

# T r a d e m a r k   i n   I R A N

How a trademark defined in Iran?

Trademark Classification in Iran

Duration of Trademark Registration: Term and Renewal

Cancellation of a Trademark in Iran

Who can apply for registration of a Trademark in Iran?

What Trademarks cannot be registered in Iran?

Iran's Membership in International Trade Mark Conventions

Requirements for Trademark Application in Iran



## How a trademark defined in Iran?

In accordance with Article 30 of the Iran Patents, Industrial Designs and Trademarks Registration Act (2008):

- (i) Mark means any visible sign capable of distinguishing the goods or services of legal entities or of natural persons.
- (ii) Collective Mark means any visible sign designated as such in the application for registration and capable of distinguishing the origin or any other characteristics, including the quality, of goods or services of natural persons or of legal entities which use the sign under the control of the registered owner of the Collective Mark.
- (iii) Trade Name means the name or designation identifying and distinguishing a natural person or a legal entity.

The exclusive right to use a Mark shall belong to the person who registers his Mark in accordance with the provisions of this Act.



# Trademark Classification in Iran



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.





## **Duration of Trademark Registration: Term & Renewal**

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

 Law Firm  
Esmaeil Karimian & Partners

## **Cancellation of a Trademark in I R A N**

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 therefor whether in or outside Iran.



# Who can apply for registration of a Trademark in IRAN

# ?

The followings 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 in Iran, through representation by an authorized attorney.

# What Trademarks **cannot** be registered in IRAN

# ?

A Mark is not registrable  
in the following cases:

Read in the NEXT PAGE



(i) If it is not capable of distinguishing the goods or service of one enterprise from those belonging to another enterprise.

(ii) If it is contrary to Rules of Sharia, public order or morality.

(iii) If it is likely to mislead the public or trade centers, in particular as regards the geographical origin of the goods or services concerned or their nature or characteristics.

(iv) If it is identical with, or is an imitation of or contains as an element, an armorial bearing, flag or other emblem, a name or abbreviation or initials of the name of, or official sign or hallmark adopted by, any State, intergovernmental organization created under an international convention, unless authorized by the competent authority of that State or organization.

(v) If it is identical with, or confusingly similar to, or constitutes a translation of, a mark or trade name which is well known in Iran for identical or similar goods or services of another enterprise.



# Requirements for Trademark Application in IRAN

To file a trademark under the name of a company, below documents are required:

- (i) Registration Certificate of company
- (ii) Articles of Association of the company
- (iii) Identifying the official signatory of the company and his/her copy of passport
- (iv) A company's resolution in which it is decided to register its trademark in Iran
- (v) A Power of Attorney to our Registration Team
- (vi) Certified copy of priority documents (if claimed)
- (vii) Sample of trademark in JPG
- (viii) Trademark registration certificate in other countries (if any)
- (ix) for U.S applicants, company tax number also required

To file a trademark under the name of an individual, below documents are required:

- (i) A copy of applicant's passport
- (ii) A Power of Attorney to our Registration Team
- (iii) Sample of trademark in JPG
- (iv) Trademark registration certificate in other countries (if any).

Note: all above documents must be certified in Iran embassy and translated into Persian before being submitted to the Intellectual Property Centre of Iran.



# Iran's Membership in International Trade Mark Conventions

(i) Iran has been a member of the Paris Convention for the Protection of Industrial Property since 1998.

(ii) On 25 September 2003 Iran acceded to both the Madrid Agreement and the Madrid Protocol on the International Registration of Marks with the World Intellectual Property Organization (WIPO). The Madrid Agreement and the Madrid Protocol came into force in Iran on 25 December 2003.

## Disclaimer

The information provided in this Newsletter is not a substitute for legal advice. Readers should be advised that if they have questions about Iran's laws and regulations, they should seek advice of competent counsel specializing in related area.

ESK LAW FIRM, COPYRIGHT May 2017,  
ALL RIGHTS RESERVED.



Designed by  
fitored.com  
info@fitored.com



# ESK Law Firm

 Law Firm  
Esmaeil Karimian & Partners



ESK Law Firm is one of Iranian leading law firms, with a reputation for standing out – and for being outstanding. We provide legal services in areas such as international trade law; international investment law; banking and finance law; energy law; company law, litigation as well as conduct due diligence for entities, represent clients for negotiating, and designing and drafting various kinds of international contracts. Our clients include multinational corporations, businesses, entrepreneurs, financial institutions and governments who seek advice in respect to their domestic and international affairs, including cross-border transactions and inward and outward investment activities.

ESK Law Firm's partners, with more than a decade experience in the legal services, provide professional services of substantial value to anyone who is presently managing, or considering development of local and international business operations. They offer the sharpest legal minds, the clearest advice, And an unshakable sense of what's possible.

Website: [www.esklawfirm.com](http://www.esklawfirm.com)

Email: [info@esklawfirm.com](mailto:info@esklawfirm.com)