

Law on Inventions, Utility Models and Industrial designs

Adopted on 10 June 2008

Chapter 1: General Provisions

Article 1. Objectives of the Law

This Law regulates the property and non-property personal relationships connected with the creation, legal protection and utilization of invention, utility model and industrial design.

Article 2. Conceptions Used in Law

The main conceptions used in this Law are:

Paris Convention – Paris Convention on industrial property protection, signed on March 20, 1883 with all further amendments and supplements.

WIPO – World Intellectual Property Organization

PCT – Patent Cooperation Treaty, signed on June 19, 1970, with PCT and Administrative instructions and further amendments and supplements.

Eurasian Convention – Eurasian Patent Convention, signed in Moscow on September 9, 1994.

TRIPS Agreement – Agreement on Trade-Related Aspects of Intellectual Property Rights, signed in Marrakech on April 15, 1994.

Locarno Agreement – Locarno Agreement on Industrial Design International Classification, signed in Locarno on October 8, 1968.

Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs– Hague Agreement on International Deposit of Industrial Designs, renamed as “Hague Agreement on International Registration of Industrial Design” on July 2, 1999.

Industrial Property Subject Matter – invention, utility model and industrial design.

State Authorized Body - State Body authorized by the Government of the Republic of Armenia to exercise functions concerning issuance of industrial property protection documents (patents and certificates) as well as other functions provided by this Law and its Statutes.

Applicant – natural or legal person, organization, in whose name the patent on invention or utility model or certificate on industrial design is requested.

Rightholder – a person, in whose name the patent on invention or utility model is granted, or industrial design is registered (exclusive right holder).

Application - Application seeking patent on invention, utility model or certificate on industrial design.

International application – application filed in compliance with PCT, according to which the applicant has met the requirements of the State Authorized Body provided by Article 22 of the above Treaty.

Eurasian application – application on Eurasian patent, filed in compliance with Article 15 (1) of the Eurasian Patent Convention.

Representative – a person authorized in the State Authorized Body to represent the applicant, rightholder or other interested person.

Date – day, month, and year.

Mutatis mutandis – for the purpose of respective amendments within the meaning of TRIPS agreement.

National Phase – international application examination according to the National Legislation.

Non-registered industrial design - industrial design, which shall be protected under this Law without filing an application

Article 3. **Legislation on Industrial Property Subject Matters**

1. The Industrial Property Legislation consists of the Constitution of the Republic of Armenia, the Civil Code of the Republic of Armenia, this Law and other legal acts.

2. If the international agreements of the Republic of Armenia stipulate norms other than those provided for by this Law then the norms of international agreements shall apply.

Article 4. **National Treatment**

(1) Foreign natural or legal persons shall enjoy the same rights and have the same liabilities as specified in this Law, as citizens and legal persons of the Republic of Armenia, in accordance with international agreements signed by the Republic of Armenia or with the principle of reciprocity.

(2) The party wishing to enjoy the principle of reciprocity shall prove the existence of reciprocity.

Article 5. **The State Authorized Body**

(1) The main functions of the State Authorized Body are:

1. receiving of applications for obtaining or registering rights to industrial property subject matters;
2. carrying out proceedings relating to the granting of patents and certificates and registration thereof;
3. maintaining and record-keeping of registries of industrial property subject matters and other registries provided by this Law;
4. providing of relevant informative services on industrial property rights;
5. representing the Republic of Armenia in foreign and international organizations in the field of intellectual property;
6. acting as a receiving state body for international applications filed under the PCT procedure and Eurasian applications filed under the Eurasian Patent Convention procedure
7. Implementing other functions within its competencies.

(2) The State Authorized Body shall have an official bulletin in which it publishes information on the patents granted for inventions and utility models, registered industrial designs certificates, as well as other information relating to its activities. The mentioned information is also available on the official website of public notices of the Republic of Armenia <http://www.azdarar.am>.

(3) According to this law, the State Authorized Body shall define rules, regulations and other legal acts relating to the acquisition or registration of industrial property rights (including the transfer of rights and license agreements) and protection thereof, maintenance and record-keeping of registries, publication and exchange of information, as well as conduction and registration of the qualification examinations of attorneys.

(4) The State Authorized Body shall have an Appeal Board, whose Statute and the procedure for consideration of complaints shall be approved by the Government of the Republic of Armenia. The decision

of the Board of Appeal shall be deemed to be the final decision of the State Authorized Body. Any decision of the Board of Appeal may be appealed in the Administrative Court.

Article 6. Information to the Public

(1) The State Authorized Body shall permit any person to study the documents relating to the applications and to learn materials relating acquired or registered rights, taking into account the requirements set out in Article 7 of this Law.

(2) Based on the application of any person, in case of payment of the state fee, the State Authorized Body provides information from the materials in its possession relating to the state of the art, as well as implements other services in the field of information and documentation.

Article 7. Secrecy of Applications Proceedings

(1) The determination of secrecy level of inventions, utility models, industrial designs, containing information of state and official secrecy, their use and publication of information thereon is implemented in the manner prescribed by the Government of the Republic of Armenia.

(2) All the documents of the secret subject matter application shall be compiled and recorded in accordance with the Legislation of the Republic of Armenia on State and Official Secrets.

(3) Before publication of information on patents on inventions, utility models or registered industrial designs in the Official Bulletin of the State Authorized Body, the content of the applications shall be deemed secret.

(4) The application materials that are of secrecy according to paragraph 3 of this Article shall become available for studying only with the consent or permission of the applicant, or for judicial bodies upon relevant request as well as for the bodies conducting preliminary investigation of criminal cases. Therefore, the materials shall be deemed open for studying if they are accessible by any permitted means, including through direct communication or ordinary publication.

(5) Any person who proves that the applicant informed him in writing about the application and the contest of requested legal scope may study the materials deemed to be secret without additional consent or authorization of the applicant.

(6) The deposited biological material referred to in Article 53 (3) of this Law is available by providing its sample:

1. before the publication of the invention application only for persons having authorization under parts 1, 3 and 4 of this Article;

2. after the publication of the application and granting a patent, upon the request of any person, regardless of cancellation or invalidation of the patent:

(7) In accordance with part 6 of this Article the sample shall be provided if during the validity of the patent the person providing the application guarantees:

1. not to make the sample or any substance derived from it available to third persons;
2. not to use the sample or any substance derived from it for any other purpose (except for research purposes), if the applicant or the rightholder has not given such an authorization.

(8) If the application for biological material is rejected or withdrawn, then based on the applicant's request the access to deposited material is limited to 20 years from the filing date of the application, reserving such a right to an independent expert. In this case, the provisions of paragraph 7 of this Article shall apply.

(9) Until the publication of the patent information in the Official Bulletin, the State Authorized Body may publish or provide to third parties the following information:

1. the number of the application;
2. the date of filing the application and, where the priority is claimed, the date, country and filing number of the previous application;
3. data concerning the applicant (for natural person – name, surname, and address of residence, for legal person - official name and location);
4. the title of the industrial property subject matter, if it does not disclose the substance of the subject matter.

Article 8. State Fees

According to this Law the acts for acquisition and maintenance of rights shall be subject to payment of state fees. The types of state fees, amounts and terms thereof, reduction or refund of the amounts of the state fees, the grounds and order of exemption from the state fees shall be established by Law.

Article 8.1 Deadlines of Notification

(1) The State Authorized Body within one working day after making a decision, by use of the means of communication (including by sending a message to the telephone number indicated by the applicant) or through an electronic system (including the e-mail specified by the applicant), as well as other electronic means of communication shall inform the applicant about that. Within three working days after the decision is made, the State Authorized Body shall send it to the applicant by post. The applicant may also receive the decision personally at the State Authorized Body within the specified timeframe.

(2) Other notifications provided by this law are sent and requests are made within three working days after expiration of appropriate timeframes or performance of the actions provided for by law in case of notification by email, within one working day by the use of means of communication (including by sending a message to the applicant's phone number) or through the electronic system (including by the applicant's e-mail address) as well as in case of notifying by other means of electronic communications.

Chapter 2: Legal Protection of Invention and Utility Model

Article 9. Conditions for Patentability of Invention

(1) Within the meaning of this Law a technical solution in any field, relating to the use a product (in particular, a device, substance, biotechnological product) or process (process of affecting a material subject matter using material means), shall be protected as an invention. An invention shall be granted legal protection if it is new, has an inventive step and is industrially applicable (conditions for patentability of invention) even if it refers to a product containing biological material or consisting of it or a process through which biological material is produced, derived or used.

(2) The biological material which is separated from its natural environment or is produced through a technical process may be a subject matter of an invention even if it has previously existed in the nature.

(3) Within the meaning of this Law "biological material" is any material containing genetic information and capable of reproducing itself or being reproduced in a biological system and 'microbiological process` means any process involving or performed upon or resulting in microbiological material. Any process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.

Article 10. Exceptions to Legal Protection

(1) Within the meaning of Article 9 of this Law the following items shall not be subject to legal protection if as such they are the immediate subject of the application or patent:

1. scientific discoveries;
2. scientific theories, mathematical methods, provision of common information;

3. methods of organization and management of economy;
4. conventional signs, schedules and rules;
5. processes for performing mental acts;
6. algorithms and programs for computers;
7. schemes and projects for constructions, buildings and site developing;
8. solutions concerning the outward appearance of the product having exclusively aesthetic value;
9. topographies of integrated microcircuits.

(2) Those inventions are not subject to legal protection the commercial use of which is prohibited in the territory of the Republic of Armenia in order to preserve the principles of public order or morals (including human, animal or plant life and health protection) or to avoid causing serious damage to the environment, if such exclusion is not conditioned only by the fact that their use is prohibited by law.

(3) Methods of diagnosis and treatment of human or animal organisms shall not be subject to legal protection either. This provision is not applicable to the products used for those methods, particularly in respect of materials or components.

(4) Within the meaning of this Law, the following shall not constitute patentable inventions:

1. plant varieties and animal breeds, as well as in principle the biological methods of their derivation, with the exception of microbiological methods or the products obtained therefrom. Within the meaning of this paragraph the method of obtaining plants or animals is essentially biological if it is entirely composed of natural phenomena such as cross-breeding or selection. The inventions relating to plants or animals shall be patentable if the technical applicability of the invention is not limited to a specific variety of a plant or animal. The provisions of this paragraph do not apply to the patentability of microbiological or other methods or products resulting from such methods;
2. processes for cloning of human beings;
3. use of human embryos for industrial or commercial purposes;
4. methods of transformation of genetic identities of human embryonic cells;
5. processes for modifying the genetic identity of animals which are likely to cause them suffering without essential medical benefit for humans or animals as well as animals obtained in such a manner;
6. the human organism at different stages of its formation and development, as well as the explicit disclosure of any of its elements, including any sequence of gene or partial sequence. This paragraph does not apply to the element derived from the human body or otherwise acquired element by means of technical process, including sequence of gene or partial sequence, which may be a patentable invention, even if the structure of that element is identical to that of a natural element. In this case, the industrial application of the sequence of gene or partial sequence should be disclosed in the patent application.

Article 11. **Novelty**

(1) An invention shall be considered to be new if it is not a separate part of the state of the art.

(2) The state of the art includes any kind of information on the given field of technical solutions (separate parts) made available all over the world by means of oral or written disclosure, or in any other way, before the priority date of the invention. The data provided in the sources of information, contents of which is available for any person directly, or it is notified in a legitimate way shall be deemed publicly available, moreover the solutions made available through open use shall be included in the state of the art, if such a use has been implemented in the Republic of Armenia.

(3) The state of the art also includes the content of earlier inventions and utility models, disclosed in applications for inventions and utility models submitted to the State Authorized Body, provided that the State Authorized Body subsequently publishes those applications or the patents granted on the basis thereof.

Article 12. **Public Disclosures of Invention Contents Non-prejudicial to Patent**

For the purposes of Article 11 of this Law disclosure of contents of the invention shall not be taken into consideration if it has occurred within 12 months before the filing of the application on invention, and in case of request on priority date, within 12 months before the date of priority by the inventor (applicant) or any person having obtained the information on the contents of the invention directly or indirectly from him (that fact must be proved by the applicant).

Article 13. Inventive Step

(1) An invention shall be considered as having an inventive step if, having regard to the state of the art within the meaning of Article 11 (2), it is not obvious to a person having ordinary skill in the given art.

(2) If the state of the art also includes non-published applications according to Article 11 (3) of this Law, they shall not be considered in the course of examination of the inventive step.

(3) Where an applicant, after having filed an application, which has not yet been published, files another application for the same invention, the first application shall not be taken into consideration for determination of the inventive step by the second application.

Article 14. Industrial Applicability

An invention shall be considered industrially applicable if it can be made or used in industry, agriculture, public health and other fields.

Article 15. Conditions for patentability of Utility Model

(1) Any new, non-obvious and industrially applicable technical solution that concerns a production (particularly accessories, equipment, tools or their parts, material) or a method (condition for patentability of utility model) shall be protected as a utility model in the order established by this Law.

(2) A utility model shall be considered to be new if it does not form separate part of the state of the art.

(2.1) A utility model is considered to be non-obvious if it does not stem very obviously from the state of the art for a specialist of that special field.

(3) The state of the art is determined by the world-wide available information on identical means with the utility model presented until the date of priority of the utility model, as well as the application of such measures in the Republic of Armenia. The state of the art shall also include the content of inventions and utility models previously disclosed by applications filed with the State Authorized Body, provided that the State Authorized Body subsequently should publish those applications or the patents granted on the basis thereof.

(4) The utility models shall not be considered patentable if:

1. it is a technical solutions related to biological substance;
2. it is a technical solutions related to chemical or pharmaceutical substances or means, as well as methods of human and animal curing;
3. the subject matters mentioned in Article 10 (2) of this Law.

(5) The provisions of this Law on inventions, utility models shall be considered mutatis mutandis, unless otherwise provided by this Law.

CHAPTER 2.1 RIGHT TO OBTAIN PATENT, INDICATION OF THE INVENTOR, EXCLUSIVE RIGHT

Article 15.1 Right to Obtain a Patent

(1) The right to obtain a patent shall belong to the inventor (the author) or his heirs and shall be transferable in the order established by Law.

(2) In case of the invention is created by a number of persons jointly (by co-authorship) then the right to obtain a patent shall belong to them jointly.

(3) In case of the same invention is created by different persons independently, then the right to obtain a patent belongs to the person whose application pursuant to Article 49 of this Law has a date of priority, provided that the application is published in the established order.

(4) Before the registration of the subject matter of industrial property for the purpose of obtaining a patent, the applicant may transfer the right to obtain a patent to another person in the established order of the law.

Article 15.2 Right to the Patent

(1) Where a final judgment has recognized the right to obtain a patent to a person other than the applicant and provided that the patent has not been granted within a period of one month after the judgment has become res judicata, the person concerned may:

1. continue the application procedure, substituting himself for the applicant;
2. file a new patent application for the same invention, benefiting from the same priority; or
3. submit a request for withdrawal of the application.

(2) Where a request for the judgment referred to in paragraph 1, above, has been made, the patent application may not be withdrawn without the consent of the plaintiff.

Article 15.3 Transfer of Patent to the Person Entitled to Possession Thereof

(1) If a patent has been granted to a person who is not eligible to receive it according to Article 15.1 (1) of this Law, then a person with such authority may request the transfer of the patent to him without prejudice to the respective rights or interests of any other person.

(2) Where a person has the right to part of a patent only, he may claim co-ownership of the patent in accordance with the part 1 of this Article.

(3) The rights mentioned in part 1 and 2 of this Article may only be exercised within a period of three years from the date of publication of the grant of the patent in the Official Bulletin of Industrial Property. This period shall not apply where, at the time the patent was granted or acquired, the owner knew that he did not have the relevant right.

(4) For the purpose of notifying the third parties of the court suit on implementation of the actions described in this chapter or the final decision of the court or the completion of the process in any other manner at the request of the interested party, the record shall be made in the State Inventory Register of Inventions.

Article 15.4 Regulation of Relations with Respect to the Use of the Invention In Case of Transferring a Patent to a Person Entitled to Receive It

(1) In case of the change of the patent holder took place under the decision of the court pursuant to Article 15.3 of this Law, then any license or other rights of third parties to the patent shall be deemed to have been revoked, when the data of new patent holder are recorded in the State Inventory Register.

(2) The patent holder and the person who has obtained a patent license before filing a lawsuit, who have started the use of the invention (put into action) before its registration or have made effective and specific steps for that purpose, may continue to use or launch it, provided that with a request for non-exclusive license they apply to the new patent holder whose information has been registered in the State Inventory Register. With a request for a non-exclusive license, the former patent holder may apply within two months of the date of the registration of the new patent holder in the State Inventory Register and the person receiving the patent license may apply within four months from the date of receipt of the notice from the State Authorized Body for the new patent holder. The license shall be granted for a certain period of time and on reasonable terms, which, in appropriate cases, shall be set forth in the procedure prescribed by this law for compulsory licenses.

(3) The provisions of paragraph 2 of this Article shall not apply where the previous patent owner or licensee acts unscrupulously, at the time when he has started using the invention or has taken steps to do so.

Article 15.5. The Indication of Inventor

(1) An inventor has the right to be indicated in the patent as an inventor.

Article 16. Exclusive Rights Conferred by Patent

(1) Patent on invention or utility model gives the exclusive right to patent owner to use the patented subject matter at his own discretion, if it does not infringe other patent owner's rights as well as to forbid third parties:

1. where the subject matter of patent is a product, to prevent third parties without the owner's consent from the acts of making, using, offering for sale, selling, or importing for these purposes that product;
2. where the subject matter of a patent is a process, to prevent third parties not having the owner's consent from the act of using the process, and from the acts of using, importing, offering for sale, selling or putting into civil circulation the product developed directly by that process.

(1.1.) The protection resulting from the patent of biological material which acquired unique features as a result of invention extends to any biological material having the identical or divergent (different) form derived from that biological material acquired the same unique features by reproduction or multiplication.

(1.2.) The protection resulting from the patent of the method of obtaining of biological material which acquired unique features as a result of invention extends to the biological material directly obtained in that manner and to any biological material having the identical or divergent (different) form directly derived from that biological material acquired the same unique features by reproduction or multiplication.

(1.3.) The protection resulting from the patent containing genetic information or consisting of products thereof extends to any material except as provided in Article 10, paragraph 4 (6) of this Law, in which that products is included and which contains that genetic information and performs its function.

(2) The validity term of patent on process of developing the product should be applied as well to a product directly developed by that process. Moreover, the product is considered to be developed by patented process if it is not proved that it is developed through another process. In this case the responsibility for the burden of proof is upon the responsible person, if the product developed by the patented process is new.

(2.1.) The patent grants its owner the right to prohibit third persons to transfer another person or to offer non-eligible persons important elements for the invention for the purpose of use of invention without his consent, in the case when the third person knows, or because of the circumstances, it becomes evident that these elements allow the invention to be used and they are used for that purpose. This provision does not apply when these items are the ordinary products available in the market as long as the third party does not encourage the stakeholder to perform the operations prohibited under paragraph 1 of this Article.

(3) The amount of legal protection arising out of the patent shall be determined the terms of the claims which were made available to the public (published), provided that it does not exceed the claims indicated in the original application. The description and drawings on invention, utility model shall be used to interpret the claims.

Article 17. Acts not Recognized as Infringements on the Exclusive right Conferred by Patent

(1) The use of patented invention, utility model shall not constitute an infringement of the exclusive rights of the patent owner under Article 16 of this Law if used:

1. for personal needs with no purpose to make profit;
2. as a subject of scientific experiment or scientific research;
3. for single preparation of medicaments in pharmacies based on physicians' prescriptions;
4. on any vehicle belonging to another State and being accidentally or temporarily on the territory of the Republic of Armenia, if it is determined exclusively by the needs of the vehicle and the latter belongs to citizens and (or) legal persons of a State providing the same rights to citizens and legal persons of the Republic of Armenia;
5. for implementing necessary studies, tests and experiments for the purpose of testing medical (including phytosanitary) products during the two years preceding the expiration of the term of the patent.

(2) The provisions of Article 16 of this Law shall not apply to the biological material obtained through reproduction or multiplication, which has been put into circulation by the patent owner or under his/her consent in the Republic of Armenia, when reproduction or multiplication is necessarily derived from the application for which the biological material has been marketed, provided that the received substance will not be subsequently used for reproduction or multiplication.

(3) As an exception to Article 16 of this Law, the sale of plant reproduction material for agricultural use purpose to the farmer or otherwise its commercialization by the patent owner or, upon his consent, grants the farmer the right to use the results of his harvest for reproduction or multiplication purposes.

(4) As an exception to Article 16 of this Law, sale of the reproduction material of reproductive pets or other animals to the farmer or otherwise its commercialization by the patent owner or, upon his consent, grants the farmer the right to use the animal reproduced with that substance for agricultural purposes. This includes the possibility of using for agricultural purposes the product derived from the animal or its reproduction.

Article 18. Right on Prior Use

(1) Any person who, before the priority date of an invention, utility model, has used an identical solution created independently of the inventor and has used it bona fide in the territory of the Republic of Armenia or who has made the necessary preparatory works for it, shall retain the right to further non-compensated use, provided that the scope of such a use is not extended (right on prior use).

(2) The right on prior use shall be permitted to be transferred to other natural or legal persons only together with the production unit in which the use of the identical solution has taken place or the necessary preparations for such a use have been made.

Article 19. Limitations of Rights Conferred by Patent

(1) The patent owner or the owner of exclusive license has no right to prevent to put into civil circulation in the Republic of Armenia a patented invention or utility model or product, developed by patented process, if this product or article has been legally put on the market in the Republic of Armenia by the patent owner or with his consent.

(2) Import of a patented product including an industrial property subject matter or developed by a patented process into the territory of the Republic of Armenia shall not be deemed as infringement of exclusive rights of the patent owner if it has been legally put on the market in a foreign country by the patent owner or with his consent.

(3) In cases provided for in paragraph 2 of this Article, the patent owner cannot rely on his patent in order to be protected in lawsuit filed against him for breaching of other patents having earlier priority.

(4) The fact that a patented invention cannot be used without the use of protected invention by earlier patent of the other person is not an obstacle for the validity of the patent for that invention. In such cases, neither the

holder of the earlier patent can use the last patent during its validity period without the consent of the its owner, nor the owner of the last patent can use any of these two patents during the validity of earlier patent until the owner's consent or compulsory license is received.

Article 20. Term of Validity a Patent on Invention

(1) The term of validity of a patent on invention shall be twenty years as from the date of filing of the application.

(2) Immediately on expiry, the term of validity of a patent may be extended once but no more than five years in the case of a state of war, natural disasters or similar unpredictable events.

(3) Pharmaceutical preparations, processes or components, which have prophylactic and medicinal impact on humans and animals, plants, chemical or biological substances, the processes of their development, as well as the necessary components for manufacturing these preparations, substances or components and the processes of their development considered to be a subject matter of patented invention may be granted supplementary legal protection during the period between the date of filing the application on invention and the date of obtaining the authorization from the relevant Authorized Body for putting the subject matter on the market of Republic of Armenia, but not for more than five years.

(4) The request on supplementary legal protection, to which the authorization of the Competent Body mentioned in paragraph (3) of this Article is attached, shall be submitted to the State Authorized Body within 6 months from the day the authorization is given, or 6 months before the day of granting patent, if the mentioned authorization is given earlier than the patent was granted.

Article 21. Term of Validity of Patent on Utility Model

The term of validity of a patent on utility model shall be ten years as from the day of filing of the application.

Chapter 3: Legal Protection of Industrial Design

Article 22. Conditions for Protection of Industrial Design

(1) Any solution defining the outward appearance of an article, which is novel and original shall enjoy protection as an industrial design under this Law (conditions for protection of industrial design).

(2) Within the meaning of this Law "Design" means the appearance of the whole or a part of a product resulting from the features of, in particular, the contours, colors, shapes, texture as well as materials of the product itself and (or) its ornamentation.

(3) Within the meaning of this Law "item" means any industrial or handicraft product, including, inter alia, parts intended to be assembled into a compound product, packaging, get-up, graphic symbols and typographic typefaces, excluding computer programs. Within the meaning of this Law "complex (compound) product" means a product, which is composed of multiple components, which can be replaced permissible disassembly and reassembly of the product.

(4) A part of a complex (compound) product may be protectable industrial design if it:

1. remains visible during normal use of the product;
2. meets the requirements of protectability of an industrial design as to novelty and originality.

(5) Within the meaning of item (1) of paragraph (4) of this Article "normal use" shall mean the use by the end user, excluding maintenance, exploitation, servicing and repair work.

Article 23. **Novelty and Originality**

(1) An industrial design shall be considered new if no identical design has been made available to the public before the date of filing of the application with the State Authorized Body or, if priority is claimed, the date of priority. Industrial designs shall be deemed to be identical if their features coincide or differ only in inessential details.

(2) A design shall be considered original if the overall impression it produces on the informed consumer differs from the overall impression produced on such a consumer by any design which has been made available to the public before the date of filing of the application or, if priority is claimed, the date of priority.

(3) In assessing originality, the degree of freedom of the designer in developing the design shall be taken into consideration.

Article 24. **Disclosure of Industrial Design**

(1) For the purposes of Article 23 of this Law, it is considered that the design has become publicly available if it has been published, exhibited at the exhibition, used, sold or otherwise discovered, with the exception of the following cases when information about it could not have been accessible for reasonable reasons for the natural and juridical persons of the Republic of Armenia specialized in the relevant field:

1. in the case of a registered industrial design, before filing an application to the State Authorized Body or in the case if priority is claimed before the priority date;

2. in the case of an unregistered industrial design, before the first disclosure of the industrial design.

(1.1.) The industrial design shall not be deemed to be publicly available if it has been disclosed to the third party in the case of a direct or implied condition of confidentiality.

(2) For the purposes of Article 23 of this Law, disclosure of the content of the industrial design shall not be taken into consideration if it has occurred within twelve month preceding the date of filing of the application or, if priority is claimed, the date of priority by the designer (applicant), or a third person having directly or indirectly obtained information on the content of the industrial design (the burden of proof being upon the applicant).

(3) Paragraph (2) of this Article shall also apply if the industrial design has been made available to the public as a consequence of an abuse in relation to the designer or his successor in title.

Article 25. **Refusal of Registration of an Industrial Design**

(1) An industrial design shall not be registered as such if:

1. it is not an industrial design within the meaning of Article 22 (2) of this Law;

2. it does not meet the requirements of Article 22(1) or (4), or Article 23 of this Law;

3. it is in conflict with the requirements of Article 6ter of the Paris Convention on the ground that it has been submitted without the authorization of the Competent Authorized Body;

4. it includes or imitates symbols, emblems, coat of arms other than those covered by Article 6ter of the Paris Convention and which are of particular public interest, unless the authorization of the Competent Authorized Body to its registration has been given;

5. its use is contrary to public interests, humanitarian and morality principles.

(2) An industrial design dictated solely by its technical function shall not be registered as an industrial design. If the technical function is directly connected with features of appearance of product, then it cannot be protected as industrial design.

(3) A design, which must necessarily be reproduced in its exact form and dimensions in order to permit the product to which the design is embodied or applied to be mechanically connected to or placed in, around or against another product so that either product may perform its function, shall not be registered as an industrial design.

(4) A new and original industrial design may be protected if it subsists in a design serving the purpose of allowing multiple assembly or connection of mutually interchangeable products within a modular system except the cases provided by paragraph (3) of this Article

Article 25.1. Request for the right towards Industrial Design

(1) A person in whose name the industrial design is registered (or on whose behalf the industrial design application is filed before its registration) shall be deemed to be the State Authorized Body and a person having the authority to conduct business with any other bodies as long as it is not proven otherwise.

(2) If an unregistered industrial design is disclosed or is submitted to the registration by a person who has no right to do so in accordance with Articles 40 and 41 of this Law or registered industrial design has been registered or has been submitted to the registration by such person, then according to listed articles a person entitled to an industrial design may require to be recognized as the legal owner of the given industrial design without prejudice to relevant rights or actions of any other person.

(3) The actions referred to in paragraph 2 of this Article may be implemented within three years, which is calculated accordingly:

1. in the case of a registered industrial design, from the date of publication of the registration information in the Official Bulletin;

2. in the case of an unregistered industrial design, since its disclosure.

The provision set forth herein shall not apply if the person who is not entitled to an industrial design has acted unscrupulously when the relevant industrial design is disclosed, presented or entrusted to him.

(4) The provisions of Chapter 2.1 of this Law on Mutatis mutandis shall apply to the relations relating to the rights to the industrial design and not regulated by this Article.

Article 26. Exclusive Right in Industrial Design and the Registration Certificate

(1) The registration of an industrial design shall confer on its owner the exclusive right to use it and to prevent third parties to use it without his consent. Within the meaning of this Law the aforementioned use shall cover, in particular, the making, offering for sale, putting on the market, importing, or using of a product to which the design may refer to, as well as stocking such a product for those purposes.

(2) The scope of legal protection of an industrial design shall be defined by the overall impression produced on the informed consumer. In assessing the scope of protection of an industrial design, the degree of freedom of the designer in developing the design shall be taken into consideration.

(3) The rights referred to in paragraph (1) of this Article shall not extend:

1. to the importation of spare parts and accessories for the purpose of repairing a vehicle of a foreign country, being accidentally or temporarily in the territory of the Republic of Armenia, if it is intended exclusively for the need of such vehicles, and if the vehicle belongs to citizens and (or) legal persons of countries providing similar rights to the citizens and legal entities of the Republic of Armenia, and in this case acts referred to in Article 17 of this Law, with the exception of subparagraph (c) shall apply mutatis mutandis;

2. to acts of reproduction for the purposes of making citations or of teaching, provided that such acts are compatible with fair trade practice and with mention of the source, as well as do not unduly prejudice the normal exploitation of the industrial design.

(4) Any third person may assert the right based on prior use in respect of an industrial design. In this case, provisions of Article 18 of this Law shall apply mutatis mutandis.

(5) For registered industrial design a certificate on registration of the industrial design is granted (hereinafter "industrial design certificate"). Industrial design certificate is granted to the person the industrial design is registered for (hereinafter "industrial design owner").

(6) Industrial design certificate certifies the fact of registration of the industrial design, the priority, as well as the exclusive right in it.

Article 27. Limitation of Rights for Industrial Design

(1) An industrial design owner or a person who has the exclusive license has no right to prohibit putting the product, containing protected industrial design or a product that embodies it, into civil circulation in the Republic of Armenia, if this product was legally put into civil circulation through sale by the owner of the industrial design or with his consent.

(2) Import of a product into the territory of the Republic of Armenia, containing industrial design or embodying it shall not be deemed as infringement of the exclusive right in industrial design if it was legally put into civil circulation through sale in the territory of another country by the right holder or with his consent.

Article 28. **Other Forms of Legal Protection of Industrial Design**

(1) Provisions of this Law concerning industrial designs shall not limit provisions of other Laws relating to unregistered designs, trademarks or other distinctive signs, inventions, utility models, typefaces, liability or unfair competition.

(2) An industrial design may not be registered in the order established by this Law and may be eligible for copyright protection as from the date on which the design was created or fixed in any form as a copyright subject matter.

Article 29. Protection period of Industrial Design

(1) The registered industrial design may be protected for a period of five years from the date of filing the application with a possibility of extension.

(2) Under Article 67 of this Law, the right holder of an industrial design may renew the term of its protection for one or more periods of five years each, up to a total term of 25 years from the date of filing of the application.

(2.1) According to parts 1 and 1.1. of Article 24 of this Law an unregistered industrial design shall be protected for a period of three years from the date on which the design was first disclosed in the Republic of Armenia.

(3) According to paragraph (2) of this Article the validity term of the certificate on a protected complex (compound) industrial design may be renewed both in whole, in partially, only for some of its components.

Chapter 4: Filing the Application with the State Authorized Body

Article 30. Priority Right

(1) The priority of intellectual property subject matter is determined by the date of filing the application with the State Authorized Body.

(2) The priority may be determined by the date the first application was filed with a country party to Paris Convention or any country not a party to Paris Convention but a member of the World Trade Organization (international priority), if the application on invention or utility model was filed with the Authorized Body within 12 months from the mentioned date, and in case of an industrial design within 6 months.

(3) In order to enjoy international priority right the date of priority shall be mentioned in the application filed with the State Authorized Body. The applicant shall within three months after date of filing the application inform the State Authorized Body the number of the first application, the name of the country or office the application is filed with, as well as the copy of the first application certified by the receiving office. In case not meeting this requirement the request on international priority shall not be satisfied.

(4) If the copy of the first application is not submitted in Armenian and the Armenian translation is necessary for determination of the patentability (protectability) of the application, the State Authorized Body may require

that the applicant submit the translation of the first application, which shall be submitted within three months after receiving the requirement.

(5) Several priorities can be claimed on the basis of several first applications filed in one or several countries.

(6) The applicant may claim priority by an application on invention on the basis of application on utility model and the application on utility model on the basis of an application on invention.

(7) The priority of an invention, utility model or industrial design may be determined by the date of the initial (earlier filed) application of the same applicant identifying the nature of the same invention, utility model or industrial design, provided that it has not been withdrawn as of the filing date of the application for which such priority is claimed, if the new application has been filed with the State Authorized Body within 12 months of the date of submission of the initial application. In this case, the initial application is deemed to be withdrawn.

(8) The priority cannot be determined by the date of submission of the application by which an earlier priority has already been claimed.

(9) The priority of an application for an invention, utility model, industrial design submitted as a result of its separation (separated application) from the initial (earlier submitted) application shall be determined by the date of submission of the initial application submitted by the same applicant to the State Authorized Body, if the separated application has been filed until completely exhaustion of opportunities to dispute the decision to refuse to grant a patent on initial application, and in the case of a decision on granting a patent on initial application, not later than the publication of the initial application, provided that the initial application is not withdrawn or is considered withdrawn as of the day of filing a separate application.

(10) If during the examination it becomes clear that identical inventions, utility models, industrial designs have the same date of priority, then the applicants are notified of that and one patent is being granted with their consent which includes all the authors of both applications. In the case of failure to reach agreement within a year from the date of receipt of the notification, the applications shall be deemed to be withdrawn.

(11) The priority can be determined by a few initial (previously submitted) applications submitted earlier, keeping the established order of paragraphs 7 and 9 of this Article towards each of them.

Article 31. Temporary Legal Protection at Some International Exhibitions

(1) Any person who exhibits an invention, utility model or the appearance of the whole or a part of the product at an official or officially recognized international exhibition in the Republic of Armenia or another Member State of the Paris Convention or any Member State of WTO not being a party to the Paris Convention, may within 3 months after the closing day of the exhibition file an application with the State Authorized Body claiming the right of priority as of the first day of the exhibition of the invention, utility model or appearance of the whole or a part of the product (exhibition priority).

(2) Any person who claims exhibition priority according to paragraph (1) of this Law shall, when filing the application with the State Authorized Body, indicate the type and place of exhibition, the opening and closing dates and the first day of the exhibition, and submit a written certificate on international status of the exhibition issued by the organizer. If the applicant fails to meet the mentioned requirements, the exhibition priority shall not be granted.

(3) According to paragraph (1) of this Article the claimed exhibition priority shall not renew the term of claiming the international priority right referred to in Article 30 (2).

Article 32. Correction or Supplementation to Claimed Priority

(1) The applicant may submit a request to the State Authorized Body for a correction or supplementation of a priority claim within sixteen months from the date of priority, or consequently, if the correction or supplementation causes change of the priority date, from the changed priority date, provided that such a request is submitted to the State Authorized Body within four months from the date of filing of the application.

(2) A document affirming the payment of the state fee shall be attached to the request, in case of absence of which the request shall be deemed not submitted.

(3) According to paragraph (1) of this Article any request submitted to the State Authorized Body in accordance with Article 55(2) received after the applicant has requested the publication shall be deemed not to have been filed, unless the request on publication is withdrawn before the completion of the technical preparations for publication of the application.

(4) Where the correction or supplementation of a priority claim causes a change of the priority date, the established terms shall be computed from the changed priority date.

Article 33. Restoration of Priority Right

(1) Where an application claiming an international priority is filed with the State Authorized Body with delay, i.e. twelve months after the filing of the first application, the applicant may submit a request on restoration of the right of priority to the State Authorized Body (if the circumstances of the delay does not depend on the applicant).

(2) The request on restoration of the right of priority shall be submitted to the State Authorized Body within two months from the date on which the priority term expires but no later than the completion of technical preparations for publication of the application. A document affirming the payment of the established state fee shall be attached to the request, in case of absence of which the request shall be deemed not submitted.

Article 34. Prohibition to Extend the Legal Scope of Application

(1) The scope of protection claimed by an application after the date of filing the application on invention or utility model shall not be extended beyond the initial scope.

(2) The appearance of the whole or a part of a product claimed by an application after the date of filing the application on industrial design shall not be substantially modified or the number of the components of the product shall not be increased.

Article 35. Renewal of Established Terms

(1) In order to take particular actions before the expiration of terms under this Law the applicant or the right holder may submit a request on extension thereof to the State Authorized Body attaching the document affirming the payment of the state fee. The State Authorized Body may extend the established terms up to three months.

(2) The established terms shall not be extended in accordance with paragraph (1) of this Article in the cases provided by Articles 12, 24(2), 30(2), 31(1), 32(1), 33(2), 36(2), 37(2), 47(3), 52(3), 57(1), 58(2), 60(2), (3), 67, 68, 74(2) of this Law.

Article 36. Application Processing in case of Breach of the Set Deadlines

(1) The applicant, who has not exercised the mandatory actions regarding the procedures for acquisition of rights to a subject matter of industrial property within the established term, as a result of which has lost the right to his application, may submit a request to the State Authorized Body for restoration of his right and for further processing of the application.

(2) The applicant shall, within two months after the day of receiving the notification on legal consequences of failing to comply with the established term for the submission of the request on restoration of rights to his application, complete the omitted act and pay the state fee established by law. In case of failure to complete the omitted act and pay the state fee within the mentioned period the request shall be deemed not submitted.

(3) The State Authorized Body may not satisfy the applicant's request on further processing if it refers to failure of meeting the term mentioned in paragraph (2) of this Article, as well as violation of deadlines on restoration of rights or the correction or supplementation of a priority claim or submitting an application for the

restoration of the right of priority or a certified copy of the first application according to the complaint submitted to the appeal board of the State Authorized Body or Article 37 of this Law.

Article 37. Restitution of Rights

(1) Any party representing the proceedings before the State Authorized Body who, due to circumstances, by a reasonable excuse failed to commit his obligations duly within the term established by the State Authorized Body according to this Law and the Regulations providing its implementation, may reconstitute his rights if non-observance of the established term relates to revocation, refusal of the application or any request or renunciation of rights.

(2) The request for restitution of rights shall be filed at the moment of the elimination of the reason for the breach of the established term, or if the party has subsequently been notified of a breach of the time limit, within a three-month period following the date of receipt of the notification. The request is submitted after completing the set deadline attaching the document confirming the payment of the established state duty in case of performing the required actions. In the case of failure to meet these requirements, the application is deemed not to be submitted.

(3) The request on restitution of rights may not be refused wholly or in part, without previously notifying the requesting party in writing of the reasons for the intended refusal in whole or in part, within three months from the receipt of the notification, with an invitation to submit the reasons.

(4) The request on restitution of rights shall be submitted not later than one year after the expiration of the prescribed time limit, and if the request refers to non-payment of annual state fees not later than within one year after the expiration of the additional term defined in Article 5bis of the Paris Convention.

(5) The request on restitution of rights shall not be satisfied if it refers to the deadlines set out in paragraphs 2 and 4 of this Article, deadlines on submitting complaint to the Appeal Board of the State Authorized Body, submitting certified copy of the first application, continuation the further processing, submitting an application for correction or supplementation of a claimed priority or restitution of the right of priority.

(6) When submitting a request on restitution of rights the reasons of omitted terms have not been mentioned, the party submits the data within the term mentioned in the notification from the State Authorized Body.

Article 38. Withdrawal of an Application

(1) The applicant may, at any stage of a proceeding, withdraw any application he has submitted to the State Authorized Body.

(2) The application is deemed to be withdrawn from the day when the State Authorized Body receives the request for its withdrawal.

(3) The State Authorized Body shall publish information on the termination of the proceeding on the basis of the applicant's request for the withdrawal of the application for the grant of patent (certificate).

(4) If the applicant withdraws the application for the grant of a patent (certificate) after the technical preparations and the publication of the application have been completed, then the published application may not form a part of the state of the art under Article 11 (3).

Article 39. Notification of the Applicant Before The Planned Decision on Refusal of Granting Patent (Certificate)

(1) Before making a decision to fully or partially refuse to grant the patent (certificate), the State Authorized Body shall in advance notify the applicant in written form about the proposed refusal suggesting to submit its

observations, and, if necessary, to clarify its claims within three months from the date of receipt of the notification.

(2) The decision to grant a patent (certificate) shall be made by the State Authorized Body within two months after the date of receipt of the applicant's observations or adjustments provided for in paragraph 1 of this Article, and within 15 days after the expiration of that period in case they do not receive them within the three-month period specified in the same Part.

Article 40. The Author (Inventor, Designer)

(1) The author (inventor, designer) is the natural person mentioned as such in the application for the grant of a patent on invention or utility model, in application on granting certificate on industrial design unless proven otherwise by the verdict of the court.

(2) If several natural persons are mentioned as authors in the application, they are considered as co-authors whose relationship is regulated by their consent.

(3) The assistance in creation of an invention, utility model, industrial design being not creative (technical, organizational or financial, assistance in formalization of rights) shall not be deemed co-authorship.

(4) The State Authorized Body shall not be responsible for the information on the authors being true.

Article 41. The Rightholder

(1) A patent shall be granted or an industrial design shall be registered in the name of the person (hereinafter "rightholder") who is designated as the applicant at the time of the grant of the patent or registration of the industrial design.

(2) Where several persons are designated as joint applicants, paragraph (1) of this Article shall apply mutatis mutandis and one patent or certificate shall be granted to the mentioned persons. In such case the relationships between the rightholders are regulated with their consent. In the absence of mutual consent each of them has the right to use the protected subject matter at his discretion, apply to the court with a claim on prohibition of use of his protected subject matter without his authorization, although having no right to withdraw his patent or certificate without notifying the other rightholders and assign his rights to or sign a license agreement with a third person without the consent of the other rightholders.

(3) The right to be granted a patent on an industrial property subject matter (industrial property employment subject matter) created by an employee as part of his employment duties or tasks set by the employer shall belong to the employer if it is stipulated by the contract concluded between them.

(4) The employee, who is the inventor or designer, cannot claim additional remuneration for his achievements except for cases, when his personal contribution to the invention or industrial design and its importance are evident for the employee and exceed the requirements provided for in the contract referred to in paragraph 3 of this Article. The size, conditions and order for payment of remuneration to the inventor of an employment invention, utility model, industrial design shall be determined by agreement between the author and the employer and, in the absence of such an agreement, by court decision.

(5) The employee shall inform the employer in writing, about the created industrial property subject matter related to his employment duties within one month from the date of creation.

(6) If, within a period of three months of the date on which the employee has informed the employer about the created industrial property subject matter, the employer or his successor in title has not filed an application with the State Authorized Body, the right to file an application and to be granted a patent shall belong to the inventor.

(7) In such case the employer shall enjoy the pre-emptive right to receive a non-exclusive license for using the industrial property subject matter.

(8) The right on filing an application and be granted patent or certificate, the exclusive right on use of the intellectual property subject matter, as well as to get profit from their use shall be inherited in the order established by Law.

(9) Within the framework of teaching and/or research work duties in institutes of higher education or scientific and research (hereinafter referred to as scientific) centers the right to obtain an invention patent or industrial design certificate created by a lecturer or scientific employee, researcher (hereinafter referred to as a researcher) belongs to a higher education institution or scientific center, if it is envisaged by the contract concluded between them.

(10) A lecturer or scientific employee who authorizes any invention or industrial design created under the provisions of paragraph 9 of this Article shall be obliged to notify a higher education institution or scientific center within one month.

(11) A lecturer or scientific employee shall have the right to use the benefits which have been received by the higher education institution or scientific center as a result of the use of the invention or industrial design or the concession of rights to it in the manner prescribed by this Law. The share of benefit, terms and amount are determined by the charter of a higher education institution or a scientific center.

(12) The higher education institution or scientific center may yield the right to receive invention patent and industrial design certificate to the lecturer or scientific employee who authored them, keeping non-transferable right to simple or free license.

(13) The higher education institution or scientific center shall have the right to use the benefits that have been received by the lecturer or scientific employee as a result of the use of an invention or industrial design or the concession of rights to it in the cases provided for in paragraph 12 of this Article. The share of benefit, terms and amount are determined by the charter of a higher education institution or a scientific center.

(14) In the case, when the lecturer or scientific employee creates an invention or industrial design as a result of a contract performance with a public or private organization, the contract must specify the party of the contract, which has the right to obtain an invention patent or industrial design certificate.

Article 42. Transfer of Rights and Signing License Agreement

(1) The owner of a patent as well as the rightholder of an industrial design may assign his rights to a third person by contract, in part or in whole, and (or) sign a license agreement.

(2) Under a license agreement, the patent owner or a rightholder of an industrial design (the licensor) shall authorize a third person (the licensee) to use the patented subject matter or registered industrial design within the limits specified in the agreement, and the licensee shall be obliged to pay the licensor fees established in the agreement and to exercise other acts provided by the agreement.

(3) In case of exclusive license the exclusive right to use the industrial property subject matter shall be transferred to the licensee within the limits specified in the agreement, the licensor retaining his right to use the part of the subject matter not transferred to the licensee.

(4) In case of non-exclusive license the licensor shall, while transferring the licensee the right to use the industrial property subject matter, retain all his rights including the right to grant licenses to third persons.

(5) The patent owner or the rightholder of an industrial design may apply to the State Authorized Body with a request to publish a statement to the effect that he is willing to grant third persons the right to use the industrial property subject matter (open license). Where within two years after publication of the statement on signing a license agreement the patent owner does not receive any written proposal the latter may apply to the State Authorized Body with a request on withdrawal of his request. In this case the state fees for keeping the patent in force shall, for the period between the date of the publication of the statement and the date of withdrawal, be subject to additional payment, and for further period it shall be paid by total rate. The State Authorized Body shall publish information on the withdrawal of the request in its Official Bulletin.

(6) The license agreement and the agreement (act) on assignment shall be subject to registration in the State Authorized Body in the order established by the latter according to paragraph (3) of Article 5 of this Law.

(7) The agreement on assignment or the license agreement not registered in the State Authorized Body is null and void.

(8) The decision on registration of the license agreement and agreement on assignment may be disputed in the Board of Appeal of the State Authorized Body or in the court.

(9) Paragraph (1) of this Article shall apply mutatis mutandis to the applicant.

(10) Rights for invention applications or licenses do not apply to third parties if they are not recorded in the appropriate register. The product cannot indicate an invention application or a patent without recording the above mentioned rights. Violation of the provisions of this Part shall be subject to liability in the manner prescribed by law as an act of unfair competition.

Article 43. Acquisition of Rights

(1) With the exception of paragraph (2) of this Article, the rights provided by the Articles 16 and 26 shall be acquired as of the date of entry into the corresponding register of the subject matter in question.

(2) Before publication of the conclusion on patentability provided by items (1) or (2), paragraph (1) of Article 59 of this Law, the right under Article 16 (1) may not be enforced in the order established by this Law.

(3) From the date of publication of application of invention and granting a patent until the date of publication of the patentability report provided by Article 59 (1) (1) or (2) of this Law, the invention shall be given preliminary protection during which the patent holder cannot use the right to prohibit the use of the invention by third parties without his authorization, but after the publication of the patentability report, the patent holder may request appropriate compensation for such use.

(4) Preliminary protection provided for in paragraph 3 of this Article shall also apply to the period during which the application is published, when the third party using the invention is informed about the submission of the invention application and its content.

(5) Paragraphs 3 and 4 of this Article apply to inventions relating to microorganisms since the date when the given microorganism became available to the public.

(6) Exclusive rights to useful models and industrial designs shall be valid from the date referred to in paragraph 1 of this Article, unless the absence of patentability (dependability) of the mentioned objects is proven.

Article 43.1. Revocation of Patent or Certificate

(1) During the whole period of its validity, the patent may be declared invalid in full or in part by a court decision on the basis of an application of any interested party, if:

1. it is proved that the subject matter of the patent is not patentable in the meaning of Articles 10-13 and 15 of this Law;

2. the invention is not sufficiently clearly disclosed, which will allow the technical specialist of relevant field to carry out it;

3. the subject matter of the patent exceeds the content of the initial application.

4. the patent owner of the invention did not have the right to obtain a license under this Law.

(2) If the grounds for invalidation refer only to one part of the patent, an independent item or items corresponding to the definition of the claim of the invention are recognized partially invalid. Independent item of definition of the claim cannot be declared invalid in part.

(3) If the patent has been declared partially invalid, it continues to be in force for the independent items of definition of the claim which have not been declared invalid, provided that it may become the subject of a separate patent.

(4) Only a person, who is eligible to receive the patent, may apply to the court on the bases prescribed by Paragraph 1 (4) of this Article.

(5) The efficiency of industrial design certificate may be declared invalid in full or in part by a court decision based on the application of any interested party, if:

1. it is proven that the industrial design is not protectable within the meaning of Articles 22-25 of this law;

2. the combination of essential features that generate the picture of appearance of the product exceeds the essential features that generate the picture of appearance presented by the initial application;
3. the holder of the industrial design has no right to obtain a certificate in accordance with this Law.
- (6) Only a person, who is eligible to receive the certificate, may apply to the court for the case provided by Paragraph 3 (5) of this Article.
- (7) The failure of implementation of one or more formal requirements for the application cannot be a basis for invalidating a patent, in whole or in part, except when it is the result of deliberate trickery.
- (8) The effect of the patent provided for in Articles 16 and 19 and certificate provided for in Articles 26 and 27 of this Law shall be deemed to have been invalid from the outset with regard to the part by which it was declared invalid.
- (9) Invalidation of the patent and certificate does not affect:
 1. on the final decisions on the violation of the rights arising therefrom which have entered into force until the decision to recognize it as invalid;
 2. on the signed contracts before making a decision to recognize the patent, the certificate invalid, to the extent to which they were implemented before the adoption of the said decision.At the same time, due to fair circumstances, a certain amount of compensation may be required, which has been paid in accordance with the contract.

Article 44. Lapse of Rights

- (1) The granted rights to invention, utility model and industrial design shall be lapsed if:
 1. the owner has submitted a request on renunciation to the State Authorized Body. In this case he lapses his right to patent or certificate the next day after the application was submitted;
 2. annual state fees for keeping the patent or certificate validity are not paid within the established terms;
 3. in accordance with Article 43.1 of this Law, a patent or industrial design certificate has been found invalid.
 4. it was not sufficiently used by the right holder within two years after the first compulsory license was issued;
 5. the deadline for which rights are granted has expired.

Article 45. Correction of Irregularities

- (1) The State Authorized Body may at any time upon its initiative or applicant's request, correct irregularities in names, dates, numbers, and other obvious irregularities in its publications and registers.
- (2) Information on corrected irregularities shall be published in the Official Bulletin of the State Authorized Body.

Chapter 5: Filing the Application and Formal Requirements to it

Article 46. General Requirements to Application

- (1) The application shall contain:
 - (a) application for granting patent or issuance of certificate;
 - (b) for granting a patent, all documents listed in Article 52 (1);
 - (c) for issuance of a certificate on industrial designs, all documents listed in Article 60 (1).
- (2) The application shall contain:
 - (a) a Power of Attorney, if the application has been filed through an attorney or representative unless otherwise provided by law;
 - (b) the Armenian translation of the documents of application, which has been filed by foreign applicants in a foreign language in accordance with Article 48(2);
 - (c) receipt for payment of the established state fee.

(3) The application and the attached documentation shall be submitted in the order established by the State Authorized Body, which shall contain detailed information on the application content and procedure on obtaining rights.

Article 47. Form of the application and the ways of filing

(1) The application content and form must comply with the requirements of this Law and of the Rule established by the State Authorized Body. The application shall be legible and the description of the invention, utility model or industrial design shall be clear, which is satisfactory for the expert of the field to start the examination.

(2) The application shall be filed in writing, either directly or by post, by facsimile machine or by other electronic means of communication. The rule of filing an application and the attached documentation by electronic means of communication shall be established by the State Authorized Body.

(3) Where an application, which has been transmitted by facsimile machine or by other electronic means, is not legible in whole or in part, the applicant shall be invited to submit, within three months after the day of receipt of the invitation, a written copy of that application. If the requested copy is not transmitted to the State Authorized Body in due time, the application shall be deemed to be withdrawn. The applicant shall be notified about the withdrawal.

(4) Where the state fee is not paid fully for the filing of application the applicant is invited to pay the additional state fee, no later than two months after the date of receipt of the invitation. If the additional fee is not paid in due time, the application shall be deemed to be withdrawn and the applicant shall be notified about it.

Article 48. Language of Applications

(1) Applications shall be filed in Armenian.

(2) The applicants of the Republic of Armenia are obliged to submit the attached documents to the application in Armenian, foreign applicants may submit them in another language. In this case they are obliged to submit their Armenian translations to the State Authorized Body within three months from the day the application is filed.

(3) If the State Authorized Body does not receive the translation in due time, the application shall be deemed to be withdrawn. The applicant shall be notified about withdrawal.

(4) The State Authorized Body shall conduct the proceedings on the basis of the application in Armenian.

Article 49. Date of Filing of Application

(1) The State Authorized Body shall establish the date of filing an application for the industrial property subject matter by the date of receipt of the application and give the application a regular registration number if it contains at least:

1. reference (request) on acquisition of patent granting on invention, utility model or certificate on industrial design;
2. information allowing to identify the applicant or to contact the applicant;
3. element, indicating by its outward appearance the description of invention or utility model;
4. (repealed on 21.03.12)
5. in case of an industrial design, its photograph or graphical representation of the outward appearance of the whole or in part, and for a two-dimensional product, its design in whole or in part.

(2) The State Authorized Body shall, within five days after receiving the application, examine its conformity to the requirements mentioned in paragraph (1) of this Article and in case of non-conformity notify the applicant immediately inviting the latter to submit the missing documents (information) within a three-month period after receiving the notification. If the applicant does not submit the requested documents within the established

period to the State Authorized Body, the application shall be deemed not filed and the applicant shall be informed about.

If the mentioned documents are submitted to the State Authorized Body at different times then the date of the application shall be the date of the last received document.

Within 10 days after the date of filing the application, the State Authorized Body shall notify the applicant about it in written form also informing the registration number of the application.

Article 50. Particularities of the Filing Date

(1) Where, in identifying the filing date, the State Authorized Body finds out that a part of the description or scheme to which a reference is made appears to be missing from the application, the State Authorized Body shall promptly notify the applicant accordingly noting the necessity to submit the omitted documents within a three-month period from the day of receipt of the invitation.

(2) Where a missing part of the description or a missing scheme mentioned in the invitation by the applicant is filed within three months it shall be included in the application. In this case the date of filing shall be the date on which the State Authorized Body has received that part of the description or that scheme. If the required documents are not submitted at the same time, then the date of the application shall be the date they were received. If the required documents are not submitted at the established term the application shall be deemed not to have been submitted and the applicant shall be notified.

(3) According to Article 49 paragraph (1), (3) of this Law the applicant may, instead of elements indicating by its outward appearance the description of invention or utility model, submit a request notifying that the description of invention or utility model for the establishment of filing date is replaced with a reference made to the earlier application (original or prior). The application shall be filed in Armenian and contain the number and date of earlier application. If another person files the original or prior application, then the document certifying the succession in title of applicant shall be attached.

Article 51. Examination of an application

(1) The examination of the application shall be carried out by the State Authorized Body within a three-month period after the date of submission of the application, during which the content and form of the application documents or supplementary materials are checked for compliance with the requirements set forth in this Law.

(2) The State Authorized Body shall also verify the compliance of the invention with the requirements laid down in Article 53 (2), (4) and (7) of this Law and compliance paid state fees with the rates established by law, including Annual State Duties under Article 67 (6) and (10) of this Law.

(3) If during examination missing parts or missing documents are noted in the application, additional documents or evidence, the State Authorized Body shall invite the applicant to submit the corrected or missing parts or documents within three months from the receipt of the invitation. In this case, the duration of the period specified in paragraph 1 of this Article shall be suspended until the receipt of the request, but not more than the expiration of the submission deadline.

(4) If the application has been filed with a breach of the requirement of unity, the applicant is offered to report within a three-month which of the inventions should be discussed and makes necessary adjustments to the application documents.

(5) In case of leaving unanswered the notification on the violation of the requirement of unity by the applicant within the mentioned three-month period, the invention, which is the first in the definition of the claim, is discussed. In this case, the applicant shall be sent an inquiry, within three months after the date of receipt, offering to make adjustments to the application documents.

(6) Within two months after the date of filling the application the applicant on its own initiative or on request may make corrections or clarifications in the application materials by submitting additional materials without modifying the essence of the invention, if the applicant has not refused in advance of the right to submit additional materials at his own initiative.

(7) Additional materials are considered to modify the essence of the invention if they contain the elements to be included in the definition of the claim, which were not available in materials of the original application. Part of additional materials, which modifies the essence of the invention, is not taken into account during the examination and the applicant may formulate it as a separate application.

(8) In case of not eliminating by the applicant all deficiencies mentioned in the request within the deadline, the application shall be deemed to be withdrawn, with the exception of cases referred to in Articles 73 and 74 of this Law.

(9) If the State Authorized Body considers that the application documents and additional items in their content and form meet the requirements of this law, then the proceedings of it shall be continued in the manner prescribed by this Law.

Chapter 6: Special Requirements to Applications on Invention and Utility Models

Article 52. Special Requirements to Application

(1) The application shall include:

1. an application on granting of patent;
2. description of invention or utility model;
3. the definition of the claim for the invention or utility model, which includes at least one independent point;
4. drawings and other documentation, if they are necessary for understanding the substance of invention or utility model;
5. a summary (abstract) of invention or utility model.

(2) Not later than before the publication of the application, the applicant may file a divisional application in respect of subject matter of the invention which does not extend beyond the content of the earlier application. The divisional application shall be deemed to have been filed on the date of filing of the earlier application and shall have the right of priority as the earlier application.

(3) The applicant may submit a request to the State Authorized Body on conversion of the application on invention into an application on utility model before the decision on granting patent by the State Authorized Body is made.

(4) On the base of applicant's request the State Authorized Body converts the application on invention into an application on utility model, if it meets the requirements of Article 15 (1) of this Law.

(5) The application on utility model may be converted into application on invention before the decision on granting patent by the State Authorized Body is made.

(6) The priority and the date of earlier application remain stable during the conversions, mentioned in paragraph (3) and (5) of this Article.

Article 53. Contents of Requirements to Application

(1) The request for the grant of patent shall contain data on the applicant (surname, forename and dwelling address, or official name of firm and seat), the title of the invention defining its subject and other data established by the State Authorized Body.

(2) The description of the invention shall include the technical problem, for the solution of which the invention is intended, the technical result which may be reached using the invention, information on the state of the art or of other technical solutions which have become available to the public before the priority date of the invention and technical matter, as well as the reasons causing barriers to obtaining the required technical results, as well as the description of technical solution of the technical problem. The description of the

invention shall disclose the invention clearly and completely for it to be sufficiently carried out by a person skilled in the art.

(3) If an invention relates to biological material, which is not available to the public and cannot be described in a manner to be sufficiently carried out by a person skilled in the art, the description of the invention shall be supplemented by a certificate on the deposit of biological material issued under Article 7 of the Regulations of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure or issued by the Authorized Body of the Government of the Republic of Armenia for deposit of microorganisms.

(4) The claims shall define the subject matter of the invention through the totality of its technical character for which protection is sought. The claim, which is submitted in one or more points must be clear and concise and be totally based on the description.

(5) The drawings and other documentation serves to understanding the substance of the invention.

(6) The abstract of the invention is the short description of the content of the invention and shall serve solely for patent search. The abstract includes the name of the invention, the technical field, which relates to the invention and (or) its exploitation field, and if it is not clear from the name of the invention then the substance of the invention indicating obtained technical results. The abstract may not be used for any other purpose, in particular for the purpose of interpreting the scope of the protection sought.

(7) The invention application may refer to one invention or a group of inventions that constitute a common inventive idea (the requirement of the invention's unity).

Article 54. Examination of Requirements for the Grant of a Patent

(1) In carrying out the process of granting patent, the State Authorized Body shall examine:

1. whether the subject of the claimed invention meets the requirements of patentability under Article 10 of this Law;
2. whether the claimed invention meets (obviously), at first sight, the requirements of patentability under Articles 11, 13 and 14, the state of the art being defined only based on the materials in the examiner's disposal.

(2) In the process of examination for the grant of a patent on utility model, the State Authorized Body shall examine:

1. whether the subject of the claimed utility model meets the requirements of patentability conditions under Article 10(1) and (2);
2. whether the claimed utility model meets the requirements of patentability conditions under Articles 14, 15 of this Law determining the level of technique only by the materials at his disposal.

(3) If the State Authorized Body establishes that the claims of the invention application meet all the requirements of paragraph (1) of this Article, or that the claims of the utility model application meet the requirements of paragraph (2) of this Article, it shall make a decision on publication of the application in the Official Bulletin and of granting the patent.

(4) If the State Authorized Body establishes that the claims of the invention do not meet the requirements of paragraph (1) of this Article, or that the claims of the utility model do not meet the requirements of paragraph (2) of this Article, it shall make a decision on refusal of the application.

(5) If the State Authorized Body establishes that the claims of the invention or the claims of the utility model do not meet the requirements of paragraphs (1) and (2) of this Article respectively, only in part, it shall make a decision on refusal of the application only with respect to that part.

Article 55. Publication of an Application

(1) The State Authorized Body shall publish the application after the expiry of a period of 18 months from the date of filing the application, and if priority is claimed, from the date of priority.

(2) The applicant may request that the application be published before the expiry of the 18 months period referred to in paragraph (1) of this Article, but no earlier than after the expiry of three months from the date of the filing the application.

(3) The State Authorized Body shall publish the application together with the information on the grant of the patent. The list of published information shall be determined by the State Authorized Body.

Article 56. Grant of a Patent

(1) The State Authorized Body shall enter the patent in the State register of patents and publish the information on the grant of the patent. The date of publication of the application shall be deemed to be the date of the grant of the patent.

(2) Before the publication of the conclusion on patentability under Article 59 of this Law, the scope of legal protection shall be determined by the contents of claims as published.

Article 56.1. Objections

(1) Any person may object to the State Authorized Body against the grant of an invention patent on the grounds specified in paragraphs 1 to 3 of Article 43.1 of this Law during the patent validity period after the publication of the application, but no later than publishing any conclusion in accordance with Article 59 of this Law.

(2) In accordance with Part 1 of this Article, the State Authorized Body shall notify the patent holder about the received objection, with a proposal to submit its observations thereon within two months.

(3) The objection received pursuant to Part 1 and the considerations of the patent holder received pursuant to Part 2 of this Article shall be published by the State Authorized Body within one month after their receipt on its official website.

(4) The provisions of this Article shall not apply to applications for utility models.

Article 57. Term for Submission of Written Evidence

(1) The owner of a patent or holder of exclusive rights issuing from the patent shall no later than the expiry of the ninth year of the patent validity submit to the State Authorized Body written evidence that the patented invention meets the requirements of Articles 9, 11, 13 and 14 of this Law.

(2) The owner of a patent or holder of exclusive rights issuing from the patent shall, when submitting the evidence under paragraph (1) of this Article or within three months from submitting written evidence to the State Authorized Body or from receiving the notification on receipt, pay a state fee for publication of the conclusion on patentability. In case the state fee is not paid in due time, the written evidence shall be deemed not to have been submitted, about which the owner of the patent or holder of exclusive rights shall be notified.

(3) In case the owner of a patent or holder of exclusive rights issuing from the patent fails to comply with the term established under paragraph (1) of this Article, the patent shall lapse on the date of the expiry of the ten-year term of the patent validity.

(4) If the owner of a patent submits the written evidence referred to in paragraph (1) of this Article, regarding court claims on infringement of exclusive rights of the holder, the State Authorized Body shall publish one of the conclusions on patentability referred to in Article 59 of this Law.

(5) The provisions of this Article shall not apply to utility models.

Article 58. Forms of Written Evidence

(1) A written proof provided under Article 57 of this Law may be deemed to be the international preliminary conclusions of the patentability prepared pursuant to Chapter 2 of the PCT, and in the absence thereof, the international preliminary conclusions of patentability prepared pursuant to Chapter 1 of the PCT, or in essence expertise-based patent granted for an identical invention if the given patent was issued by a patent organization having the status of an international preliminary examination body pursuant to Article 32 of the PCT, or other licensing agency with which the State Authorized Body has concluded an appropriate contract.

(2) If the submission of written evidence, according to paragraph (1) of this Article, is not complete for the granting proceedings, the patent owner or the exclusive right holder shall inform the State Authorized Body accordingly in the time limit prescribed in Article 57(1) of this Law. The State Authorized Body accepts this information into consideration and the proceedings of given patent shall continue if the written evidence is provided in accordance with this Article after the expiry of a period of time up to three months. If the written evidence is not submitted in accordance with this Article within the prescribed time limit, the validity of the patent shall be terminated at the expiration of ten years.)

(3) When the written evidence is submitted pursuant to paragraph (1) of this Article, the owner of a patent or holder of exclusive right issuing from the patent shall submit a list and copies of all other patents, which could be considered as evidence, including the list of refused applications and data thereon. In case the list and copies of the patents to the written evidence are not submitted in due time, the evidence is deemed not to have been submitted and the owner of a patent or holder of exclusive right is notified about it.

(4) If the State Authorized Body establishes that the written evidence under this Article is forged or is not true, it declares the patent to be void.

(5) When the owner of a patent or holder of exclusive right issuing from a patent does not have written evidence he may request, against payment of the state fee, that the State Authorized Body obtains relevant data or opinions to be used as the basis for the publication of one of the conclusions under Article 59 of this Law.

Article 59. Publication of Conclusion on Patentability

(1) On the basis of the submitted written evidence and the documents under Article 58 the State Authorized Body shall publish the conclusion on patentability, stating that:

1. the invention meets the requirements of Articles 9, 11, 13 and 14 of this Law, and that the claims of a patent granted entirely meet those requirements;
2. the invention meets the requirements of Articles 9, 11, 13 and 14 of this Law only in part, and that is why appropriate adjustments are made to the definition of its claim;
- (c) the invention fails to meet the requirements of Articles 9, 11, 13 and 14 as of the date of the filing of the application, and the issued patent shall be declared invalid.

(2) The State Authorized Body may not publish the conclusion on patentability in the cases provided by paragraph (1) (2) or (3) of this Article if, within three months after the date of receipt of the notification, has not previously notified the patent owner of the planned changes in the definition of the claim or the possibility of declaring the patent invalid with a proposal to adjust or clarify the definition of the claim. In this case, before the publication of the conclusion on patentability the State Authorized Body shall verify the existence of bases for publication of such conclusion. If the patent owner fails to comment in due time, it shall be deemed that he shares the opinion of the State Authorized Body regarding the conclusion on patentability.

(3) Definition of the claim which pursuant to the conclusion on patentability has been clarified in accordance with paragraph 2 (1) of this Article, cannot provide a broader legal protection, than the definition of the claim published pursuant to Article 56 of this Law.

Chapter 7: Special Requirements for Industrial Designs

Article 60. Special Requirements for Industrial Design Application

(1) An application for an industrial design shall contain:

1. request for the registration of an industrial design;
2. photograph(s) or graphical representation(s) of the appearance of the whole or a part of the product, or of the products in case of a multiple application, in the number of copies prescribed by the State Authorized Body. The requirements for application on industrial design shall be prescribed by the State Authorized Body.

(2) When filing an industrial design application and during its discussion, but not later than submitting a state duty note for the registration of an industrial design to the State Authorized Body, in accordance with Article 62 (2) (1) of this Law the applicant may apply to the State Authorized Body with a request to postpone the publication of industrial design registration data. The publication of these data may be postponed no more than until 12 months from the date of filling the application.

(3) Where the industrial design is two-dimensional, including a textile design or hologram, and a request for deferment of publication is made in accordance with paragraph (2) of this Article, the application may, instead of containing a photograph or graphical representation of the appearance of the whole or a part of the product, be accompanied by a specimen of that product or a part thereof. The photograph or graphical representation of the products, in the established number of copies shall be submitted no later than two months before the expiry of the time limit for requested deferment of publication under paragraph (2) of this Article. In case of failure to comply with this requirement, the application shall be deemed to be withdrawn.

Article 61. Substance of Requirements of an Industrial Design Application

(1) The application for the registration of an industrial design shall contain data concerning the applicant (surname, forename and address, or company name and location), an indication of the product in which the industrial design may be embodied or used, the index of the classification according to the International Classification and other data prescribed by the State Authorized Body.

(2) An industrial design application may cover several industrial designs, provided that they belong to a single class of the International Classification, except ornaments.

(3) The photograph or graphical representation of the appearance of the whole or a part of the product shall clearly show the novelty and the originality of the appearance of the product.

Article 62. Examination of Application

(1) Within two months after the date of filing the application for the industrial design, the State Authorized Body shall conduct an examination of the application during which it checks the availability of the documents necessary for the application and defined in accordance with the requirements of the established order pursuant to Article 5 (3) of this Law, clarifies the conformity of the submitted industrial design to:

1. requirements set out in paragraphs 3-5 of Article 22 of this Law;
2. requirements set out in paragraph 1 of Article 23 of this Law, based on the materials at his disposal.

(2) If, as a result of the examination, the State Authorized Body finds that:

1. the application meets the requirements of paragraph (1) of this Article, it shall make a decision on the registration of the industrial design, and in case the state fee is paid by the applicant, enter the data on industrial design into the register and publish the appropriate information in the Official Bulletin.

- (b) the application in whole or in part does not meet the requirements of paragraph (1) of this Article, the application shall be rejected partially (partial registration) or completely taking into account the requirements set out in Article 39 of this Law.

Chapter 8: Maintenance of Rights and State Registers

Article 63. State Registers

(1) The State Authorized Body shall maintain State Registers of the Republic of Armenia for patents, utility models and industrial designs (hereinafter the Registers). The Registers shall be open to public inspection, unless otherwise provided by this Law.

(2) The date of the grant of a patent or an industrial design certificate shall be the date of entry into the Register.

(3) The State Authorized Body shall deliver extracts from the Registers to any person upon request and against payment of the established state fee.

(4) The content of the Registers, the content of request for entry of alterations in the Registers, the procedure for entry of such alterations, the content of extracts from the Registers and the procedure for delivery of such extracts as well as the order regarding other actions to be executed with respect to maintenance of the Registers shall be established by the State Authorized Body.

Article 64. Content of Registers

(1) The register of inventions and utility models shall contain primarily the following entries: registration number, date of filing and number of the application, requested right of priority, date of publication, date of entry in the register, number and date of conclusion on patentability under Article 59 of this Law, data concerning the owner (name or title and address or location), type of the patent, data concerning the inventor (name and address), title of the invention, data on validity of the patent, date of lapse of the patent, as well as data on granting supplementary protection.

(2) The register of industrial designs shall contain primarily the following entries: registration number (number of certificate), number and date of filing of the application, requested right of priority, date of publication, date of entry in the register, data concerning the owner (name and address, or firm and seat), data concerning the designer (name and address), if the designer so wishes, indication of the product, number of products, classification code according to the Locarno Classification, data on validity of the industrial design, date of lapse of the industrial design.

(3) Information on litigations of which the State Authorized Body has been notified and final judgment shall be entered ex officio in the registers referred to in Article 63(1).

Article 65. Entry of Alterations in the Registers

(1) All subsequent alterations regarding the rights and the rightholders shall be entered in the register upon request. The provisions of this Article shall apply mutatis mutandis to applications and applicants.

(2) The data on assignment of rights and provision of licenses shall be entered in the corresponding register upon the request of one of the parties to the contract.

(3) The person entered in the register as the rightholder, may, prior to the alteration, contest any alteration, which has been unduly entered without his consent by submitting relevant evidence.

Article 66. Procedure for Entry of Alterations

(1) A single request may relate to more than one alteration in the register. A single request shall also be sufficient where the alteration and (or) alterations relate to more than one application and (or) right of the

same person, provided that the alteration or alterations be the same for all applications and rights in question, and the numbers of all applications and rights be indicated in the request.

(2) When filing the request or within three months from the receipt of the notification, the state fee for the entry of each alteration in the register for each application or right shall be paid. If the state fee is not paid in due time, the request shall be deemed not submitted.

(3) Where the request for the alteration is filed by the person who has been entered in the register as the rightholder, the State Authorized Body shall enter the alteration in the relevant register.

(4) Where the request for the alteration is filed by the person who has not been entered in the register as the rightholder, that person shall submit, when filing the request or within three months from the receipt of the notification, the consent of the rightholder for the entry of the requested alteration in the register or other documents evidencing the legal basis for the entry of the alteration, at his discretion.

Where the State Authorized Body doubts the veracity of any indication contained in the request for the alteration or if the submitted documents are in a foreign language, it may require that, within three months from the receipt of the request, additional documents or an Armenian translation of the submitted documents be furnished.

(5) If the requesting party fails to submit additional documents or their translation requested under paragraph (4) of this Article in due time, the request for entry of alterations shall be deemed to be withdrawn.

(6) The alterations shall be made on the basis of the decision of the State Authorized Body.

Article 67. Extension of the Term of Protection of Rights

(1) The term of validity of rights conferred by patent on invention, utility model as well as by certificate on industrial design shall be renewed upon the payment of the state fee within the established period, and shall be calculated from the date of filing of the application:

1. in respect of patents, each year for one subsequent year;
2. in respect of industrial designs, once each five years for subsequent five years.

(2) The state fees (annual state fees) under paragraph (1)(a) of this Article shall be paid for every next year before the end of the current year of validity.

(3) The state fee under paragraph (1)(b) of this Article on renewal of the period of validity of the industrial design shall be paid for every five years before the end of the current fifth year of validity.

(4) Under paragraph (1)(a) of this Article the mentioned state fee shall be paid starting from the second year of patent validity.

(5) Under paragraph 1(b) of this Article the mentioned state fee shall be paid starting from the first five years of validity of registration of industrial design.

(6) Where the procedure for the grant of a patent lasts more than one year from the date of the filing of the application, the provisions of paragraphs (1) of this Article shall apply *mutatis mutandis*.

(7) The term of validity of rights conferred by patent on invention, utility model as well as by certificate on industrial design may be renewed as well upon the payment of the state fee within six months, after the expiry of the period established by paragraphs (2) and (3) of this Article. In this case the amount of the state fee shall be increased with 50 %.

(8) The State Authorized Body shall, during one month after the expiry of the term of protection, notify the rightholder with a reminder on the failure of due payment of the state fee, on the possibility of payment under paragraph (7) of this Article, and of the consequences of non-payment.

(9) The non-payment of state fees in due time or, not following the reminder of the State Authorized Body, within the subsequent term referred to in paragraph (7) of this Article, shall entail lapse of the right on industrial property subject matter (validity of patent on invention, utility model or rights on industrial design) on the day following the term mentioned in paragraph (1) of this Article.

(10) Paragraphs (7) and (8) of this Article shall apply mutatis mutandis to the cases referred to in paragraph (6) of this Article. If in such cases the state fee and the additional state fee have not been paid in the subsequent term, the application shall be deemed to be withdrawn.

Article 68. The Restoration of Right to Invention, Utility Model, Industrial Design and the Right to Later Use

(1) The rights on invention, utility model, industrial design, which were lapsed under Article 67 (9), may be restored on the basis of the rightholder's request. The request shall be submitted to the State Authorized Body within 3 years after the established term, mentioned in Article 67 (2) and (3), but no later than the expiry of the validity term of patent or certificate on industrial design established by this Law. The documents certifying the paid state fee on restoration of patent or certificate validity as well as the paid due on keeping patent valid or the annual state fee for renewal of rights on industrial design shall be submitted together with the request.

(2) The State Authorized Body publishes the information on restoration of validity of patent on invention, utility model or restoration of rights on industrial design in its Official Bulletin.

(3) Any person, who under Article 67 (9) starting from the date of lapse of legal protection right in invention, utility model or industrial design till the date, the information on restoration of rights of validity of patent on invention, utility model or restoration of rights in industrial design is published in Official Bulletin bona fide started to use the protected invention, utility model or industrial design or made necessary preparatory works, reserve the right to use it free of charge without scope extension of the use (right to later use).

(4) In case of lapsing the right, mentioned in Article 37 (1) and the time cell for publication the announcement on its restoration the paragraph (3) shall apply mutatis mutandis.

(5) The right of later use may be transferred to another person only together with the product, where the invention, utility model or industrial design has been used or the necessary preparatory work has been done for it.

Chapter 9: Compulsory Licenses

Article 69. Compulsory License

(1) Any person or the Republic of Armenia may, without the consent of the patent owner (rightholder), use the protected invention, utility model, industrial design, plant variety (compulsory license) by court decision where:

(a) the public interest demands, in particular, national security, nutrition, health or the development of other vital sectors so requires;

(b) it is determined that the owner of the patent or his licensee abuses the patent rights, in particular where the manner of exploitation, contrary to the adopted regulations, restrains competition;

(c) the invention, utility model, industrial design has not been used or has been used unconscientiously during the period of 4 years from filing the application or 3 years from granting patent (certificate) (the later filing date shall be applied).

(2) The court shall grant compulsory licenses under paragraph (1) of this Article with regard to given circumstances and after hearing the rightholder.

(3) Compulsory licenses under paragraph (1) of this Article shall be granted provided that the person filing the request proves that he has made efforts to conclude a license contract with the rightholder on reasonable commercial terms and that such efforts failed to succeed within a reasonable period of time.

(4) Paragraph (3) of this Article shall not apply if a state of war or emergency has been declared.

Article 70. Conditions for Granting Compulsory Licenses

(1) According to Article 69 of this law, compulsory licenses are granted on the following terms:

1. for a limited period and volume, based on the purpose of issuing a license
2. they shall be only non-exclusive;
3. they may not be transferred to third parties, with the exception of the licensee enterprise or business, to which the license is granted;
4. they shall be granted primarily for the suffice of the internal market demand.

(2) Where a patent, hereinafter referred to as "the second patent", cannot be exploited without infringing another patent, hereinafter referred to as "the first patent", the following conditions, in addition to paragraph (1) above, for the grant of compulsory license in respect of the first patent it is necessary that:

1. the invention protected by the second patent shall involve a technical advance of considerable economic significance compared to the invention protected by the first patent;
(1.1.) the application of the "second patent" patent holder is rejected for the license agreement by the "patent owner" of the first patent or the plant variety holder.
2. the owner of the first patent shall, under reasonable conditions, be entitled to a cross-license to use the invention protected by the second patent;
3. the use authorized in respect of the first patent shall be transferred by the person having the compulsory license only with the simultaneous transfer of the company's part, where the use of the mentioned subject matter is realized.

(3) The compulsory license is recognized as expired by the court decision:

1. if the circumstances which led to it have been eliminated and are unlikely to recur;
2. after receiving compulsory license the license-holder didn't undertake the necessary preparatory work to use it during one-year period.

(4) In the case of semiconductor technologies a compulsory license may be granted only by the State for exclusively non-commercial use as well by judicial or administrative authorities for prevention of unfair competition.

(5) If the breeder cannot obtain a plant variety right without infringing an earlier priority of invention patent, he may apply for a compulsory license for non-exclusive use of the patented invention to the extent necessary for the use of a protected plant variety.

(6) If the patent owner of the biotechnology invention cannot use the invention without violating the earlier plant variety right, he may apply for a forced non-exclusive license for the use of a plant variety protected by that right.

(7) Compulsory licenses referred to in paragraphs 5 and 6 of this Article shall be granted by applying the provisions of Articles 69 to 71 of this Law in mutatis mutandis (mutatis mutandis).

Article 71. Remuneration for Compulsory Licenses

(1) A compulsory license shall be granted to the owners of patents against equitable remuneration.

(2) The amount of the remuneration shall be determined with regard to the circumstances of each case and taking into account the economic significance of such an authorization.

Chapter 10: Representation

Article 72. Representations Before the State Authorized Body

(1) The applicant, patent owner, other interested person may conduct the proceedings with the State Authorized Body with the help of a representative. The representative shall be appointed by a Power of Attorney, which shall be in written form. The competence of the representative shall be certified by a power of attorney issued by them, which shall be in a simple written form.

(2) The party making the appointment may appoint one or several representatives for each or all actions, which are provided in the procedure of the State Authorized Body. If several representatives are appointed and the appointing party does not name one with whom the State Authorized Body shall conduct the proceedings, then it shall be communicated to the representative who is named first.

(3) The party making the appointment may, in a general Power of Attorney, authorize a representative the actions in respect of all applications, of the same applicant, already filed or to be filed with the State Authorized Body. In this case the original of the Power of Attorney (verified copy) is submitted for one of the applications, and for the rest of applications the copies of the Power of Attorney are submitted, on which the number of application where the original (verified copy) is kept is indicated.

(4) The Power of Attorney shall be submitted to the State Authorized Body when filing the application or within three months from the receipt of the invitation. If the Power of Attorney is not submitted in due time, the representative is deemed not to have been appointed and his actions are considered illegal and are not taken into consideration. Prior to filing a power of attorney, the actions of the representative are considered illegal and are not taken into account.

Article 73. Representation of Foreign Persons

(1) Foreign natural and legal persons having neither residence nor real and effective industrial or commercial establishment in the Republic of Armenia, hereinafter referred to as "foreign persons", shall assert their rights under this Law in proceedings before the State Authorized Body through a representative, unless otherwise provided by the international agreements of the Republic of Armenia.

(2) Notwithstanding paragraph (1) and subject to paragraph (3) of this Law, a foreign person may file applications with the State Authorized Body, perform actions relating to the filing date, pay state fees in the proceedings, file verified copies of first applications when claiming the right of priority under Article 30 of this Law, and receive notifications from the State Authorized Body relating to those proceedings, without a representative.

(3) If a foreign person, under paragraph (2) of this Article, does not have a representative in the proceedings before the State Authorized Body, he shall communicate to the State Authorized Body an address for correspondence, which shall be in the territory of the Republic of Armenia. Any notification referred to in paragraph (2) of this Article, which the State Authorized Body sends to the address for correspondence, shall be deemed to be a sufficient notification.

(4) Notwithstanding the requirements of paragraph (1) of this Article, the annual state fee may be paid by any person.

(5) If a foreign person does not appoint a representative in the proceedings before the State Authorized Body and does not communicate an address for correspondence which is in the territory of the Republic of Armenia, the State Authorized Body shall invite him to appoint, within three months from the receipt of the invitation, a representative and submit a Power of Attorney or, in accordance with paragraph (3), communicate an address for correspondence. If the foreign person does not appoint a representative and does not submit a Power of Attorney or, in accordance with paragraph (3), fails to communicate an address

for correspondence in due time, the State Authorized Body shall reject any request concerning the proceedings, unless otherwise provided by this Law.

Article 74. Revocation and Renunciation of Power of Attorney of the Representative

(1) The party making the appointment may, at any time, revoke the Power of Attorney, and the representative may, at any time, renounce his appointment informing accordingly the State Authorized Body.

(2) The decision of the appointing party to revoke the representative's power of attorney shall enter into force on the day on which the State Authorized Body receives it. The decision of the representative to refuse his appointment shall enter into force on the date of receipt of the decision by the State Authorized Body, provided that the party appointing the representative is notified about it. In case the appointing party is notified later, the representative's decision shall be effective as from the date of its receipt by appointing party.

(3) If a foreign person remains without a representative due to the decision of the party appointing the representative on invalidity of the powers of the representative or due to renunciation of his powers by the representative, Article 73 (5) of this Law shall apply *mutatis mutandis*.

Article 75. Attorneys

(1) The applicant may appoint attorney for the filing application on invention, utility model, industrial design, for correspondence, as well as for the realization of the actions relating to the acquisition and maintenance of rights under this Law. Industrial design attorney shall implement actions only for the parties relating to the acquisition and maintenance of rights on industrial designs, as well as other actions concerning those rights.

(2) Patent attorney may be:

1. persons having permanent residence in the Republic of Armenia who have higher education and as a patent attorney, have passed a qualification examination in the State Authorized Body;
2. legal persons of the Republic of Armenia, employing at least one person who fulfils the requirements laid down in item 1 of this paragraph.

(3) Industrial design attorney may be:

1. persons having permanent residence in the Republic of Armenia who have higher education and as an industrial design attorney, have passed a qualification examination in the State Authorized Body;
2. legal persons, having their seat in the Republic of Armenia, employing at least one person who fulfils the requirements laid down in item (1) of this paragraph.

(4) Parties implementing actions relating to rights under this Law may be represented by patent attorney and industrial design attorney also before courts and other State authorities, provided that they fulfill the requirements laid down in regulations governing representation before courts and other State authorities, as well as by an authorized person employing for such attorney, provided that he is a citizen of the Republic of Armenia, has university diploma in law in the Republic of Armenia or has acquired a foreign law degree recognized by the Republic of Armenia, has passed state exam and has a professional experience of at least five years and is fluent in Armenian. In such cases, the attorney is entitled to be paid for his work in the amount fixed by the attorney's price list and have his costs refunded by the opposing party.

(5) According to the paragraphs (2), (3) of this Article the State Authorized Body shall lead qualification exams in the established order within the meaning of Article 5(3) of this Law.

Article 76. Entry of Attorneys into the Register

(1) The State Authorized Body shall keep the register of patent and of industrial design attorneys.

(2) A state fee established by Law shall be paid for entry in the register. After the payment of the state fee, the State Authorized Body shall make a decision on the entry in the register of patent or industrial design attorneys.

(3) A patent attorney may submit a request to the State Authorized Body to be removed from the register of patent attorneys and entered in the register of industrial design attorneys. An industrial design attorney may submit a request to the State Authorized Body to be removed from the register of industrial design attorneys and entered in the register of patent attorneys provided that he fulfills the requirements of Article 75 (2) of this Law.

(4) Attorneys shall be removed from the register if:

1. they submit a request for removal;
2. they are deprived of their right to be engaged in this activity by a court decision.

(5) The following data in particular shall be entered in the register: registration number of the representative, data on the representative (surname, forename or name, address and seat), date of entry in the register and data on person who fulfills the requirements under Article 75 (2)(1) or (3)(1) of this Law and is employed by the agent on a regular or contractual basis (surname, forename, address and education).

(6) The attorney's activity is regulated by the Statute established by the Government of the Republic of Armenia. Registration of attorneys is realized by the State Authorized Body by the established order under the Article 5 (3) of this Law.

Chapter 11: Final and Transitional Provisions

Article 77. Filing of Application on Invention, Utility Model, Industrial Design in Foreign Countries

(1) An invention, a utility model or industrial design created in the Republic of Armenia may be patented in foreign countries.

(2) Before filing an application on invention, utility model or industrial design created in the Republic of Armenia with a foreign country, among them within the frameworks of the international agreements of the Republic of Armenia, the applicant shall file the application on the industrial property subject matter with the State Authorized Body as well communicating his intention to patent it in a foreign country.

If the process of granting of a patent by the international treaties of the Republic of Armenia is carried out by the International Authority in whole or in part, the application on industrial property subject matter created in the Republic of Armenia shall be submitted to the mentioned International Authority only through the State Authorized Body in case of its conformity to the requirements of national security.

(3) Where within 3 months after receiving the communication about the intention to patent an invention, utility model or industrial design in a foreign country according to paragraph 2 of this Article, the State Authorized Body does not prohibit the patenting in foreign countries on the grounds provided by Article 7(1) of this Law, then the applicant may act at his discretion.

(4) Infringement of the requirements of paragraph (2) of this Article shall incur liability under the legislation of the Republic of Armenia.

(5) The State Authorized Body, which receives international applications filed by the Patent Cooperation Treaty (hereinafter referred to as "PCT") procedure with the International Bureau of the World Intellectual Property Organization (hereinafter referred to as "the International Bureau") and Eurasian applications filed by the Eurasian Patent Convention procedure with the Eurasian Patent Office, shall be the receiving Office only for the citizens and legal persons of the Republic of Armenia as well as natural persons having permanent residence in the Republic of Armenia. An international application shall be submitted in English and a Eurasian application in the Russian language.

The international application is filed in English and a Eurasian application in Russian. The State Authorized Body shall verify the presence of necessary documents of the application and their conformity to the established requirements, based on the results of which it establishes the date of filing of the international or Eurasian applications and delivers them accordingly to the International Bureau or the Eurasian Patent Office within one month after that date.

Article 78. International and Eurasian Applications Having the Effect of Applications Regulated by this Law

(1) An international application on invention or utility model filed by the PCT procedure with the International Bureau may enter into national phase in the Republic of Armenia, if it is submitted to the State Authorized Body within 31 months after the date of priority sought, provided that there is a designation of the Republic of Armenia in the international application.

(2) The date of entry of an international application into the national phase shall be established by the State Authorized Body if it is submitted to the State Authorized Body at least with the date of the following documents:

1. a request on granting a patent in accordance with Articles 52 and 53 of this Law, which includes as well the number and the filing date of the international application;
2. the first page of the publication of the international application by the International Bureau.

(3) If the documents mentioned in paragraph 2 of this Article are not submitted to the State Authorized Body within 31 months, the validity of the international application by the PCT procedure to the Republic of Armenia shall be terminated.

(4) The other documents of the international application shall be submitted in accordance with Articles 52 and 53 of this Law.

(5) The State Authorized Body shall, on the bases of the refused Eurasian application, according to the Eurasian Patent Convention, discuss the application on granting a patent in the order established by this Law from the date of receiving the ratified copy of that application from the Eurasian Patent Office. The applicant shall submit the required documentation of the application established by Articles 52-62 of this Law within two months after the mentioned date.

Article 79. Eurasian Patent and Patent of the Republic of Armenia on Identical Inventions

(1) Where the Eurasian patent granted to the identical inventions or identical invention and utility model and that of the Republic of Armenia have the same date of priority and belong to different patent owners, such inventions or invention and utility model may be used only by retaining the rights of all the patent owners thereof.

(2) Where the Eurasian patent granted to the identical inventions or identical invention and utility model and that of the Republic of Armenia have the same date of priority and belong to the same person, the right on use of such inventions or invention and utility model may be transferred to any person according to the license agreement signed on the bases of those patents.

Article 80. Transitional Provisions

(1) Basic patents, which are granted and the validity of which has not been terminated before entry into force of this Law, shall continue to be valid according to the provisions of this Law as patents on inventions according to the published conclusions on patentability in compliance with this Law.

(2) Prior patents, which are granted and the validity of which has not been terminated before entry into force of this Law shall continue to be valid according to the provisions of this Law as patents on inventions granted in accordance with this Law.

(3) Patents on utility model, which are granted and the validity of which has not been terminated before entry into force of this Law shall continue to be valid as patents on utility models granted in accordance with this Law.

(4) The rights in prior and basic patents on inventions and utility models the validity of which has been terminated before entry into force of this Law are restored in the order established by this Law.

(5) Patents on industrial design, which are granted and the validity of which has not been terminated before entry into force of this Law shall continue to be valid according to provisions of this Law as certificates on industrial design. The mentioned certificates are valid for 5 years, if at the moment this Law enters into force the state fee provided by the Law for any of the five years is already paid.

(6) The examination on applications on inventions, which are at the preliminary examination phase and not been open for public inspection before entry into force of this Law, shall be implemented in the order established by this Law.

(7) The proceedings of the applications on inventions, which are in the phase of substantive examination at the moment of entry into force of this Law, shall be conducted and patents shall be granted in the order of the Law in force before the entry into force of this Law.

(8) Patents based on applications on inventions, which were filed, passed preliminary examination and been open for public inspection before entry into force of this Law, are granted in the order established by this Law, the publication date and the date of granting the patent being the date of being open for public inspection.

(9) The examination of the applications on utility model, which are in the phase of examination at the moment the Law enters into force is conducted in the order established by this Law.

(10) The patents based on the applications on utility model, which were filed and the examination completed before the entry into force of this Law shall be granted in the order established by this Law.

(11) The examination of the applications on industrial design, which were filed before the entry into force of this Law and are in the phase of examination at the moment this Law enters into force is implemented in the order established by this Law.

(12) The certificate based on the applications on industrial design, which were filed before the entry into force of this Law and the examination was completed at the moment this Law enters into force is granted in the order established by this Law if it was not granted before this Law entered into force.

(13) Repeal the Law of the Republic of Armenia "On Patents" of 8 December 2004.

Article 81. **Entry into Force of the Law**

(1) This Law shall enter into force on January 1, 2009.