the same .

Article 6

The registration authority , upon receiving declaration and enclosures thereto will enter the same at special register , mentioning and inserting on each copies of declarations , date of receiving the

declaration and the number of declaration and will return the second copy to the applicant having the same specification of original one

Article 7

The applicant and or his/her legal representative may request to withdraw his /her declaration at any time prior to registration of geographical sign through submission of a written request to registration authority.

Note :

In case of withdrawal of declaration the paid costs and expenses will not be refunded .

Article 8

The registration authority will consider the declaration and enclosures thereto within 15 days as of receiving day as to observing and conformity of formative aspects and requirements set forth by law and the present by-law.

Article 9

If as result of consideration and review , the registration authority observes and seas any demur or defects in declaration and enclosures thereto , he must inform the same to applicant in writing and by mentioning the details in order to take action for removing the

defects by the applicant within the required deadline in case of non removal of defect , the declaration would be rejected.

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Note : the moratorium for removing the demur shall be three months for the Iranian applicants and six months for the applicants abroad as of notification date . If the said duration is not sufficient, the applicant can apply moratorium just for once.

Article 10

Whenever the application for registration of geographical sign to be accepted , it shall be published in the official gazette for public notice.

The said notice includes the following issues :

- A- Name and address of the applicant and his legal representative in Tehran and if the applicant is not residing in Tehran the name , address and capacity of his/her legal representative in Tehran
- B- Date and No. of declaration
- C- The geographical sign whose registration is requested.
- D- To determine the geographical territory where the sign is used .
- E- The product whose registration of geographical sign is requested.
- F- The origin country and the specific geographical territory

Article 11

In case of rejection of the declaration for registration of the geographical sign , the registration authority is obliged to notify the rejection causes in writing to the applicant. The applicant may file his/her protest before the court , while paying the related charges , within the due moratorium .

Note : The objection moratorium shall be three months for those residing in Iran and 6 months for those residing abroad , as of notification date.

Article 12

Anyone who has objection for accepting registration of the geographical sign declaration , must submit the causes and evidence and reference instruments to the registration authority while paying the due charges.

Note : If the protestor is the person who the geographical sign has not already registered in his /her name , he/she must submit declaration for registration of his/her geographical sign in accordance with the rules and regulations stipulated in the Act and the present by-law while paying all registration fee and the other applicable expenses , during protest due process .

Article 13

The registration authority is obliged to notify a copy of the protest petition together with the documents and reference causes to the registration applicant within 30 days.

Article 14

The applicant is obliged that as of notification date of the protest petition , to submit his answer within 30 days as to the entered date of protest to the registration authority. If the applicant is not residing in Iran , the said moratorium shall be 60 days.

Article 15

Whenever the applicant obey the objection of the protestor , his/her application shall be considered returned and the foregoing shall be declared in writing to the protestor that if his/her geographical sign has not been registered , to take action for its registration , according to the declaration submitted during protest.

Article 16

In case of non obedience of the applicant with application of the protestor , the case shall be considered in a committee composed of director of the Dept. and one person elected as director of the organization and one expert elected by the Director General of the Corporation Registration and Industrial Property and the decision of the committee can be appealed before the public courts of

Tehran by the parties within two months for those residing in Iran and three months for those residing abroad.

Note 1- The decisions by this committee shall be adopted by unanimous votes.

Note 2- The expert handling and considering the case, cannot be a member of the committee for the same subject.

Third Chapter- Registration of Geographical Sign :

Article 17

Registration of the geographical sign shall be made in special register by stipulation of the following :

- A- Name , address and nationality of the applicant or his/her representative
- B- Geographical sign
- C- Determining the origin country and geographical region and place of production that the sign is used for the same
- D- The goods that the geographical sign is used for it
- E- The approved specifications of the product
- F- Registration date and number and /or legal identification details of the geographical sign in origin country.

Note : registration of the foregoing , upon completion , must be signed by the applicant or his/her legal representative and the director of Dept. of Industrial property.

Article 18

After registration of the geographical sign , the registration authority shall publish the same for public notice , the said notice includes provisions of paras. A, B. C , D , E of clause 17.

Article 19

The certificate for registration of geographical sign shall be issued by the registration authority and in a special form signed by the director of Dept. , and shall be submitted to the applicant after presenting the published notice.

Article 20

The certificate for registration of geographical sign indicate the same points mentioned in the register.

Article 21

Any changes and correction in the registered geographical sign or relevant information which has been registered at application of the sign owner and/or would be required at discernment of the registration authority., subject to the fact that the nature of the registration sign is not altered must be made at application of the owner while paying the due charges. If the requested corrections and changes to be accepted by the Dept. , it must be published in official gazette after registration in the related register.

Article 22

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If the registration authority deems required the change and/or correction of geographical sign , he can take action as per the case subject to the fact that the nature of registered sign is not altered . The correction shall be registered in the book and published in the official gazette .

Article 23

Consideration of the registration declaration and correction of the change of registered geographical sign or related information shall be made according to the same procedure and principles mentioned for registration of geographical sign.

Fourth Chapter- Litigation and Different Rules

Article 24

Consideration of the legal and penal claims related to the Law and the present by-law is at jurisdiction of Tehran Public Courts.

Article 25

Appeal of the decisions of the said court shall be subject to penal and civil Procedure Code.

Article 26

The petition for correction or cancelation of the registered geographical sign must be notified to the owner or his/ her legal deputy.

Article 27

In the notification concerning cancellation or correction , the following must be corrected:

- A- Indication to beneficiary person(s) who has/have applied for cancellation or correction of the geographical sign.
- B- Causes of application

Article 28

Whenever the court issues final verdict for cancellation or correction of the registered geographical sign , it shall notify the same to the registration authority and that authority is obliged to cancel or correct the same according to the court verdict and to publish the same as notice at charges of loosing party in the official and widely-circulated daily.

Article 29

The notice related to cancellation or correction must include the following :

- A- Mentioning the geographical sign
- B- Indication that the geographical sign has been cancelled or corrected as per the case.
- C- Mentioning the correction cases in case of correction
- D- Mentioning the final verdict of the court by which the cancellation or correction has been made.

Article 30

The private claimant and/or the judicial authorities can apply for issuance of interim measure or provisional order for non manufacturing , sales, import and detain or demolishing the fake and imitative goods from the local court where the goods are procured , distributed and/.or discovered . If the court recognizes urgency of the applied case, then he is obliged to confirm the said application. Also the countries obliged for compensation of the probable damages , and to obtain appropriate interim measure from the petitioner . In this case issuance of the interim measure shall be subject to depositing security , based on the said application , the certified copy of certificate for registration of geographical sign shall be attached , thereto.

Note : The other relevant issues shall be treated according to the general provisions of Civil and Penal Procedure Code.

Article 31

Whenever the registration authority decides personally for rejecting the application for registration of trademarks including the fake geographical sign he must inform the applicant in writing while stating the rejection causes. The applicant can submit his object to the judicial authority while paying the relevant costs , within due date.

Note - The objection moratorium shall be 20 days for those residing in ran and two months for those residing abroad.

Article 32

Consideration of the claims related to cancellation of the misleading trademarks , shall be according to the existing rules in clauses 28-31 of the present by-law.

Article 33

The registration authority is obliged to inform the provisions of final verdict as to cancellation of the misleading trademark through publishing notice in official gazette and widely-circulated daily . this notice includes the following issues:

A- The cancelled trademark

B- No. and date of declaration , registration number and date

C- Name and address of the owner

D- List of goods and classes/ categories that the trademark has been registered for the same

E- Causes of cancellation

Article 34

Referring to the register book shall be possible after registration of the geographical sign for obtaining the certified copy or copy of the documentation by written application of the beneficiary after payment of the due charges.

Article 35

Referring to the registration office after registration of geographical sign shall be possible for collecting the certified copy For registration of geographical signs, the registration fee is collected as follows:

- 1- Registration fee of the geographical sign excluding paper price sum of 150000 Rials.
- 2- Registration fee of the geographical sign 1200000 Rials,
- 3- Charges for objection to declaration for registration of geographical sign 100000 Rials
- 4- Charges for correction and change after and before registration 20000 Rials
- 5- Charges for obtaining the confirmed certificate and obtaining the copy : 20000 Rials

Article 36

The registration authority can perform process of geographical sign registration , electronically.

Article 37

The present by-law contains 37 articles and 11 notes and State Organization for Registration of Deeds and Landed Properties is assigned to execute the same.

His Excellency Hojatoleslam Valmoslem Mr.Seyed Mohammad Khatami
President of Islamic Republic of Iran

IN execution of the 123rd Principle of Islamic Republic of Iran Constitution enclosed please find the bill concerning Protection of Geographical Sign presented to Islamic Consultative Assembly under title of Plan for Protection of Geographical Signs Origin , duly discussed by the Assembly at its open session on Wednesday , Jan.26.2005 ratified with certain amendments and thereafter confirmed by The Guardian Council .

Gholamali Haddad Adel

Speaker.

Geographical Signs Protection Act

Chapter One - Definitions

Article 1 - The terminology applied in present law have the following meanings:

A - Geographical sign shall mean a sign that the geographical origin of goods is attributed to the territory, region or country area , provided that quality and excellence, reputation or other characteristics of goods essentially can be attributed to its geographical origin .