

Unofficial translation

## LAW OF THE REPUBLIC OF UZBEKISTAN

### ON COMPANY NAMES

Adopted by the Legislative Chamber June 20, 2006

Approved by the Senate on August 25, 2006

#### **Article 1. The purpose of this Law**

The purpose of this Law is to regulate relations in the field of legal protection and use of company names.

#### **Article 2. Legislation on company names**

Legislation on company names consists of this Law and other legislative acts.

If an international treaty of the Republic of Uzbekistan establishes other rules than those provided for by the legislation of the Republic of Uzbekistan on trade names, the rules of the international treaty shall apply.

#### **Article 3. Company name**

Company name is the individual name of a legal person — a commercial organization (hereinafter — a legal person), the exclusive right to which arises at the time of its state registration.

A legal person along with a full company name may also have an abbreviated company name.

In the company name of the legal person its organizational and legal form must be indicated.

In cases provided by law, in the company name the nature of the activities of legal person must be indicated.

#### **Article 4. Designations that should not be indicated in company name**

Company name must not contain:

1) the official name of state, the abbreviated or full name of the international, intergovernmental or non-state non-profit organization;

2) the full or abbreviated name of a historical or famous person in the Republic of Uzbekistan without a permit issued in the prescribed manner;

3) designations that are false or are capable of misleading the consumer regarding the owner of company name, the subject of his activity or the country of its origin;

4) designations that are contrary to the interests of society, the principles of humanity and morality.

Company name must also not contain symbols identical or similar to the degree of their mixing:

with company names previously registered or applied for registration in the Republic of Uzbekistan in the name of another legal person with an earlier priority;

with trademarks (service marks) previously registered or applied for registration in the Republic of Uzbekistan in the name of another person, as well as protected without registration by virtue of international treaties of the Republic of Uzbekistan;

with trademarks (service marks) recognized generally known in the prescribed manner;

with geographical indications and names of the places of origin of goods protected by legislation in accordance with the established procedure, except in cases of registration in the name of a person who has the right to use such indication or name.

Designations indicated in paragraph 1 the first part of this article may be included in company name, if it is permitted by the relevant state body or organization.

#### **Article 5. Legal protection of company name**

Legal protection of company name is provided from the moment of state registration of a legal person, and the company name of a foreign legal person, from the date a foreign legal person begins its activity as a participant in civil relations in the Republic of Uzbekistan.

#### **Article 6. Right to company name**

A legal person has the exclusive right to use its company name and to grant the right to use the company name to other legal entities.

The exclusive right of a foreign legal person to company name shall be confirmed by a document established by the legislation of the country of establishment of this legal person.

#### **Article 7. Use of company name**

The following is use of company name:

reflection of company name on official forms, seals, stamps and other documentation related to the activities of legal person;

usage of company names on goods, their packaging, advertising, pallet, printed references, accounts, printed publications, during the demonstration of goods at exhibitions and fairs held in the Republic of Uzbekistan.

Company name can be used as an element of trademark (service mark).

#### **Article 8. Granting the right to use of company name**

Legal person (licensor) may allow another legal person (licensee) to use its company name on the basis of a licensing contract or a franchise contract made between them in accordance with the law.

The license agreement must be included measures that exclude the consumer misleading.

#### **Article 9. Transfer of the right to company name to another person**

Transfer of the right to company name to another person is allowed only in cases of reorganization of a legal person by merging, joining, dividing and separating or selling the enterprise as a whole as a complex property.

When legal entities are merged and legal person joins another legal person, the transfer of the right to company name to another person is carried out in accordance with the submission document.

When a legal person is divided or when a legal person is separated from a legal person, the transfer of the right to company name to another person is carried out in accordance with the distribution balance sheet.

#### **Article 10. Termination of legal protection of company name**

Legal protection of company name is terminated in case of liquidation of legal person or change of its company name.

#### **Article 11. Violation of the right to company name**

Illegal use of company name is recognized as a violation of the exclusive right to company name.

The use of company name in the trademark (service mark), the domain name is not recognized as a violation of the exclusive right to company name, if the right to the trademark (service mark), the domain name is granted earlier than the right to this company name.

#### **Article 12. Methods of protection the right to company name**

Protection of the exclusive right to company name against unlawful use is carried out by:

publications in the mass media about court decisions in order to protect the business reputation of legal person;

removal the unlawful used company name from counterfeit goods, labels, packages at the expense of lawbreaker;

destruction at the expense of the lawbreaker of counterfeit goods, labels, packages in case of impossibility to remove from them the unlawful used company name;

transfer of counterfeit goods, labels, packages to the legal person that has the right to company name.

Protection of the exclusive right to company name against unlawful use may be exercised by other methods in accordance with law.

### **Article 12<sup>1</sup>. The grounds and procedure for imposing a fine, as well as the procedure for paying a fine by legal entities for violating the law on trade names**

Illegal use of a brand name entails the imposition of a fine on legal entities from one hundred to two hundred basic calculation values. The amount of fines is determined for each type of offense separately.

Based on the application of the copyright holder of the brand name, the Agency for Intellectual Property under the Ministry of Justice of the Republic of Uzbekistan (hereinafter referred to as the Agency) checks compliance with the right to use the brand name. Inspections carried out in relation to business entities are carried out in coordination with the Commissioner under the President of the Republic of Uzbekistan for the Protection of the rights and Legitimate Interests of business entities in accordance with the procedure established by law.

Fines are imposed by the Agency on the basis of inspections carried out in accordance with the procedure provided for in part two of this article. At the same time, an act is drawn up on the offense detected during the inspection, which is signed by officials of the Agency and the offender legal person, respectively (hereinafter referred to as the offender).

If the offender (his representative) refuses to sign the act, the Agency official must certify this fact by means of a video recording attached to the said act, or in the presence of two witnesses.

Within five working days from the date of registration of the act on the identification of an offense that is the basis for the imposition of a fine, the Agency makes a decision on the imposition of a fine against the offender in the amounts provided for in part one of this article.

The decision to impose a fine is signed by the head of the Agency (the person replacing him) and sent to the offender within one working day.

Within a month from the date of sending the decision to impose a fine, the offender may voluntarily pay the amount of the fine provided for in this decision.

In case of voluntary payment by the offender of seventy percent of the amount of the fine from the amount stipulated in the decision on the imposition of the fine, the offender is exempt from paying the remaining amount of the fine.

In case of non-payment of the fine amount by the offender on a voluntary basis, the Agency submits a claim for the recovery of the fine to the court within five working days in accordance with the established procedure.

Ten percent of the amount of the fine collected is sent to the Agency's extra-budgetary fund, the remaining part — to the State Budget of the Republic of Uzbekistan.

The offender has the right to appeal the Agency's decision to impose a fine.

### **Article 13. Rights of foreign legal entities**

Foreign legal entities use the exclusive right to company names mentioned in this Law, according to international treaties of the Republic of Uzbekistan or on the basis of mutual agreement equal to legal entities of the Republic of Uzbekistan.

### **Article 14. Dispute resolution**

Disputes in the field of legal protection and use of company names are resolved in the manner prescribed by law.

### **Article 15. Responsibility for violation of the law on company names**

Persons guilty of violating the law on company names are liable in accordance with the established procedure.

### **Article 16. Bringing legislation into compliance with this Law**

The Cabinet of Ministers of the Republic of Uzbekistan:

bring government decisions into line with this Law;  
to ensure the review and abolition by government bodies of their legal acts that are contrary  
to this Law.

**Section 17. Entry into force of this law**

This Law enters into force on the date of its official publication.

**President of the Republic of Uzbekistan I. KARIMOV**

Tashkent city,  
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