

Unofficial translation

LAW OF MONGOLIA

June 10, 2010 Ulaanbaatar

ON TRADEMARKS AND GEOGRAPHICAL INDICATIONS

/Revised edition/

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Purpose of the Law

1.1. The purpose of this Law shall be to regulate relations in connection with ensuring the legal guarantees for trademarks and service marks (hereinafter referred to as trademarks) and geographical indications, protecting the rights and legitimate interests of their owners and users, and the ownership, use and disposal of trademarks and the use of geographical indications.

Article 2. Legislation on Trademarks and Geographical Indications

2.1. The legislation on trademarks and geographical indications shall consist of the Constitution of Mongolia, the Civil Code of Mongolia, Law on Intellectual Property of Mongolia, this Law and other legislative acts enacted in conformity with them.

/This paragraph was amended by the law as of May 6, 2021/

2.2. If an international treaty to which Mongolia is party provides otherwise than this Law, the provisions of the international treaty shall prevail.

Article 3. Definitions of the legal terms in this Law

3.1. For the purposes of this Law the following terms shall have the following meanings:

3.1.1. "Trademark" means distinctive expression used by a natural or a legal person in order to distinguish the goods or services from those of others;

3.1.2. "Collective mark" means a trademark used by members of the legal person established voluntarily by manufacturers and service providers under the associated control of such legal person;

/This subparagraph was modified by the law as of May 6, 2021/

3.1.3. "Certification mark" means a trademark to be used by others, when authorized organization certifies quality, method of production and other characteristics of certain goods or services;

3.1.4. "Geographical indication" means the geographical definition of a country, region or locality where the goods or products originated therein with a given quality, reputation or other characteristics that are identified by factors of nature and climatic condition or people's custom of given territory;

/This subparagraph was amended by the law as of May 6, 2021/

3.1.5. "Registered trademark or geographical indication" means a trademark or geographical indication which is registered in State register according to procedures laid down by the law;

3.1.6. "Certificate" means a document issued by the State which attests the rights of a registered trademark owner or a user of a registered geographical indication;

3.1.7. "Owner of a trademark" means a person who has obtained the right to own of a registered trademark according to procedures laid down by the law;

3.1.8. "User of a geographical indication" means a person who has obtained the right to use a geographical indication according to procedures laid down by the law for his/her own goods and products;

3.1.9. "Application" means a request for registration of a trademark or a geographical indication and other relevant documents required by the law which are filed with the state administrative authority in charge of intellectual property matters by a natural person or a legal person;

3.1.10. "Formality check of the application" means procedures of the state administrative authority in charge of intellectual property matters, to check whether it complies with the requirements provided for in Articles 6 and 21 of this Law;

3.1.11. "Examination" means procedures of the state administrative authority in charge of intellectual property matters to find out and to make decision whether the given trademark and/or geographical indication complies with requirements provided in Articles 5 and 20 of this Law;

3.1.12."License agreement" means a written agreement made with another person by the owner of a trademark to use the registered trademark;

3.1.13."well-known trademark" means a trademark that has become well known in in the relevant sector of Mongolia regardless whether the trademark is registered or not;

3.1.14."Official Periodical" means a term as defined in Article 3.1.4 of the Law on Intellectual Property;

/This subparagraph was modified by the law as of May 6, 2021/

3.1.15."Filing date" means the date on which is specified in Articles 7.2, 11.2, and 23.2 of this Law;

3.1.16."Priority date" means the date on which a trademark application is filed for registration in any country a party to the Paris Convention or a Member of the World Trade Organization before application filing date or the date which is specified in Article 11 of the Paris Convention;

/This subparagraph was amended by the law as of May 6, 2021/

3.1.17."Goods and services classification" means the International Classification of Goods and Services for the Purposes of the Registration of Marks, established by the Nice Agreement of June 15, 1957;

3.1.18."International registration of trademarks" means a registration effected by the International Bureau of the World Intellectual Property Organization under the provisions of the Madrid Agreement and the Madrid Protocol;

3.1.19."Paris Convention" means the Paris Convention for the Protection of Industrial Property, concluded on March 20, 1883, as revised and amended;

3.1.20."Madrid Agreement" means the Madrid Agreement Concerning the International Registration of Marks, concluded on April 14, 1891, as revised and amended;

3.1.21."Madrid Protocol" means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted on June 27, 1989;

3.1.22."Common Regulation" means the Implementing Regulations of the Madrid Agreement and Madrid Protocol.

CHAPTER TWO

PROTECTION OF TRADEMARK RIGHTS

Article 4.Representation of the trademark

4.1.Trademarks may be expressed in words, figures, letters, numerals, three-dimensional configurations, colors, combination of the colors, sounds, scents or any combinations thereof.

/This paragraph was amended by the law as of May 6, 2021/

Article 5.Requirements for Registering a Trademark

5.1.Following which do not have devoid of distinctive character shall not constitute a trademark:

5.1.1.In case of only letters or numerals, common geometrical shapes, generally known terms and names;

5.1.2.names determining the goods or services, words or figures indicating the quantity, size, weight, quality, purpose, price, or name of the place, geographical name and its abbreviation, location in the map, time or method of manufacturing;

/This subparagraph was amended by the law as of May 6, 2021/

5.1.3.Undistinguishable shapes or figures of goods and their packaging;

5.1.4.in case of only reproductions of names or representations of Mongolian historical and cultural monuments;

5.1.5.in case of only reproductions of the names, pseudonyms, portraits or pictures of historical persons of Mongolia or suggested names directly related thereto.

5.2.The following shall not be registered as trademark:

5.2.1.denominations that consist of, or identical with, or similar to, the names, their abbreviations, the national emblems, flags or State symbols of Mongolia or member countries of the Paris Convention and the World Trade Organization, or the full or abbreviated names or official emblems, of Mongolian State bodies, legal entities that exercise state functions on the basis of law or agreement, or Intergovernmental international organizations without the authorization of the competent authorities, organizations, and of that country;

/This subparagraph was amended by the law as of May 6, 2021/

5.2.2.reproductions that consist of the full names or pseudonyms, portraits, pictures of Mongolian famous persons without the consent of those persons or their heirs;

/This subparagraph was amended by the law as of May 6, 2021/

5.2.3.signs identical with, or similar to the Mongolian State decorations, medals or other awards, or to official signs and hallmarks indicating control and warranty;

5.2.4.indications, the content of which is contrary to public order or morality;

5.2.5.indications liable to deceive or mislead consumers as to the nature, quality, geographical origin or other characteristics of the goods or services.

5.2.6.it is identical with a trademark registered or applied for registration in Mongolia in respect of identical goods or services;

5.2.7.it is identical with, or similar to, a trademark registered or applied for registration in Mongolia in respect of similar goods or services where its use would result in a likelihood of confusion on the part of consumers;

5.2.8.it is identical with, or similar to, a trademark which has become well-known among the public, regardless of the nature of the goods or services and where the use would result in a likelihood of confusion on the part of consumers, take unfair advantage of, gain profits from, cause damages, or be detrimental to, the repute of the well-known trademark;

5.2.9.it would conflict definitely with a famous copyright and related rights or industrial property right in Mongolia;

/This subparagraph was amended by the law as of May 6, 2021/

5.2.10.it is identical with, or similar to, a geographical indication registered in Mongolia where its use would result in a likelihood of confusion on the part of consumers in respect of origin of goods;

/This subparagraph was added by the law as of May 6, 2021/

5.2.11.the trademark was filed to register with purpose for taking unfair advantage of;

/This subparagraph was added by the law as of May 6, 2021/

5.3.When the elements provided in Article 5.1, 5.2.1 of this Law do not compound majority part of the trademark, the trademark may be registered without protecting the given words or figures.

/This paragraph was amended by the law as of May 6, 2021/

5.4.The State Administrative Authority in Charge of Intellectual Property Matters (hereinafter referred to as The State Administrative Authority) shall approve Rules of Identification of Mongolian historical, famous persons and Filing of trademark application and conducting examination specified in Articles 5.1.5 and 5.2.2 of this Law.

5.5.The State Administrative Authority shall approve the list of Well-known trademarks provided in Article 3.1.13 of this Law and shall publish in Official periodical provided in Article 3.1.14 of this Law.

5.6.The State Administrative Authority shall determine criteria determining whether the trademark is identical or similar as stated in this Law.

/This paragraph was added by the law as of May 6, 2021/

Article 6.Filing of Trademark Application

6.1.A trademark application (hereinafter referred to as application) shall be filed in Mongolian with the State Administrative Authority by a natural or a legal person wishing to register the trademark via paper or electronic form.

/This paragraph was amended by the law as of May 6, 2021/

6.2.Trademark application shall be filed by the applicant or by the intellectual property agent.

/This paragraph was amended by the law as of May 6, 2021/

6.3.One trademark application shall be related to one trademark.

6.4.The trademark application shall contain the followings:

6.4.1.An application according to form approved by the State Administrative Authority;

6.4.2.Duty or Fee Payment Receipt which is paid in compliance with Article 9.4 of this law and documents in compliance with Article 6.6 of this Law.

/This subparagraph was amended by the law as of May 6, 2021/

6.5.The application provided in Article 6.4.1 of this Law shall indicate followings:

6.5.1.a request for registration of the trademark;

6.5.2.the applicant's surname, given name, address, nationality, name of the country permanently residing or operating his/her activities, the date of filing of the application and signature where the applicant is a natural person;

6.5.3.the official designation, the legal nature, address, the name of a state of establishment and/or conducting its operation, a signature of a competent official, seal or stamp, where the applicant is a legal person;

6.5.4.the surname, given name, address, and a signature of the intellectual property agent where the applicant represented by the intellectual property agent;

6.5.5.a declaration claiming the priority where the applicant wishes to claim the priority date;

/This subparagraph was amended by the law as of May 6, 2021/

6.5.6.a reproduction of applied trademark for registration;

6.5.7.a description of the trademark;

6.5.8.a statement of the trademark representation;

6.5.9.where the trademark is collective mark, a statement to that effect;

6.5.10.where the trademark is certification mark, a statement to that effect;

6.5.11.a transliteration of the mark into Cyrillic characters, or where it is in a foreign language, a translation thereof where the trademark is expressed in characters other than Cyrillic;

6.5.12.Classifications of the goods and services pertaining to the trademark or list of the goods and services.

6.6.Followings shall be accompanied with Trademark application:

6.6.1.regulations governing the use of collective mark, names of the authorized person entitled the use thereof where the applicant wishes to register the trademark as a collective mark;

6.6.2.regulations governing of the use of certification mark, evidence to the effect that an organization is certified organization where the applicant wishes to register the trademark as a certification mark;

6.6.3.certified copy of the application the priority of which is claimed, or related evidence where the applicant wishes to claim the priority date,

/This subparagraph was amended by the law as of May 6, 2021/

6.6.4.the power of attorney where the applicant represents by the intellectual property agent.

6.7.When two or more entities are using identical trademark for similar goods or services, it shall protect the rights to own of who has first applied for registration.

Article 7.Formality check of Trademark application and according a filing date

7.1.The State Administrative Authority shall make formality check within 10 working days from the date of receipt of given trademark application.

7.2.Where the State Administrative Authority finds that application meets requirements of formality check, the filing date of the application shall be accorded as of the date of its receipt and shall notify it in writing to the applicant.

/This paragraph was amended by the law as of May 6, 2021/

7.3.Where the State Administrative Authority finds that application does not meet requirements of formality check, it shall notify in written to the applicant, and applicant shall make and submit necessary corrections within 20 days of receipt of such notification.

/This paragraph was amended by the law as of May 6, 2021/

7.4.Where the corrections are submitted by the applicant within the time limit referred to Article 7.3 of this Law, the State Administrative Authority shall consider/accord the filing date as of the date of initial receipt of the application and shall notify it in writing to the applicant.

/This paragraph was amended by the law as of May 6, 2021/

7.5.Where the relevant corrections failed to be submitted by the applicant within the time limit referred to Article 7.3 of this Law, the State Administrative Authority shall consider that applicant rejected his/her application and notify about it to the applicant in written.

/This paragraph was amended by the law as of May 6, 2021/

7.6.The items referred to Articles 6.6.1, 6.6.2, and 6.6.4 of this Law shall be submitted to the State Administrative Authority

within 2 months from the filing date of the application.

/This paragraph was amended by the law as of May 6, 2021/

7.7.The items referred to Article 6.6.3 of this Law shall be submitted to the State Administrative Authority within 3 months from the filing date of the application. .

/This paragraph was modified by the law as of May 6, 2021/

7.8.Where the documents referred to Articles 6.6.1, 6.6.2, and 6.6.4 of this Law failed to be submitted by the applicant within the time limit referred to Article 7.3 of this Law, the State Administrative Authority shall consider that applicant rejected his/her application and notify about it to the applicant.

/This paragraph was added by the law as of May 6, 2021/

7.9.Where the document referred to the Article 6.6.3 of this Law failed to be submitted within the time limit referred to Article 7.7 of this Law, the State Administrative Authority shall consider the priority date right has not been requested.

/This paragraph was added by the law as of May 6, 2021/

7.10.After making the formality check of the trademark application and according the filing date, the State Administrative Authority shall publish reproduction and bibliographic data of the trademark in the Official periodical prescribed in Article 3.1.14 of this Law.

/This paragraph was added by the law as of May 6, 2021/

7.11.The State Administrative Authority shall submit notifications stated in the Articles 7.2, 7.3, 7.4, 7.5, 7.7, and 7.8 of this Law in paper or electronic form.

/This paragraph was added by the law as of May 6, 2021/

Article 8.Examination of Trademark Applications

8.1.The State Administrative Authority shall examine whether the trademark could be meet requirements provided for Article 5 of this Law and issue an examination report after formality check and following the accorded a filing date of trademark in compliance with Article 7 of this Law.

8.2.The State Administrative Authority shall examine within 9 months from the filing date of the application; if necessary, this period may be extended up to 6 months.

8.3.Where the State Administrative Authority finds that a trademark meets the requirements provided for in Article 5 of this Law, it shall issue an examination report and make decision to register in State trademark register based on the report.

8.4.Where the State Administrative Authority finds that a trademark does not meet the requirements provided in Article 5 of this Law, it shall issue an examination report on it and make provisional decision to refuse the registration of the trademark based on the report, and notify it to the applicant in written.

/This paragraph was amended by the law as of May 6, 2021/

8.5.Where the applicant disagree the decision referred to Article 8.4 of this Law, reasoned response shall be submitted to the State Administrative Authority within three months from the date of receipt of the corresponding decision. If the applicant has the reasonable excuse, he/she may request to extend this period up to 3 months, and in this case the service fee shall be discharged.

/This paragraph was amended by the law as of May 6, 2021/

8.6.The State Administrative Authority shall make final decision to register a trademark within three months from the date of receipt of the response referred to Article 8.5 of this Law.

8.7.Where the applicant failed to submit the response referred to Article 8.5 of this Law within the prescribed term, the State Administrative Authority shall make final decision to refuse the registration of the trademark and notify it to the applicant in writing.

/This paragraph was amended by the law as of May 6, 2021/

8.8.The applicant may, in the course of examination, make any changes to the application except a modification of the trademark; however, new application must be filed if the goods or services classification is added to the application of the trademark.

8.9.The applicant may, in the course of examination, divide the application related to more than one classification of goods or services and file separate trademark applications.

8.10.The interested party may file an opposition against trademark application published according to Article 7.10 of this Law within 3 months from the filing date.

/This paragraph was added by the law as of May 6, 2021/

8.11.The person who filed an opposition may request to extend the period specified in Article 8.10 of this Law up to 2 months, in which case service fee shall be paid.

/This paragraph was added by the law as of May 6, 2021/

8.12.The applicant shall submit the responses and opposition specified in Articles 8.5 and 8.10 of this Law to the State Administrative Authority by him/herself or through an intellectual property agent specified in Article 16.2 of the Law on Intellectual Property.

/This paragraph was added by the law as of May 6, 2021/

8.13.The State Administrative Authority shall deliver the notification to the applicant specified in Articles 8.4 and 8.7 of this Law in paper or electronic form.

/This paragraph was added by the law as of May 6, 2021/

Article 9.Registration and Publication of Trademarks

9.1.The State Administrative Authority shall record the trademark in the State Trademark Register, and issue a certificate where the decision has been taken to register the trademark.

9.2.The State Trademark Register shall contain state registration number, application registration number, and surname, given name of the natural person, the official designation of a legal person, address, and country name of the owner of the trademark, reproduction of the trademark, a list of the goods and/or services pertaining to the trademark, grouped according to the International Classification, the filing date, priority date, period of validity of the registration, and non-protected words and figures.

9.3.A trademark registration shall be valid for a period of 10 years following the filing date and may be renewed by 10-year period at the request of the owner.

9.4.Duties under a tariff prescribed by the law as of Mongolia on State Stamp Duties and service fee shall be payable for the issue of trademark certificate and renewal of the period of validity of the registration.

/This paragraph was amended by the law as of May 6, 2021/

9.5.The State Administrative Authority shall publish the reproduction and bibliographic data of the trademark in the Official periodical prescribed in Article 3.1.14 of this Law.

9.6.Registered trademark shall be applicable only for owners and goods, services specified in the State Register.

/This paragraph was modified by the law as of May 6, 2021/

Article 10.Record the changes in the State registration of trademark

10.1.State trademark registration shall be recorded following changes at the request of the owner.

10.1.1.Renewal of the period of validity of the registration;

10.1.2.Change in the name or address of the trademark owner;

10.1.3.Transfer of the trademark owner's rights;

10.1.4.Limitation to classification and list of the goods and services.

10.2.The request for renewal of the period of validity of the registration may be submitted to the State Administrative Authority during the last year of validity of the registration or within 6 months as a grace period after the expiry date of validity of the registration.

/This paragraph was amended by the law as of May 6, 2021/

10.3.No changes in the trademark or extension in the list of goods or services shall be made on the renewal of the period of validity of the registration.

10.4.Where the name or address changes and the right of the owner of a trademark transfers, the State Administrative Authority must be notified in writing within 6 months after the day the change occurs; the relevant changes shall be recorded in the State Register.

10.5.If any change in State registration, the State Administrative Authority shall publish it in the Official Periodical referred to Article 3.1.14 of this Law.

10.6.The service fee shall be paid when filing a request for extension of the period or making registration amendments to the state registration in accordance with Articles 10.2 and 10.4 of this Law.

/This paragraph was added by the law as of May 6, 2021/

Article 11.Proceedings related to International registration of trademarks

11.1.The Article 8 and 9.5 of this Law shall be applicable for trademark registration and examination designating Mongolia by international trademark application.

/This paragraph was amended by the law as of May 6, 2021/

11.2.The filing date of the trademark application designating Mongolia by international trademark application shall be accorded as of the date of the international registration or of the date of the request for territorial extension of the registration.

11.3.Any Mongolian natural or legal person or any person with permanent residence or who is engaged in the manufacturing of goods or the provision of services in Mongolia who has applied for or registered the trademark in compliance with the procedure laid down in this Law, wishing to register the trademark in the member countries of Madrid Agreement and Protocol, shall file the international trademark application him/herself or by intellectual property agent to the International Bureau.

/This paragraph was amended by the law as of May 6, 2021/

11.4.The State Administrative Authority is Receiving Office for an application referred to Article 11.3 of this Law.

11.5.Filing the international trademark application shall follow provision of the Common Regulations of the Madrid Agreement and the Madrid Protocol.

11.6.Request for renewal of the international trademark registration, transfer of the trademark owner's rights, cancellation or territorial extension shall be submitted to the International Bureau through the State Administrative Authority.

11.7.International trademark registration fees shall be paid by the applicant to the International Bureau in compliance with the Common Regulations.

11.8.Any decision in respect to the trademark filed with designating Mongolia by international trademark application shall be notified to the International Bureau.

/This paragraph was added by the law as of May 6, 2021/

11.9.The opposition stipulated in Article 8.10 of this Law for the international trademark application, may be filed within 5 months from the date of the international publication.

/This paragraph was added by the law as of May 6, 2021/

11.10.The State Administrative Authority shall review and certify the request specified in Articles 11.3 and 11.6 of this Law.

/This paragraph was added by the law as of May 6, 2021/

11.11.The service fee shall be paid for reviewing and certifying the request specified in 11.3 and 11.6 of this Law.

/This paragraph was added by the law as of May 6, 2021/

11.12.The applicant shall submit the opposition specified in Article 11.9 of this Law, to the State Administrative Authority by him/herself or through the intellectual property agent specified in Article 16.2 of the Law on Intellectual Property.

/This paragraph was added by the law as of May 6, 2021/

CHAPTER THREE

EXCLUSIVE RIGHT OF TRADEMARK OWNER

Article 12.Exclusive right of trademark owner

12.1.The exclusive rights of a trademark holder shall be arisen on the registration of the trademark in State Register.

12.2.The exclusive rights of the trademark owner shall be exercised within the registered form and scope of the list of the registered goods or services.

/This paragraph was added by the law as of May 6, 2021/

12.3.The trademark owner shall have the following exclusive rights in respect of the trademark:

12.3.1.to own registered trademark;

12.3.2.to permit others the use of registered trademark;

12.3.3.to transfer registered trademark to others;

12.3.4.where the registered trademark is used by others without permission/consent, to request to discontinue the use of a mark;

12.3.5.to request to discontinue the use of a trademark by others which is identical with or similar to the registered trademark where its use would result in a likelihood of confusion on the part of consumers;

/This subparagraph was amended by the law as of May 6, 2021/

12.3.6.to claim compensation from guilty person for damages caused by actions referred to Articles 12.3.4, 12.3.5 of this Law.

12.4.An exclusive right specified in Article 12.3.5 of this law shall not affect the rights of the person who fairly used the identical trademark as the trademark in the territory of Mongolia for the identical goods and services before the filing date of the registered trademark.

/This paragraph was added by the law as of May 6, 2021/

Article 13.Use of Trademark

13.1.The following cases shall be considered to use of a trademark:

13.1.1.If using the trademark on the goods, packaging or containers thereof, or in services;

13.1.2.if supplying, offering for sale the goods or stocking them for such purposes, or offering services under the trademark;

13.1.3.if importing or exporting the goods bearing the trademark;

13.1.4.if using the trademark in correspondence, prospectus or other documents and in advertising or in Internet;

13.2.The trademark owner may use a circled Latin letter R alongside the trademark to show that the trademark is registered.

13.3.The intellectual property valuation of trademark can be used in property approval, pledge, investment, issue of stock, privatization, auction, equity fund and insurance.

/This paragraph was invalidated by the law as of May 6, 2021/

13.4.Any contract is concluded for the purpose of Article 13.3 of this Law, the contract shall be registered to the State Administrative Authority.

/This paragraph was invalidated by the law as of May 6, 2021/

Article 14.Use of Collective mark

14.1.The owner of a collective mark shall be a legal person founded by manufacturers and service providers voluntarily with function to set up associated control on the usage of the collective marks and its members shall have a right to use the collective mark under the associated control.

/This paragraph was modified by the law as of May 6, 2021/

14.2.The owner and user of a collective mark shall be entitled to take preventive measures against unlawful use of the mark.

14.3.The owner and user of a collective mark shall be entitled to claim compensation from guilty person for the damage caused by unlawful use of the collective mark or a mark similar thereto.

Article 15.Use of Certification mark

15.1.The owner of a certification mark shall be a certification organization which attests specific characteristics of the goods or services, while natural or legal persons authorized thereby shall be entitled to use the certification mark.

15.2.The person authorized to use a certification mark shall be entitled to take preventive measures against unlawful use of the mark with the permission of the owner of the mark.

15.3.The owner of a certification mark shall, on behalf of a person authorized to use the mark, be entitled to claim compensation for the damage caused by unlawful use of the certification mark or a mark similar thereto by others.

15.4.For the certification mark which consists of a geographical indication and attests an origin of the goods, the provisions of this Law relating to geographical indications shall be applicable.

/This paragraph was invalidated by the law as of May 6, 2021/

Article 16.Transfer of Trademark Owner's Rights

16.1.A trademark owner may transfer the right to own a trademark to others by means of a written agreement with respect of all or some of the goods or services related to registered trademark.

16.2.The agreement transferring the right to own the trademark shall be recorded with the State Administrative Authority, and the transfer of rights shall be effective upon recordation of relevant changes in State Trademark Register. A citizen of Mongolia and a legal person registered in Mongolia shall have paid the relevant tax if required by law.

/This paragraph was amended by the law as of May 6, 2021/

16.3.The State Administrative Authority shall inform the public the transfer of right of the trademark by the Official Periodical referred to Article 3.1.14 of this Law.

Article 17.Permit to use the trademark by others

17.1.A trademark owner may, under a licensing agreement, permit to use other person to use the trademark with respect to all or some of the goods or services for which it is registered.

17.2.License agreement shall be done in written and it will be effective after signed by two parties and registered in the State Administrative Authority.

17.3.Duties under a tariff prescribed by the law as of Mongolia on State Stamp Duties and service fee shall be payable for the recordation of the license agreement.

/This paragraph was amended by the law as of May 6, 2021/

17.4.The State Administrative Authority shall inform to the public the information on the registered license agreement by the Official Periodical referred to Article 3.1.14 of this Law.

Article 18.Termination of Trademark Owner's Rights

18.1.The right to own the trademark shall be terminated on the following grounds:

18.1.1.where the period of validity of the registration is expired or the request for renewal of trademark registration has not been submitted within time limit referred to Article 10.2 of this Law;

18.1.2.liquidation of the legal entity which owns the trademark where there is no transfer to others;

18.1.3.where a trademark owner is submitted a request for cancellation of the registration of the trademark;

18.1.4.other grounds laid down in the law.

18.2.When trademark owner's right is terminated, the State Administrative Authority shall inform it to the public by the Official Periodical referred to Article 3.1.14 of this Law.

CHAPTER FOUR

PROTECTION OF GEOGRAPHICAL INDICATION

Article 19.Geographical indications representation

19.1.Geographical indications may be expressed in solely geographical name of a locality that identifies a good as originating therein or combination of name of the goods.

Article 20.Geographical Indications and Requirements Related Thereto

20.1.An indication that does not fall into the definition provided for in Article 3.1.4 of this Law shall not be considered as a geographical indication.

20.2.A generic name in the territory of Mongolia to denote goods of a certain kind, shall not be registered as a geographical indication.

/This paragraph was amended by the law as of May 6, 2021/

Article 21.Filing of Applications of geographical indications

21.1.Organization or association or union of unified manufacturers of products related to geographical indication which has a request to register a geographical indication shall supply written or electronic form of the application of geographical indication under the basis of legal rights representing the manufacturer in accordance with regulation approved by State Administrative Authority.

/This paragraph was amended by the law as of May 6, 2021/

21.2.Geographical indication application shall be filed by the applicant him/herself or by the intellectual property agent.

/This paragraph was amended by the law as of May 6, 2021/

21.3.One Geographical Indication application shall be related to one Geographical Indication.

21.4.A geographical indication application shall contain the followings:

21.4.1.An application according to form approved by the State Administrative Authority;

21.4.2.Duty and service fee payment receipt which are paid in compliance with Article 25.4 of this Law.

/This subparagraph was amended by the law as of May 6, 2021/

21.5.The application shall be specified the followings:

21.5.1.a request for registration of the geographical indication;

21.5.2.the official designation, address, the name of a state of establishment, the name of the state operating its activities, the legal nature of the applicant, and a signature of an competent official, seal, and stamp;

21.5.3.where the applicant is represented by the intellectual property agent, the surname, given name, address and a signature of that agent;

21.5.4.Applied geographical indication for registration;

21.5.5.the geographical locality of the place;

21.5.6.where the geographical indication is expressed in characters other than Cyrillic, a transliteration of the geographical indication into Cyrillic characters, or where it is in a foreign language, a translation thereof;

21.5.7.Classifications of the goods and services pertaining to the geographical indication or list of the goods and services;

21.5.8.description about how given quality, reputation and other characteristics of the goods associated with natural and climatic condition and inherent human factors of particular geographical environment.

21.6.The application for a geographical indication shall be accompanied the followings:

21.6.1.Document issued by the Authorized organization certifying/confirming that the production activity is carried on in the geographical locality concerned;

21.6.2.Conclusion issued by the Authorized organization certifying/confirming that how given quality, reputation and other characteristics of the goods associated with natural and climatic condition and inherent human factors of particular geographical environment;

21.6.3.Where foreign Geographical Indication is filed for registration, document certifying that where the geographical indication is protected in home country;

21.6.4.Power of attorney, if the application is filed by the intellectual property agent;

21.6.5.Description of goods and products bearing the geographical indication.

/This subparagraph was added by the law as of May 6, 2021/

Article 22.Description of the goods bearing the geographical indication and its quality control

22.1.The goods bearing the geographical indication shall be defined the following features.

22.1.1.Information on how the quality and specific characteristics of the goods are connected with such geographical place;

22.1.2.Description of the goods related to the geographical indication shall be contained chemical, physical, microbiological, and structural characteristics;

22.1.3.It shall indicate definitely the geographical area related to the Geographical Indication;

22.1.4.Description and information on how the given goods are produced in connection with origin, natural and human factors, and features of geographical environment;

22.1.5.Description of the organization which conduct internal and external quality control which determines that such goods related to the geographical indication contains characteristics of given geographical indication.

22.2.The internal quality control of goods with geographical indications specified in Article 22.1.5 of this Law shall be carried out by the organization or association or union that use the geographical indications.

22.3.The external quality control of goods with geographical indications specified in Article 22.1.5 of this Law shall be carried out by the quality control laboratories and competent organizations entitled to conduct quality control of aimags and capital city.

22.4.If the result of the quality control of the goods with geographical indications meet the requirements determined in the conclusion stipulated in Article 21.6.2 of this Law, such goods and products shall be deemed as the goods and products with geographical indication.

/This Article was modified by the law as of May 6, 2021/

Article 23.Conducting the formality check of geographical indication application and according the filing date

23.1.The State Administrative Authority shall conduct formality check within 10 working days from the date of receipt of given geographical indication application.

23.2. Where the State Administrative Authority finds that the geographical indication application meets requirements of formality check, it shall be accorded the filing date as of the date of receipt and shall notify it in writing to the applicant.

/This paragraph was amended by the law as of May 6, 2021/

23.3. Where the State Administrative Authority finds that the geographical indication application does not meet requirements of formality check, it shall notify in writing to the applicant and the applicant shall make and submit necessary corrections within 10 days of receipt of such notification.

/This paragraph was amended by the law as of May 6, 2021/

23.4. Where the corrections are submitted by the applicant within the time limit referred to Article 23.3 of this Law, the State Administrative Authority shall consider/accord the filing date as of the date of initial receipt of the application and shall notify it in writing to the applicant.

/This paragraph was amended by the law as of May 6, 2021/

23.5. Where the corrections failed to be submitted by the applicant within the time limit referred to Article 23.3 of this Law, the State Administrative Authority shall consider that the applicant rejected his/her application and notify about it to the applicant.

/This paragraph was amended by the law as of May 6, 2021/

23.6. The items referred to Article 21.6 of this Law shall be submitted to the State Administrative Authority within 2 months from the filing date of the application.

23.7. Where the items referred to Article 21.6 of this Law failed to be submitted within the time limit referred to Article 23.6 of this Law, the State Administrative Authority shall consider that the applicant rejected his/her application and notify about it to the applicant.

/This paragraph was amended by the law as of May 6, 2021/

23.8. The State Administrative Authority shall submit notifications stated in the Articles 23.2, 23.4, 23.5, and 23.7 of this Law in paper or electronic form.

/This paragraph was added by the law as of May 6, 2021/

Article 24. Examination of Geographical Indication Application

24.1. Following the accorded a filing date and formality check in compliance with Article 23 of this Law, the State Administrative Authority shall examine whether the geographical indication could be met requirements provided for Article 20 of this Law and issue an examination report.

24.2. The State Administrative Authority shall examine within 9 months from the filing date of the application; if necessary, this period may be extended up to 9 months.

/This paragraph was amended by the law as of May 6, 2021/

24.3. Where the State Administrative Authority finds that a geographical indication meets the requirements provided for in Article 20 of this Law, it shall issue an examination report and make decision to register the geographical indication in State register based on the report.

24.4. Where the State Administrative Authority finds that a geographical indication does not meet the requirements provided for in Article 20 of this Law, it shall issue an examination report on it and make provisional decision to refuse the registration of the geographical indication based on the report, and notify it to the applicant in written.

/This paragraph was amended by the law as of May 6, 2021/

24.5. Where the applicant disagrees, the decision referred to Article 24.4 of this Law, a reasoned response shall be submitted to the State Administrative Authority within three months from the date of receipt of the corresponding decision.

24.6. The State Administrative Authority shall make final decision to register a geographical indication within three months from the date of receipt of the response referred to Article 24.5 of this Law.

24.7. Where the applicant failed to submit the response referred to Article 24.5 of this Law within the prescribed term, the State Administrative Authority shall make final decision to refuse the registration of the geographical indication and notify it to the applicant in writing.

/This paragraph was amended by the law as of May 6, 2021/

24.8. The applicant may, in the course of examination, make any changes to the application except a modification of the geographical indication.

24.9. The State Administrative Authority shall submit the notifications specified in Articles 24.4 and 24.7 of this Law to the applicant in paper or electronic form.

/This paragraph was added by the law as of May 6, 2021/

Article 25.Registration, Publication of the Geographical Indication and Making amendments to the Geographical Indication

/The title of this Article was amended by the law as of May 6, 2021/

25.1.Where the decision has been taken to register the geographical indication, the State Administrative Authority shall record the geographical indication in the State Register of Geographical indication, and issue a certificate.

25.2.The State Register of Geographical indication shall contain data on the state registration number, application registration number of given geographical indication, official designation of a legal person, address, country name, reproduction of the geographical indication, name of the goods and products pertaining to the geographical indication, grouped according to the International Classification, and the filing date.

25.3.A registration of geographical indication shall be valid beginning from the filing date and shall be unlimited in respect of the time.

25.4.Duties under a tariff prescribed by the law as of Mongolia on State Stamp Duties and service fee shall be payable for the issue of the geographical indication certificate.

/This paragraph was amended by the law as of May 6, 2021/

25.5.The State Administrative Authority shall publish the reproduction and bibliographic data of the Geographical indication in the Official periodical prescribed in Article 3.1.14 of this Law for informing to the public.

25.6.The following changes can be made to the State Register of the Geographical Indication at the request by the used of the geographical indication:

25.6.1.change on the name of the geographical indication user;

25.6.2.change on the address of the geographical indication user.

/This paragraph was added by the law as of May 6, 2021/

25.7.The geographical indication user shall submit the written notification on the change of the name and address to the State Administrative Authority within 6 months from the date of such change and register it in the State registration.

/This paragraph was added by the law as of May 6, 2021/

25.8.Service fee shall be paid for making the changes specified in Article 25.6 of this Law.

/This paragraph was added by the law as of May 6, 2021/

25.9.The State Administrative Authority shall publish the change in the state registration in the Official Periodical specified in Article 3.1.14 of this Law.

/This paragraph was added by the law as of May 6, 2021/

CHAPTER FIVE

RIGHTS AND OBLIGATIONS OF USERS OF GEOGRAPHICAL INDICATION

Article 26.Rights and obligations of users of geographical indication

26.1.The rights of users of geographical indication shall be arisen on the registration of the geographical indication in State Register.

26.2.The rights of users of geographical indication shall be exercised within the scope of registered goods and products.

26.3.The user of a geographical indication shall have the following rights in respect of the geographical indication:

26.3.1.to use geographical indication for the goods;

26.3.2.to request to discontinue that act where the registered geographical indication is used by others in respect to goods not manufactured in the locality indicated;

26.3.3.to request to discontinue that act where the registered geographical indication is used by others in respect to similar goods and therefore takes unfair advantage of, or is detrimental to, the reputé of the geographical indication,

26.3.4.to request to discontinue that act where using geographical indication in a translated form, or accompanied term such as "typical", "stylish" "structural" and "similar" although origin of goods is correctly designated when the registered geographical indication is used by others:

26.3.5.to claim compensation for damages caused by actions/act referred to Articles 26.3.1-26.3.4 of this Law.

26.4.User of geographical indication shall bear responsibility to keep quality, reputation and other features of the given goods in

accordance with conclusion referred to Article 21.6.2 of this Law.

26.5. Internal or external control on quality shall be done for the purpose of determining whether the goods with geographical indication is covering the given features of geographical indication.

/This paragraph was invalidated by the law as of May 6, 2021/

26.6. Internal quality control of goods with geographical indication shall be done by organization of any union or association, users of geographical indication.

/This paragraph was invalidated by the law as of May 6, 2021/

26.7. External quality control of goods with geographical indication shall be done by quality control laboratory of aimag or capital city, or any state organization in the charge of quality control.

/This paragraph was invalidated by the law as of May 6, 2021/

26.8. The given product shall be recognized as a good with geographical indication when the conclusion of quality control of goods with geographical indication meets the features referred in conclusions 21.6.2 of this Law.

/This paragraph was invalidated by the law as of May 6, 2021/

Article 27. Use of Geographical indication

27.1. The following cases shall be considered to use of a geographical indication:

27.1.1. If using the geographical indication on the goods, packaging or containers thereof;

27.1.2. if supplying, offering for sale the goods or stocking them for such purposes under the geographical indication;

27.1.3. if importing or exporting the goods bearing the geographical indication;

27.1.4. if using the geographical indication in correspondence, prospectus or other documents and in advertising or in Internet.

27.2. The geographical indication user shall be entitled to use the identification symbol indicating that the geographical indication is registered together with the geographical indication.

/This paragraph was modified by the law as of May 6, 2021/

Article 28. Expiry of rights of User of Geographical Indication

28.1. Rights of User of Geographical Indication shall be terminated in following grounds:

28.1.1. where the quality, reputation and other characteristics of given goods and products have no direct relation with natural and climatic condition, human factors of that geographical environment;

28.1.2. where the legal entity as the user geographical indication has been liquidated;

28.1.3. where the user of geographical indication has requested cancelation of the given geographical indication;

28.1.4. other grounds laid down in law.

28.2. The State administrative authority shall publish in the Official Periodical referred to Article 3.1.14 of this Law where rights of user of geographical indication is terminated.

CHAPTER SIX

INTELLECTUAL PROPERTY ORGANIZATION

Article 29. State Administrative Authority in Charge of Intellectual Property Matters

29.1. The State administrative authority in charge of intellectual property matters shall carry out the following functions in addition to the functions stated in the Law on Intellectual Property:

29.1.1. to approve regulations and by-laws related with filing an application of trademark and geographical indication, conducting an examination, registering them, keeping the state registers, making amendments to them, recognition of the trademark as well known, and using identification indicating that the geographical indications was registered;

29.1.2. to specify layout of the application form for registration and the certificate format of trademarks and geographical indications;

29.1.3. to carry out (the proceeding) international registration of trademarks;

29.1.4. to settle complaints and disputes within its competence, as provided by the law;

29.1.5.to mutually exchange information on the registration of the trademarks and geographical indications as well as information on change of the right holders stated in this Law with tax authority;

29.1.6.to perform other functions, as provided by the law.

29.2.A member of the Government in charge of intellectual property matters shall approve the amount of fees for services provided in this Law and for service for recognition of the trademark as well known.

29.3.Income of fees for services provided in this Law shall be deposited in the state treasury fund.

/This Article was modified by the law as of May 6, 2021/

Article 30.Powers of the Intellectual Property Inspector

30.1.The Government Agency shall have a state general inspector, a senior state inspector and a state inspector.

30.2.The Director General of the Government agency is General State Intellectual Property Inspector.

30.3.The rights of the State General Inspector of Intellectual Property shall be granted by the Government, the rights of the Chief State Inspector and the rights of the State Inspector shall be granted by the Government member in charge of intellectual property.

30.4.The state general inspector, senior state inspector, state inspector (hereinafter referred to as "state inspector") shall exercise the general powers specified in the Law on State Inspection, Law on Administrative Liability and other legislation in the field of intellectual property control.

30.5.In exercising his / her powers specified in the legislation, the state inspector shall not be influenced by others and shall be guided only by the legislation and other legal acts issued in accordance with it.

30.6.It is prohibited for a state inspector to interfere or influence a citizen, legal entity or official in exercising his / her powers specified in the legislation.

30.7.It shall be prohibited for other persons to make decisions on any issues related to the powers granted by the state inspector by legislation.

/This Article was invalidated by the law as of May 6, 2021/

Article 31.Intellectual Property Representative

31.1.An intellectual property agent shall be a citizen of Mongolia with higher education, at least three years of experience in the intellectual property sector, 25 years of age and permanent residence in Mongolia, or a legal entity established and operating in accordance with the laws of Mongolia.

31.2.An Intellectual Property representative shall obtain a license in accordance with regulation of

31.3.The Government agency shall determine regulations on the operation of Intellectual Property representatives.

/This Article was invalidated by the law as of May 6, 2021/

CHAPTER SEVEN

SETTLEMENT OF COMPLAINTS, REQUESTS AND DISPUTES

Article 32.Settlement of complaints, requests and disputes

32.1.The Dispute Resolution Commission shall work under the state administrative authority which has and authority to consider below mentioned complaints or requests related with trademark and geographical indication:

32.1.1.a complaint of applicant related to the procedures referred to Articles 7, 8, 23, and 24 of this law;

32.1.2.a request for invalidation of trademark and geographical indication registration on the grounds provided in Article 33.1.1 of this law;

32.1.3.a request for invalidation of trademark registration on the grounds provided in Articles 33.1.2 and 33.1.3 of this law;

/This subparagraph was amended by the law as of May 6, 2021/

32.1.4.a request for recognition that the mark is well-known mark.

32.2.An applicant shall submit to the Dispute Resolution Commission a complaint provided in Article 32.1.1 of this Law within 30 days from the date of receipt of the notification.

32.3.Requests provided in Articles 32.1.2 and 32.1.3 shall be submitted to the Dispute Resolution Commission within one year from the date of official periodical publication referred to Article 3.1.14 of this law.

32.4.The Dispute Resolution Commission shall settle complaints or disputes provided in Article 32.1 of this law within 6 months from the date of receipt and notify it in written to petitioner.

32.5.The petitioner is entitled to apply to the court where they disagree with the decision of the Dispute Resolution.

/This paragraph was invalidated by the law as of May 6, 2021/

32.6.A member of the Government in charge of intellectual property matters shall approve the regulation on procedure of the Dispute Resolution Commission.

/This paragraph was invalidated by the law as of May 6, 2021/

CHAPTER EIGHT

MISCELLEANOUS

Article 33.Invalidation of the registration of trademarks and geographical indications

33.1.Registration of trademarks and geographical indications shall be invalidated on the following grounds:

33.1.1.Where trademark and/or geographical indication is registered in violation of Articles 5, 20 of this Law;

33.1.2.Where the trademark is registered in the member country of Paris Convention under name of any representative or distributor without permission of an exclusive rights owner of the given trademark;

33.1.3.Where a trademark owner has not used the trademark for the period of five years without any justifiable/reasonable excuses, for type and classification of such not used goods and services.

/This subparagraph was added by the law as of May 6, 2021/

33.2.Any interested person may, on the grounds provided for Articles 33.1.1, 33.1.2, and 33.1.3 of this Law, may submit to the Dispute Resolution Commission a request for invalidation of trademark and geographical indication registration.

/This paragraph was amended by the law as of May 6, 2021/

33.3.Where the Dispute Resolution Commission finds that the request is well founded, the decision shall be taken to invalidate the registration of the trademark or geographical indication and the state administrative authority shall be notified accordingly.

33.4.The state administrative authority shall invalidate the registration of the trademark or geographical indication in respect of the owner or user concerned in the following cases:

33.4.1.where the request for renewal of trademark registration has not been submitted within 6 months from the expiry of the period of validity of the registration;

33.4.2.where the trademark owner or user of a geographical indication renounces the right to own the trademark or use the geographical indication by means of a written declaration;

33.4.3.where a legal person the trademark owner or user of a geographical indication has been liquidated and the right to own the trademark has not been transferred to others or the trademark has not been assigned by means of a license agreement;

/This paragraph was amended by the law as of May 6, 2021/

33.5.The state administrative authority shall inform it to public by official periodical referred to Article 3.1.14 of this Law where the registration of a trademark or geographical indication has been invalidated.

Article 34.Liability for violators of the law

34.1.If the actions of an official, who has violated this Law, are not of a criminal nature, he/she shall be subject to liability specified in the Civil Service Law

34.2.A person or legal entity that has violated this Law shall be subject to liability specified in the Criminal Code or the Law on Violations.

/This Article was modified by the law as of December 4, 2015/

CHAIRMAN OF THE STATE GREAT KHURAL OF MONGOLIADEMBEREL.D