

## **Trademark General Information**

Iran is a member of the Paris Convention for the Protection of Industrial Property and Madrid Agreement Concerning the International Registration of Marks.

Trademarks and collective marks may be registered in Iran.

A trademark is any design, image, word, expression, seal, cover, etc., adopted to distinguish industrial, commercial, or agricultural products.

### **The following, among others, may be registered:**

- Three-dimensional marks: applicants must present different dimensions of the mark so that it may be clearly represented.
- Color marks: applicants must clearly indicate the colors that are being claimed. The Office does not require certain specific standards and mere description of the claimed colors is sufficient. The Office classifies color marks according to the International Classification of the Figurative Elements of Marks.

It should be noted that colors per se are not registrable but single or multi color trademarks may be registered.

### **The following shall not be registered:**

- According to Islamic codes, alcoholic beverages in class 33, "beer, ale and porter" in class 32 and all trademarks comprising portraits of "Women" in any form, are prohibited from registration and renewal.
- The National flag and Royal standard, foreign flags, Iranian emblems (Lions and Sun), decorations, and medals.
- The portrait of the Sjah, except by special authority.
- Words or expressions creating the impression of official patronage, such as Imperial, Royal, etc.
- emblems of official institutions such as the Red Lion and the Red Sun, the Red Cross, etc; and those contrary to public order, or good morals.

### **- Classification System:**

Iran uses the International Classification of Goods and Services for the Purposes of Registration of Marks (Nice Classification), eighth edition.

The Ministry of Justice has passed a new law concerning the registration of service marks. This law, published in the Official Gazette No. 16966 and dated May 31, 2003, came into effect on June 15, 2003. In accordance with the provisions of this law, applicants may register trademarks for services pursuant to the international classification system from class 35 to 45. Class 35 has

been so far reserved for types of services.

Furthermore, class 33 has now been cancelled in pursuance of Islamic laws.

### **Representations**

As to the representations of the mark, if only one class of goods is claimed, if the mark is registered for several classes, one more print shall be furnished for each additional class; size max. 10 X 10 cm.

As to 3D marks, a two-dimensional print or other print capable of graphical representation must be submitted; the 3D sign must be accompanied by a label or a word mark.

### **Printing block**

The required printing block will have a maximum size of 10 X 10 cm, if the mark consists of a word or words in ordinary print without any distinctive sign, no printing block is to be required.

### **Certified Copy of Home Registration**

In the case of a trademark previously registered in a foreign country, certified copy of such registration in the original language with a non-legalized translation into Iranian language will be required.

### **Power of Attorney**

The required power of attorney shall be attested by notary public and legalized by Iranian consul (or certified copy of such power). The power of attorney should contain the full names, address, nationality, and trading name; signature in full, no initials. The notary public should also attest whether the applicant is a merchant, manufacturer, proprietor of a concern or a company, in which latter case he should likewise certify that the signatory is authorized to sign on behalf of the company. (A single power also covers future applications).

### **Collective Marks**

For the registration of a collective trademark (intended to identify the product of a society, a town or city, or a district of a country), a certificate issued by a competent authority attesting the right of use of the trademark by the manufacturers of the goods covered by that mark must be filed.

### **Duration: Term**

The duration of the registration of a trademark shall be 10 years as from the filing date of the application for registration.

### **Renewal**

The registration of a trademark may be indefinitely renewed for periods of ten years on application to be made preferably within 6 months before expiration. There is a 6-month grace period within which late renewal application can be filed at no extra tax.

### **Requirements for Renewal**

The following shall be the requirements to renew a trademark registration:

Application in duplicate, signed by the proprietor of the mark or his legal attorney, with a print of the mark.

### **Use Requirements**

If an owner of a mark, his legal agent, or successor does not use it without any legitimate reasons in Iran or abroad within the period of three years from the registration date, such mark may be canceled if applied for by any concerned party. Trademark owners are not required to submit any proof of use of the mark, unless a third party files a request for cancellation on the ground of non-use during the term indicated above

### **Cancellation**

If the owner of a mark, his legal agent, or successor does not commercially use the mark during three years from the date of registration, any interested person may request the cancellation of such mark without mentioning any grounds thereof whether in or outside Iran.

### **Valid Applicants**

The following may apply for registration of a trademark:

- The first user of a trademark, whether it be a firm, a person, a corporation, or the State,
- Foreigners and persons not residing within Iran, through representation by an authorized attorney.