

LAW  
REPUBLIC OF UZBEKISTAN

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On trade marks, service marks and names  
of commodity origin place

*The present document was amended in accordance with  
Section XV of the Law of the RUz No. 405-II  
dtd 30.08.2002,  
Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007  
Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011*

Article 1. The aim of the present Law

The present Law regulates relationships in the field of legal protection and use of trade marks, service marks and names of commodity origin place. *(In edition of Point 1 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007)*

Article 2. Legislation on trade marks, service marks and names of commodity origin place

The legislation on trade marks, service marks and names of commodity origin place comprises the present Law as well as other legal documents.

If a certain international agreement signed by the Republic of Uzbekistan lays down rules and regulations other than those stipulated by the legislation of the Republic of Uzbekistan on trade marks, service marks and names of commodity origin place, the former is applicable.

Article 3. The trade mark and service mark

The trade mark and service mark ("the trade mark") is a symbol registered in keeping with the established procedure, which serves to distinguish goods and services ("the goods") of one legal or natural entity from similar goods of another legal or natural entity.

Trade marks can be individual and collective.

The individual symbol is a trade mark which belongs to a separate legal or natural entity.

The collective symbol is a trade mark of an association of legal and/or natural entities. It is designed to mark goods characterized by similar qualitative or other common properties, which these legal and/or natural entities produce and/or sell. Graphic, wordy, three-dimensional and other kinds of symbols or their combination of any color or combination of colors may be registered as trade marks.

Article 4. Legal protection of the trade mark

The legal protection of the trade mark is provided on the basis of its registration in accordance with the procedure specified in the present Law as well as on the force of the relevant international agreements, to which the Republic of Uzbekistan is a party.

The trade mark may be registered on behalf of a legal or natural entity carrying out entrepreneurial activity.

Article 5. The name of commodity origin place

The name of a country, settlement, area or any other geographic locality ("the geographic locality") use to mark a commodity, whose specific properties are exclusively or mainly determined by the natural conditions characteristic of a given geographic locality or other factors or by the combination of natural conditions and such factors, may be recognized as the name of commodity origin place.

Article 6. Legal protection of the name of commodity origin place

The legal protection of the name of commodity place is provided on the basis of its registration in accordance with the procedure stipulated by the present Law as well as on the force of the relevant international agreements signed by the Republic of Uzbekistan.

The name of commodity origin place may be registered by one or several legal or natural entities situated in a given geographic locality, whose name is used to mark commodities they produce.

The name of commodity origin place having been registered, its owner is granted the right to use it, provided that a given entity manufactures a commodity, whose specific properties are exclusively or mainly determined by the natural conditions characteristic of a given geographic locality or other factors, as well as by the combination of natural conditions and such factors.

The right to use the name of commodity origin place, registered as specified in the present Law, may also be granted to other legal or natural entity situated in the same geographic locality, which manufactures goods characterized by the same properties.

Article 7. The authorized state body

The Agency for intellectual property of the Republic of Uzbekistan (hereinafter referred to as the Agency) is considered to be a state authority body authorized to protect trade marks and names of commodity origin place. *(In edition of Point 1 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

*Paragraph is stated in edition of Point 1 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011*

The Agency shall fulfill the following:

to take part in the development and implementation of unified state policy in protection of trade marks and names of commodity origin place;

to accept for consideration applications for registration of trade marks, names of commodity origin place and the right to use the name of commodity origin place, as well as to carry out the procedure for their official examination;

to register trade marks, names of commodity origin place and the right to use the name of commodity origin place, as well as agreements on the transfer of the right to trade marks;

to keep the State Registry of trade marks and the State Registry of names of commodity origin place ("the registry"), as well as a List of trade marks (hereinafter referred to as the List of famous trade marks) famous in the Republic of Uzbekistan; *(in edition of Point 2 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007)*

to issue certificates of trade marks and certificates of the right to use the name of commodity origin place;

to publish official information on both registration of trade marks and granting of the right to use the name of commodity origin place, as well as on recognition of trade mark famous in the Republic of Uzbekistan. *(In edition of Point 2 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007)*

to exercise other powers in accordance with the law.

Article 8. Placement of request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place

The request for registration of the trade mark, name of commodity origin place and the right to use the name of commodity origin place is placed by a legal or natural entity (hereinafter referred to as "the applicant") to the Agency. *(In edition of Point 2 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

The request for registration of the collective trade mark is placed on behalf of an association of legal and/or natural entities in accordance with an agreement on the use of such a collective trade mark approved by its members.

The date of placement of the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place is considered to be the date of its receipt at the Agency. *(In edition of Point 2 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

The request for registration of the trade mark, which contains a list of several goods, may be broken down, at the applicants instance, into two or several requests, with the date of submission of the initial one being retained.

*Part 5 is supplemented in accordance with Point 3 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

The request for the registration of the trade mark protected earlier by virtue of international agreement of the Republic of Uzbekistan is placed in keeping with a procedure established by the Patent Department.

Article 9. Requirements imposed on the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place

The request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place should cover one trade mark or name of commodity origin place.

The request should contain the following:

an application for registration of a symbol as the trade mark, the name of commodity origin place or the right to use the name of commodity origin place;

a picture of the symbol claimed for;

a list of goods, registration of whose trade mark is solicited for, which are grouped in keeping with the International Classification of Goods and Services for symbol-registration purposes;

the commodity category, registration of whose name of commodity origin place or the right to sue the name of commodity origin place is solicited for, with the indication of both the place of its production within the limits of a certain geographic locality and the description of its specific characteristics.

The request should enclose the following documents;

a document certifying that a certain patent duty charged on request placement has been defrayed;

a warrant issued by the applicant in cases where a request is put in via the patent agent;

documents certifying that the applicant is situated in the indicated geographic locality and manufactures goods, whose specific properties are bound up with the natural conditions characteristic of a given geographic locality or other factors or with the combination of natural conditions and these factors;

a document certifying a foreign applicants right to use the name of commodity origin place claimed for in the commodity origin

country.

It is the Agency that specifies a range of requirements imposed on the documents to be submitted to have the trade-mark, the name of commodity origin place and the right to use the name of commodity origin place registered. *(In edition of Point 3 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

#### Article 10. Symbols not registered as trade marks

The following symbols are not registered as trade marks:

- 1) national emblems, flags and awards;
- 2) official names of countries, abbreviated or full names of international or intergovernmental organizations;
- 3) official control - and guarantee marks, hall-marks and stamps;
- 4) decorations and badges of rank used at state bodies in the Republic of Uzbekistan;
- 5) pictures which lack a distinguished capacity;
- 6) symbols being widely used as the symbols of certain goods;
- 7) symbols regarded as generally accepted symbols and terms;
- 8) symbols used to characterize the properties of goods, such as category, quality, quantity, characteristic features, purpose and value, as well as the place and time of their production and sale;
- 9) false symbols or those capable of misleading a consumer in respect of a given commodity or its manufacturer;
- 10) symbols, which formally point to the true place of commodity production, while giving an erroneous idea of another place of their origin;
- 11) symbols, which are place-names or contain geographic names identifying mineral water, wine or strong drinks, to be used to mark goods not originating from a given locality, as well as translated symbols and those used with words, such as brand, type, style and the like;
- 12) symbols, which are at variance with public interests, principles of humanity and moral;
- 13) symbols, which are identical with or similar to the following symbols and trade marks to the extent that they can easily be mixed up:
  - trade-marks of other entities, recognized as generally known in accordance with the established procedure in respect of goods of every description;
  - names of commodity origin place, protected under the present Law with the exception of cases where they are included in the trade mark as an unguarded element, registered on behalf of the entity enjoying the right to use a given name in respect of goods of every description;
  - certification symbols registered in keeping with the established procedure;
- 14) symbols, which repeat the following ones:
  - corporate names (or their fragments), well-known in the Republic of Uzbekistan, which belong to other entities, who have been conceded the right to use these names prior to submission of the application for registration of a given trade mark in respect of similar goods;
  - production models, the rights to which in the Republic of Uzbekistan belong to other entities;
  - titles of works of science, literature and art, which are well-known in the Republic of Uzbekistan, as well as their characters and quotations therefrom, works of art or their fragments, without the permission of the copyrights holder or his successors (heirs);
  - surnames, names, pseudonyms and derivatives thereof; as well as portraits and facsimile of famous people without their permission or the permission of their heirs or an appropriate state authority, in cases where these symbols are the historical and cultural property of the Republic of Uzbekistan;

The symbols set up in Point 1 through Point 4, part I of the present Article may be included in the trade mark as unguarded elements, if the permission of a corresponding state authority or their owner is available; as for the symbols referred to in Point 5 through Point 8, part I of the present Article, they may be included in the trade mark as unguarded elements, provided that they do not occupy a dominating position there.

Registration of the symbols indicated in Point 5 through Point 8, part I of the present Article may be allowed on condition that these symbols have actually become distinguishable as a result of their use.

Registration of a symbol similar to the trade marks mentioned in paragraphs 2 and 3 of Point 13, part 1 of the present Article to the extent of being mixed up, may be allowed on condition that the owner of a given trade-mark gives his consent to registration of this symbol.

Article 11. Symbols not subject to registration as  
the name of commodity origin place

The following symbols are not subject to registration as the names of commodity origin place:

symbols, which are the place names, which can delude a consumer in respect of the commodity's place of production;

symbols, which formally point to the commodities true place of production, while giving an erroneous idea of another place of its origin;

symbols containing geographic names not associated with the commodities place of production, which have become usual in the Republic of Uzbekistan as the symbols of certain goods.

Article 12. Priority of the trade mark

The trade marks priority is fixed on the basis of the date of a request for registration of the trade mark.

The trade marks priority may be fixed on the basis of the date of submission of the first application for registration of the trade-mark in a country, which has joined the Paris Convention on Industrial Property Protection (conventional priority), provided that the application for trade mark registration is received by the Agency within 6 months after the indicated date. *(In edition of Point 4 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

The priority of the trade marks attached to exhibits, which are displayed at the official or officially recognized international exhibitions organized in one of the countries that has joined the Paris Convention on Industrial Property Protection, may be fixed on the basis of the date the public demonstration of such exhibits at the exhibition has started (exhibition priority), provided that the Agency receives the application for trade mark registration within 6 months after the indicated date. *(In edition of Point 4 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

The applicant soliciting for the right of conventional or exhibition priority must indicate this when submitting an application for registration of the trade mark or within two months after the the Agency has received the request for trade mark registration, with all the necessary documents certifying the lawfulness of such request being enclosed. Or the applicant should present these documents within no later than 3 months of receipt by the Patent Department of the request for trade mark registration. *(In edition of Point 4 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

If the request for trade mark registration is broken down into several requests, the priority of each of them is fixed on the basis of the initial requests date of priority.

*Part 6 is supplemented in accordance with Point 5 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

The trade mark priority may be fixed on the basis of the date of trade mark priority protected earlier by virtue of international agreement of the Republic of Uzbekistan.

Article 13. Official examination of the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place

Carried out by the Agency, the official examination of the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place includes a formal examination procedure and examination of the symbol claimed for. *(In edition of Point 5 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Pending the official examination of the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place up to the moment an appropriate decision is made on a given request, the applicant is entitled, on his own initiative, to amend, specify or supplement his request with additional data, provided they don't change its essence.

*Part 3 is supplemented in accordance with Point 6 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

Pending the official examination of the request for registration of the trade mark up to the moment an appropriate decision is made on a given request, the applicant is entitled to divide the initial request into two or several requests by distribution of goods listed in the initial request between the requests.

*Parts 3 through 5 are regarded as the parts 4 through 6 respectively in accordance with Point 6 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

When carrying out the official examination procedure, the Agency has the right to insist on the provision by the applicant of additional information, without which such an examination proves to be impossible. *(In edition of Point 5 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Following an inquiry made by the Agency, additional information should be furnished within 3 months of sending of the inquiry to the applicant. This term may be extended, at the applicants request, for no more than six months. If the applicant does not present additional information being requested or an application to extend a term of its presentation, the request is considered recalled. *(In edition of Point 6 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007; Point 5 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

The specified term missed by the applicant may be restored by the Agency, following an appropriate application put in by the applicant no later than two months after the expiry of such a term. *(In edition of Point 5 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Article 14. Formal examination of the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place

The procedure for formal examination of the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place is carried out within 30 days of placement of the request with the Agency. *(In edition of Point 6 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

In the course of the formal examination procedure the following is verified: the content of the request for registration of the trade mark, the name of commodity origin place and the right to use the name of commodity origin place, the availability of all the necessary documents as well as their compliance with the established requirements. The formal examination procedure having been completed, the applicant is informed of the Agency decision to accept the request for consideration or to deny it. *(In edition of Point 6 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

#### Article 15. Examination of the symbol claimed for

Following the decision to accept for consideration the request for registration of the trade mark, the name of commodity origin place, and (or) the right to use the name of commodity origin place, the Agency examines the symbol claimed for within 7 months from the date a given request has been placed. *(In edition of Point 7 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007; Point 7 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

When carrying out the examination procedure, the Agency verifies whether the symbol claimed for complies with the provisions contained in part 1 of Article 3 and Article 10 of the present Law (with the exception of Point 14 of the first Part of Article 10) in cases where the trade mark is examined; or with the provisions specified in Article 6 and Article 11 of the present Law in cases where the name of commodity origin place and (or) the granting of the right to use the name of commodity origin place are examined. *(In edition of Point 7 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007; Point 7 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

On completion of the examination procedure, the Agency makes a decision to register or deny registration of the trade mark, the name of commodity origin place or the granting of the right to use the name of commodity origin place, with the applicant being informed in both cases. *(In edition of Point 7 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

The Agency decision on registration of the trademark may be revised following the receipt of a request with earlier priority, in accordance with Article 12 of the present Law. *(In edition of Point 7 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

#### Article 16. Appeal against the results of official examination

The applicant has the right to appeal against the results of official examination to the Patent Departments Council of Appeal ("the Council of Appeal") within 3 months from the date the decision has been taken.

Establishing a procedure for appealing against the results of official examination to the Council of Appeal is in the hands of the Agency. The applicant is entitled to appeal against a Council of Appeals decision to the court within 6 months from the date a given decision has been taken. *(In edition of Point 8 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

#### Article 17. Concession or recall of the request for registration of the trade mark, the name of commodity origin place and (or) the right to use the name of commodity origin place

The request for registration of the trade mark, the name of commodity origin place and (or) the right to use the name of commodity origin place may be conceded or recalled by the applicant at any stage of its consideration by the Patent Department, but no later than the date of registration of the trade mark, the name of commodity origin

place and (or) the right to use the name of commodity origin place, respectively.

Article 18. Registration of the trade mark, the name of commodity origin place and (or) the right to use the name of commodity origin place

Being guided by the results of official registration, the Patent Department records the trade mark, the name of commodity origin place and (or) the right to use the name of commodity origin place on a corresponding registry within three days of receipt of an appropriate document certifying the payment of the established patent duty. (In edition of Point 8 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007)

A list of details to be recorded on the registry is specified by the Agency. *(In edition of Point 9 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Article 19. Publication of registration-related information

Information on registration of the trade mark, the name of commodity origin place and (or) the right to use the name of commodity origin place is published in the Agency official bulletin. A list of details to be published is specified by the Agency. *(In edition of Point 10 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Article 20. The certificate of the trade mark and the certificate of the right to use the name of commodity origin place

The certificate of the trade mark gives proof of the fact that the symbol claimed for as a trade mark has been registered, as well as the latter's priority and its owners exclusive right to use this trade mark in respect of goods set out in the certificate.

The certificate of the right to use the name of commodity origin place gives proof of the fact that (i) the symbol claimed for as the name of commodity origin place has been registered and (ii) its owners right to use this name in respect of the commodity stated in the certificate.

Both the certificate of the trade mark and the certificate of the right to use the name of commodity origin place are issued by the Agency within ten days after the trade mark, the name of commodity origin place and (or) the right to use the name of commodity origin place have been recorded on the corresponding registries. Both a certificate blank form and a list of details to be indicated there are established by the Patent Department. *(In edition of Point 9 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007; Point 11 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Article 21. The term of validity of the certificate of the trade mark and the certificate of the right to use the name of commodity origin place

The certificate of the trade mark or the certificate of the right to use the name of commodity origin place are valid within 10 years from the date of placing the request.

Article 22. Extension of the term of validity of the certificate of the trade mark and the certificate of the right to use the name of commodity origin place

Both the certificate of the trade mark and the certificate of



the right to use the name of commodity origin place may be extended upon their holders applications to be submitted within the last year of their term of validity each time for ten years.

The following documents should be enclosed with the application set out in part 1 of the present Article:

a document certifying that payment of the established duty has been effected;

a warrant issued by the applicant if the application is submitted via a patent attorney;

a document certifying that the entity enjoying the right to use the name of commodity origin place is situated in a given geographic locality and manufactures goods characterized by the properties indicated in the certificate.

An appropriate entry concerning the extension of the certificate of the trade mark, or the certificate of the right to use the name of commodity origin place is recorded on a corresponding registry.

The term specified for the submission of an application set out in part I of the present Article may be prolonged following an appropriate application sent in by the certificates owner within 6 months after the certificates term of validity has expired.

Article 23. Introduction of amendments into  
the trademark certificate of the right to use  
the name of commodity origin place

The owner of the trade mark or the owner of the certificate of the right to use the name of commodity origin place informs the Agency of any change in its title, surname, name and patronymic, as well as of other changes pertaining to registration of the trade mark or the name of commodity origin place. In addition, the Agency should be informed of any reduction in the list of goods, in whose respect the trade mark has been registered, as well as of any change in the latter's separate elements, provided these changes don't alter its essence. The Agency marks the certificate of the trade mark or the certificate of the right to use the name of commodity origin place with a notice certifying the introduction of these amendments, with an appropriate entry being entered on a corresponding registry.

*(In edition of Point 12 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

*Part 2 is supplemented in accordance with Point 10 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

In case of origin of a dispute on recognition of the trade mark certificate invalid, separate registration of the trade mark for one good or a part of goods regarding which legal protection is not contested is singled out according to the application of an owner of the trade mark from registration of the trade mark valid with respect to several kinds of goods.

Article 24. Nullification of the certificate of the trade mark  
or the certificate of the right to use  
the name of commodity origin place

The certificate of the trademark may be nullified, partially or in full, during the entire term of its validity, if it is issued in breach of the requirements specified in part II of Article 4 and Point 1 though Point 12, part I, Article 10 of the present Law or it may be nullified within 5 years from the date information on registration of the trade-mark has been published in the official bulletin, if it is issued in breach of the requirements detailed in Points 13 and 14, part I, Article 10 of the present Law.

The Certificate of the right to use the name of commodity origin place may be nullified during the entire term of its validity,

if it is issued in breach of the requirements stipulated by the present Law.

*Part 3 is supplemented in accordance with Point 11 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

Trade mark certificate or the certificate for the right to use the name of commodity origin place is recognized invalid either completely or partly on the grounds of the decision taken by a Board of appeal or a court.

Article 25. Abrogation of registration of the name of commodity origin place, invalidation of the certificate of the trade mark or the certificate of the right to use the name of commodity origin place

Registration of the name of commodity origin may be abrogated in the following cases:

natural conditions characteristic of a given geographic locality disappear, hence the impossibility to manufacture goods with the properties indicated in the registry;

foreign legal or natural entities forfeit the right to use a given name of commodity origin place in a country of commodity origin.

The certificate of the trade mark or the certificate of the right to use the name of commodity origin place may be terminated in connection with the expiry of its validity.

The certificate of the trade mark may be invalidated, partially or in full, before the appointed time, in the following cases: on the basis of a judgement delivered by the court upon application by the interested entity; failure to use, on a continuous basis, the trade-mark within any five years from the date of registration, as well as the infringement of an agreement on the use of the collective trade mark. The trade marks owner may give proofs of the failure to use a given trade mark for reasons beyond his control, which are to be taken into account when deciding the question of invalidation of the trade mark certificate before the appointed time, in connection with the failure to use it up.

The certificate of the trade mark or the certificate of the right to use the name of commodity origin place is invalidated before the appointed time on the basis of the following:

an appropriate decision made by the Council of Appeal; an application submitted by the owners of the trade mark certificates to the Agency; *(In edition of Point 13 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

a judgement delivered by the court.

Article 26. The exclusive right to the trade mark

The owner of trade marks has the exclusive right to use and dispose of a given trade mark.

The exclusive right to the trade mark covers goods indicated in the certificate and is exercised until the validity of its registration expires, beginning from the date of publication in the Agency's official bulletin. *(In edition of Point 14 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Unauthorized production, use, importation, putting up for sale and sale, as well as other ways of introduction into circulation or storage for this purpose of the trade mark or goods labelled with this trade mark, or any symbol similar to the latter to the extent of being mixed up, in respect of similar goods, are viewed as the infringement of the exclusive right to the trade mark.

Article 27. The use of the trade mark

The application of the trade mark to goods, for which it has been registered, and (or) to their packing by the owner of trade-marks or a person, who is granted such a right under the licensing agreement in accordance with Article 30 of the present Law, is considered to be the use of the trade mark.

This also covers the trade marks usage in advertisements, publications, official blank-forms, signboards as well as on exhibits demonstrated at the exhibitions and fairs conducted in the Republic of Uzbekistan.

Legal and natural entities alike, specializing in intermediary activity, may use, on the basis of an appropriate agreement, their trade mark together with that of the goods manufacturer.

#### Article 28. The use of the name of commodity origin place

The application of the name of commodity origin place to goods, packing, signboards, official blank-forms, advertisements, publications and other documentation associated with the introduction of goods into civil circulation is considered to be the use of the name of commodity origin place.

Alienation, concession of the right to use the name of commodity origin place and the granting of the right to use the name of commodity origin place under the licensing agreement are not permissible.

The use of the registered name of commodity origin place by entities not enjoying the certificate of the right to use the name of commodity origin place is not permissible, even if the true commodity origin place is indicated or the name is used as a translated version or in combination with words such as type, kind, style etc. It is also not permissible to apply a similar symbol to any goods, thus misleading the consumer in respect of the commodities place of origin and specific properties.

#### Article 29. Precautionary marking

The owner of the trade mark or the certificate of the right to use the name of commodity origin place may put down, beside the trade mark or the name of commodity origin place, precautionary marking in the form of the Latin letter "R" or encircled "R", which serves to indicate that the symbol applied to the commodity or its packing is a registered trade mark or the name of commodity origin place in the Republic of Uzbekistan.

#### Article 30. Transfer of the right to the trade mark

The exclusive right to the trade mark may be transferred by its owner to the other entity under an appropriate agreement.

The transfer of the right to the trade mark is not permissible, if this can delude the consumer in respect of the commodity or its manufacturer.

The right to use the trade mark may be given by the trade marks owner (licensor) to another entity (licensee) under an appropriate licensing agreement.

The licensing agreement should stipulate that the quality of the licensee's goods is by no means inferior to that of the licensor's goods and that the licensor is authorized to control the observance of this requirement.

The agreement on transfer of the right to the trade mark or the licensing agreement are both subject to registration with the Agency. *(In edition of Point 15 of Article 7 of the Law of the Ruz No. ZRU-312 dtd 26.12.2011)*

Neither the collective symbol nor the right to use it may be transferred to other entities.

Article 31. Passage of the trade mark when re-organizing the legal entity owner of the trade mark

When legal entities - owners of trade marks are merged, trade marks are passed into the hands of the newly registered legal entity.

On division of the legal entity owning the registered trade mark, the latter passes into the hands of the newly registered legal entity, into whose hands the production of goods is transferred. In cases where the trade marks owner reserves a portion of production of the commodity, whose trade mark has been registered, both legal entities may be recognized as co-owners of the trade mark under an appropriate agreement (contract) signed. Such an agreement (contract) is subject to registration with the Agency. *(In edition of Point 16 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

If the legal entity, owning the trade mark, joins another legal entity, the right to the trade mark is passed into the latter's hands.

Article 32. Terms of repeated registration

The trade mark, whose certificates term of validity expires, may not be registered on behalf of another entity within 3 years from the date the certificate of the trade mark has become invalid. A given provision also applies to cases where the trade marks owner relinquishes the right to the trade mark prior to the expiry of the certificates term of validity.

*Article 32-1 is supplemented in accordance with Point 12 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

Article 32-1. Famous trade mark

According to an application of legal or natural entity, famous trade mark in the Republic of Uzbekistan may be recognized the trade mark protected in the territory of the Republic of Uzbekistan on the grounds of its registration, the trade mark protected in the territory of the Republic of Uzbekistan without the registration in accordance with international agreement of the Republic of Uzbekistan, as well as a symbol used in the Republic of Uzbekistan as the trade mark but not enjoying legal protection in the territory of the Republic of Uzbekistan, if such trade marks or symbol, as a result of their wide use in the Republic of Uzbekistan as of the date indicated in the application, became well known among relevant consumers with regard to goods of this person.

Famous trade mark is granted legal protection stipulated by the present Law for trade mark.

*Article 32-2 is supplemented in accordance with Point 12 of Article 1 of the Law of the RUz No. ZRU-111 dtd 19.09.2007*

Article 32-2. Legal protection of famous trade mark

Legal protection is granted to famous trade mark on the basis of the resolution of the board of appeal in keeping with the procedure established by the law.

Trade mark recognized famous is entered in the List of famous trade marks by the Agency. *(In edition of Point 17 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Information related to famous trade mark is published in an official bulletin of the Agency after to has been entered in the List of famous trade marks. Content of published information is specified by the Agency. *(In edition of Point 17 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

The Agency issues certificate to famous trade mark within ten days from the date the trade mark has been entered in the List of

famous trade marks. A form of the certificate and a content of information contained in it is established by the Agency. *(In edition of Point 17 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Legal protection of famous trade mark is valid during unlimited period of time.

#### Article 33. Patent duties

The performance of legal procedures associated with registration of trade marks, names of commodity origin place or the right to use the name of commodity origin place is chargeable, with certain patent duties being payable to the Agency. These are used to defray expenses associated with the performance of functions specified in the present Law. *(In edition of Section XV of the Law of the RUz No. 405-II dtd 30.08.2002; Point 18 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

*The second Part is stated in accordance with Section XV of the Law of the RUz No. 405-II dtd 30.08.2002*

Rates and terms of payment of patent fees, grounds for exemption from their payment, fee cuts or their refund, as well as a procedure for the use of patent fees are specified by the Cabinet of Ministers of the Republic of Uzbekistan.

#### Article 34. Patent agents

The patent agent exercises the right to represent legal and natural entities at the Agency. *(In edition of Point 19 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

A citizen of the Republic of Uzbekistan, domiciled in the Republic of Uzbekistan, may act as the patent agent. Patent agents qualified requirements, the procedure for their certification and registration are specified by the legislation.

Natural entities domiciled outside the Republic of Uzbekistan, as well as foreign legal entities, carry out registration of trade marks and names of commodity origin place and execute related legal actions via the patent agents registered with the Agency. *(In edition of Point 19 of Article 7 of the Law of the RUz No. ZRU-312 dtd 26.12.2011)*

Natural entities domiciled in the Republic of Uzbekistan but temporarily stay outside it, may register trade marks and names of commodity origin place, as well as execute related legal actions without the patent agent; they are to indicate address for the purpose of correspondence within the Republic of Uzbekistan.

Powers of the patent agent are to be attested by the letter of attorney.

#### Article 35. Registration of the trade mark and the name of commodity origin place in other countries

Legal and natural entities of the Republic of Uzbekistan have the right to register the trade mark or the name of commodity origin place in other states in keeping with the established procedure.

#### Article 36. Rights enjoyed by foreign legal and natural entities

Foreign legal and natural entities enjoy rights stipulated by the present Law on a par with legal and natural entities of the Republic of Uzbekistan or on the ground of reciprocity principle.

#### Article 37. Settlement of disputes

Any disputes, which may arise in connection with legal protection of trade marks and names of commodity origin place, are settled in accordance with the procedure stipulated in the legislation

Article 38. Responsibility borne for the violation of the legislation on trade marks and names of commodity origin place

Persons identified as having violated the legislation on trade marks and names of commodity origin place shoulder the responsibility in accordance with the established procedure.

President  
Republic of Uzbekistan

I. Karimov