

Quick Guide to the IP Law of Iran

Location:

Southwest of the Asia, Middle East, bordering the Gulf of Oman, the Persian Gulf, and the Caspian Sea, between Iraq and Pakistan.

Bodies & Conventions:

WIPO & Paris Convention

Language:

Persian (Farsi)

Trademark Classification:

- *8th edition of the Nice International Classification of goods & Services*
- *Multiple class application allowed*

TRADEMARK

Search:

A trademark search can be conducted prior to filing an application at the Office in order to determine the mark's availability for use and registration.

The IIPO does not provide preliminary official search report as to whether an applicant will register a particular mark.

Competent Authority:

The Registration Department for Companies and Industrial Property of the State Organization for Registration of Deeds and Properties of the Judiciary of the Islamic Republic of Iran.

Late Filing System:

The Iranian Industrial Property Office accepts late filing of documents. However, belated documents shall be submitted before the expiry of the scheduled grace period.

Classification of goods & services:

As of June 16, 2003 the Trademark Office adopted the 8th edition of International Classification of Goods & Services.

The new classification of goods and services increased the number of classes by splitting local service class 35 into 11 separate service classes, i.e. international classes 35 to 45.

The new classification system went into effect on June 16, 2003 and affected all trademark applications and renewals filed on or after that date. Applications pending at the time the new system comes into force will be governed by the previous classification system.

Non-registrable marks:

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 for registration and renewal.

Meanwhile, According to article 5 of the *Patents and Trademarks Registration Act*, the below mentioned marks are not registerable:

- The national or any other flag, the use of which is unauthorized by the government of Iran, medals, decorations and arms of the Iranian government.
- Phrases or words that may give the impression of a connection with official authorities of the state or government.
- Insignias of official institutions such as the Red Crescent, Red Cross, etc.
- Marks contrary to public order or good morals.

Three-Dimensional marks:

Recently, the IIPPO has accepted a rule for registration of three-dimensional marks. In addition to general information and documents required for filing a trademark or service mark, applicants must present different dimensions of the mark to be clearly represented.

Three-dimensional mark applications are subject to examination as to distinctiveness and non-functionality.

Color marks:

As of September 22, 2002, the Industrial Property Office accepts color mark applications and colors receive protection before the Trademark Office.

Applicants must clearly state the claimed colors, as they desire. 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.

According to the new procedure, colors *per se* are not registrable but single or multi color trademarks may be registered.

The trademark gazette does not publish the marks in color and the claimed colors are mentioned in the advertisements and a colored sample of the marks is available at the Office for public reference.

Color trademark applications are subject to examination as to distinctiveness and non-functionality.

Collective marks:

According to the *Patents & Trademarks Registration Regulations, c.1, Article 2(5)*, collective marks are registrable.

For registration of a collective mark, applicants must submit either a notarized certificate issued by a competent authority attesting the right of use of the mark by the manufacturers for the goods covered by the mark OR home or any other country's registration certificate, certified by the issuing Office.

Multi-class application:

A trademark application is filed per mark in one or multiple classes while the official fees are paid per mark per class. A single trademark application may contain multiple classes.

Priority:

If priority is to be claimed based on home/foreign application, then the priority could be claimed within 6 months from home/foreign filing date.

If an application is filed with claiming priority of a foreign trademark application, a certified copy of the home/foreign trademark application or registration must be submitted to the Iranian Industrial Property Office.

According to the *Patents & Trademarks Registration Regulations article 2(4)*, if a trademark has been registered abroad, it is imperative to submit a certified copy of registration certificate from the home or any other foreign country along with the application.

Examination:

The application is examined by the Registrar as to whether it conforms to the IP regulations and implementing provisions of the Law. The mark's acceptance or refusal is up to the Registrar as he investigates any application in light of other pre-registered trademarks. His decision cannot be predicted

- but can be argued and then disputed through filing a petition to the Public Court of Tehran.
- Refusal/Rejection:** In case the application was refused, then the applicant can petition the said decision to the Public Court of Tehran within 10 days from date of service.
- Acceptance:** Once an application is examined and no refusal arose, the application will be accepted and queued for publication in the Official Gazette.
- Publication:** The application will be published in the Official Gazette and followed by a grace period of 30 days for third party opposition against application of the mark. In addition, the Office will publish a public announcement after registration of the mark in the Official Gazette.
- Opposition by third party:** Any third party may file an objection with the Iranian Industrial Property Office within the 30 days opposition period after the first publication. If the applicant does not abandon his application then the objector may file a lawsuit with the Public Court of Tehran. If no opposition arose, the mark's registration certificate will be issued.
- Time frame:** Registration procedure takes approximately 4 to 6 months to be completed depending on the workload at the Office provided that no opposition arises.
- Protection Term:** A registered trademark is protected for 10 years from filing date and can be renewed for the similar period.
- Renewal:** A registered trademark can be renewed for further consecutive period of 10 years. The renewal fees can be paid during the last six months of the current protection period. There is a 6 month grace period within which late renewal application can be filed at no extra tax. The registration shall lapse in the event of failure to apply for renewal upon expiry of the scheduled grace period.
- Use:** A registered mark must be used during the period of three years from the registration date. Trademark owners are not subject to submit any proof of use of the registered mark unless a third party files a request for the cancellation against the mark for its non-use during the specified term before the Public Court of Tehran. The

Trademark Office will not automatically cancel the registration.

License/Assignment/Changes: According to articles 11 and 12 of the *Patents & Trademarks Registration Act*, any changes, transfers, licenses or other rights relating to a trademark must be entered in the Register to be protected and have effect vis-à-vis third parties.

Filing requirements:

- Power of Attorney, duly legalized up to the Consulate of Iran.
- A copy of copy of Home or Foreign Registration Certificate, certified by the issuing Office.
- 12 Prints of the mark, if the mark is a three-dimension, logo, device or design. Reprints are not required for word marks. For three-dimensional marks, sufficient views must be presented.

PATENT

Condition of Grant: A patent certificate shall be granted for any new invention that is novel, industrially applicable and involves an inventive step sufficient to such an extent that it may be granted a patent. Iran's patent system is declarative and patents are examined as to form and novelty.

Competent Authority: The Registration Department for Companies and Industrial Property of the State Organization for Registration of Deeds and Properties of the Judiciary of the Islamic Republic of Iran.

Late Filing System: The Iranian Industrial Property Office accepts late filing of documents. However, belated documents shall be

- submitted before the expiry of the scheduled grace period.
- Priority:** If priority is to be claimed based on home/foreign application, the priority can be claimed within a year from date of original filing.
- Examination:** Iran's patent system is declarative and patents are examined as to form. For this reason article 36 of the *patents & Trademarks Registration Act* stipulates that a patent registration certificate isn't neither a proof for applicability, novelty or genuine practicality, nor does it prove that the person who has been granted the patent, or his representative, is the actual inventor, or that the description or drawings of the patent are true. Interested persons may file a petition with the First Instance Court of Tehran in any of the above cases to prove that the statements are not true.
- Refusal/Rejection:** In case the application was refused, the applicant may appeal the said decision within 10 days before the First Instance Public Court of Tehran.
- Acceptance:** Once a patent application is examined as to form and no refusal arose, the patent will be accepted.
- Publication:** The grant of patent will be published once in the Official Gazette within 30 days.
- Opposition by third party:** Opposition against the decision of the Iranian Industrial Property Office is filed before the First Instance Public Court.
- Time frame:** The registration procedure takes approximately 5 to 7 months to be completed depending on the workload at the Office.
- Protection Term:** The duration of a patent certificate ranges, upon the applicant's request, between 10, 15 & 20 years starting from filing date.
- Annuity:** If the annuity fee for a year has not been paid in advance, it should be settled within the first three months of the year, otherwise the patent shall become invalidated, unless the inventor pays double the amount within the next three months.

Upon the instructions of owner of a patent or his foreign agent, patent annuities can be paid without legalized power of attorney.

Lump sum payment of Annuities: Full or partial payment of the annuity fees is possible and may be paid at the time of issuance of the registration certificate. In case of payment of five annuities, a discount of 5%, for ten annuities, 10% discount, for fifteen annuities 15% and for full payment of annuities, 20% discount on official tax is available.

Use: Use of a patent is compulsory. Interested parties may apply to the Public Court of Tehran and petition to annul a patent if no practical use has been made of the invention within the five years period from the grant of a patent.

License/Assignment/Changes: According to the Patents & Trademarks Registration Act articles 11 and 12, any changes, transfers, licenses or other rights relating to a trademark must be entered in the Register to be protected and have effect vis-à-vis third parties.

Filing requirements:

- Power of Attorney, duly legalized up to the Consulate of Iran at the applicant's end.
- Deed of Assignment duly legalized as above, if the applicant is not the inventor. An assignment form is only necessary if the priority document is in the name of the inventor and the applicant is different from the inventor. However, if the inventor is not mentioned in the priority document and the priority document is in the name of the applicant, there is no need for an assignment form.
- Certified copies of priority documents, if priority is to be claimed.
- Drawings, in triplicate, if any.
- A set of specifications, abstracts and claims.

DESIGNS

There is no statutory law for registration and protection of Industrial Designs in Iran.

Domain Names

Conditions of Registration:

Registration of country code Top Level Domains (ccTLDs) under (**.ir**) and (**.co.ir**) are possible provided that the following conditions are met.

1. The requested domain should be under the registration of, or otherwise uniquely connected with the applicant.
2. The domain should not belong to a list of reserved or forbidden names that include geographic locations in Iran, generic Internet terms, and other names likely to create confusion or the impression of exclusive rights to a common commodity or service.
3. Three-letter names and names consisting entirely of digits are not allowed unless they are officially registered or widely recognized as the name of the applicant.

Domain names are granted on a first come, first served basis, provided that all necessary conditions for registration and/or reservation are met. Domain name assignment does not entail property rights to the assigned name. However, the beneficiary holds exclusive rights to the use of the name for the period the registration retains validity.

Remarks:

1. One-letter domain names, two-letter country codes and other geographic names when causing confusion or misrepresentation, generic Internet terms, names longer than 63 characters, and certain other names are forbidden for registration or reservation as domain names.

2. The requested domain name should refer in a reasonable way to the name of the organization/company/individual for whom the registration is sought.
3. It is required that at least two name servers be configured to handle the domain before the application is submitted.
4. Domain names inactive for one year may be deleted unless prior arrangements are made. Any re-application should be preceded by the settlement of outstanding fees.
5. Registered names are non-transferable. Where a mutual agreement for transfer of a domain to a new entity is reached, the new party shall be considered a new applicant for registration purposes.

Requirements for registration:

1. Simply signed and sealed letter on official letterhead of the applicant that affirms the designation of your agent in Iran.
2. At least two operational domain name servers and related IP addresses to handle the applied domain name. One of them is the primary name server and the others are secondary name servers. All need permanent IP connectivity to the Internet.

An applicant may reserve a domain name to ensure that a desired domain name is available when the applicant is prepared to implement it.

Requirements for reservation:

1. Simply signed and sealed letter on official letterhead of the applicant that affirms the designation of your agent in Iran.

Legalization of Power of Attorney

The power of attorney should be signed and sealed before a Notary Public. In case the grantor is a company, the Notary Public shall certify the right of the signatory to sign on behalf of the company in accordance with the articles of association or laws and regulations of the company. The notary's signature shall then be certified by local authorities up to the Ministry of Foreign Affairs and the nearest Iranian Consulate.

Clients from the USA

For legalization of power of attorney for clients based in the USA, please follow the below procedure:

- a. The client should sign and seal the power of attorney.
- b. The client's signature should be notarized before a notary public.
- c. The Secretary of State shall certify the seal of the notary public.
- d. The Seal of the Secretary of State shall be authenticated by the U. S. Department of State in Washington, D.C.
- e. The document must be endorsed by the Iranian Interests Section of Pakistan Embassy (www.daftar.org)

Clients from Taiwan (Republic of China), Singapore & Hong Kong

For legalization of power of attorney for clients based in the Taiwan (R.O.C), Singapore and Hong Kong please follow the below procedure:

Since Iran has no Consulate or Interest Section in Taiwan (R.O.C), Singapore and Hong Kong, clients based in these countries should have the power of attorney only certified by the Ministry of Foreign Affairs of their country. The procedure for legalization of powers of attorney would be done in Iran.

The information contained in this guide was last updated on June 12, 2003.

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