

**BELARUS**

**Trademarks Regulation**

RESOLUTION OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS

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**CHAPTER I PREPARATION OF AN APPLICATION FOR REGISTRATION OF  
TRADEMARKS AND SERVICE MARKS**

**SECTION 1 GENERAL PROVISIONS**

1. The following terms, definitions, and abbreviations apply in these Provisions:

"Collective mark" shall mean a trademark of an association of persons whose establishment and activities do not contradict the laws of the country where it has been established, and is intended to designate the products manufactured and/or sold by these persons or works performed and/or services provided by them, which have common features or other common general characteristics;

"list of goods" shall mean a list of items, works, and/or services for which registration of a trademark is sought;

"application" shall mean a request for registration of a mark as a trademark;

"owner" shall mean an organization or individual in whose name the trademark is registered;

"patent attorney" shall mean an individual certified and registered with the State Register of Patent Attorneys of the Republic of Belarus;

"Paris Convention" shall mean the Paris Convention on Protection of Industrial Property of March 20, 1883;

"Madrid Agreement" shall mean the Madrid Agreement for the International Registration of marks of April 14, 1891;

"Protocol" shall mean the Protocol Relating to the Madrid Agreement for the International Registration of marks of June 18, 1989;

"WIPO" shall mean the World Intellectual Property Organization;

"International Bureau" shall mean the International Bureau of WIPO;

"convention priority" shall mean the priority of a trademark based on the filing date of the first application in accordance with Article 4 of the Paris Convention;

"first application" shall mean an application filed by the applicant in a foreign country that is a party to the Paris Convention;

"exhibition priority" shall mean the priority of a trademark based on the date on which an open display of an exhibit bearing the trademark starts at an official or officially recognized international exhibition organized in the territory of one of the countries that is a party to the Paris Convention;

"NCL" shall mean the International Classification of Goods and Services for the Registration of marks;

"homogeneous goods" shall mean goods of the same kind (type) that, when marked with similar trademarks, may give a consumer the impression that they belong to the same manufacturer;

"certificate" shall mean a certificate of a trademark; and

"CMYK color model" shall mean the subtractive color formation scheme.

Times New Roman font shall be recognized as the standard font for the purposes of indicating information on a filed mark in an application, inclusion of a trademark in the Register, publication of information related to the registration of a trademark, and preparation of a certificate.

## **SECTION 2 TRADEMARKS**

2. A trademark shall be a mark that helps distinguish goods, works, and/or services (hereinafter referred to as goods, unless otherwise indicated) belonging to one person from homogeneous goods belonging to other persons.

3. Marks that can be registered as trademarks are specified in Paragraph 2 of Article 1 of the Law of the Republic of Belarus "On Trademarks and Service marks" (hereinafter referred to as the Law).

4. Verbal marks, including proper nouns, shall refer to designations in the form of words, word combinations, combinations of letters having a verbal nature, or sentences.

5. Alphabetic marks shall refer to designations consisting of letters and not having a verbal nature;

6. Numeric marks shall refer to designations consisting of numbers.

7. Verbal, alphabetic, and numeric marks shall be in Cyrillic or Latin letters, or in Arabic numerals, without any special typographic or graphic design.

8. Color combinations shall refer to designations in the form of combinations of two or more colors.

9. Pictorial marks shall refer to designations in the form of images of living beings, things, natural and other sites, and figures of any shape, including flat, compositions of lines and spots.

10. Three-dimensional marks, including the shape of goods or their packaging, shall refer to three-dimensional marks in the form of items or shapes.

11. Combined marks shall refer to designations that include combinations of various elements: verbal, numeric, alphabetic, pictorial, three-dimensional, etc.

Combined marks shall also refer to designations that include words, letters, and/or digits featuring a special graphic or typographic design.

12. A trademark can be registered in any color or combination of colors.

13. Trademark registration shall not be permitted for marks that:

13.1. have no distinctive character;

13.2. have become customarily used to indicate goods of certain kind;

13.3. are common symbols and terms;

13.4. include signs and/or indications of a type, quality, quantity, property, purpose, value of goods, as well as the time, place, and manner of their production or marketing as their dominant parts;

13.5. represent the shape or packaging of goods determined solely or principally by the nature or character of the goods, the necessity to achieve a technical result, or the essential value of the goods.

14. Marks with no distinctive character shall refer in particular to designations in the form of a single letter or digit without any special graphic design, a single line, simple geometric figures, mathematical signs, as well as combinations thereof that do not form any compositions with a visual interpretation level qualitatively different from that of the individual elements comprising them; realistic or schematic images of goods, including those of three-dimensional goods, which have been applied for registration as trademarks designating such goods; common abbreviations of names of an organization, etc.

15. Marks customarily used to indicate goods of a certain kind shall refer to designations previously registered as trademarks and used for particular goods, which, as a result of long use of the same goods or goods of the same kind produced by different manufacturers, have become generic terms.

16. Marks that are common symbols shall refer in particular to designations symbolizing the industry or area of activity to which the goods specified in the list of goods in the application relate, as well as to symbols used in science and technology.

Marks that are common terms shall refer to vocabulary units specific to particular fields of science and technology.

17. Marks whose dominant parts consist of signs and/or indications used to indicate a type, quality, quantity, property, purpose, or

value of goods, as well as the time, place, or manner of their production or marketing, shall refer in particular to the common names of goods filed for registration as designations of these goods, designations of quality categories of goods, indications of properties of goods (including those of a laudatory nature), indications of materials or raw material composition, indications of weight, volume, price of goods, date of manufacture of goods, information on the history of manufacture, specific names of organizations, addresses of manufacturers and mediation firms, and marks consisting, in part or in whole, of geographical names that may be taken as indicating the locations of the manufacturing of goods.

18. Marks specified in Sub-Paragraphs 13.1-13.3 and 13.5 of Paragraph 13 of these Provisions may be included in a trademark as unprotected elements, unless they constitute the dominant part thereof.

19. Paragraph 13 of these Provisions may be inapplicable to marks that have actually acquired distinctive features as a result of their use by the time of their filing dates.

20. The registration of trademarks consisting only of signs representing state armorial bearings, flags, or emblems; official country names; flags, emblems, or abbreviations or full names of international intergovernmental organizations; official signs or hallmarks of control and warranty; awards or other honorary distinctions; or signs confusingly similar to them, shall not be permitted. Such signs may be included in a trademark as unprotected elements only with the consent of an appropriate competent body or the owner, unless otherwise provided for by law.

21. Trademark registration shall not be permitted for marks that:

21.1. are false or likely to mislead consumers with respect to the goods, their places of origin, or their manufacturers;

21.2. represent or include indications of the place of origin of wines or spirits protected by virtue of international treaties entered into by the Republic of Belarus, to denote wines or spirits not originating from that place; or

21.3. are contrary to public interests, principles of humanism, and morality.

22. Marks that are false or likely to mislead consumers with respect to the goods, their places of origin, or their manufacturers shall refer in particular to designations that give rise in consumers' minds of an image of a certain quality of a product, its manufacturer, or place of origin that does not correspond to reality.

A mark shall be deemed false or likely to mislead if at least one of its elements is false or likely to mislead.

23. Marks contrary to public interests or principles of humanism and morality shall refer in particular to designations that are contrary to customs, morals, or religious beliefs; words and images with obscene content; appeals of an inhumane nature offensive to human dignity and religious sentiments; and words spelled in a way obviously not corresponding to the spelling rules of Russian, Belarusian or other languages.

24. Trademark registration shall not be permitted for marks that are identical or confusingly similar to:

24.1. trademarks registered or filed for registration in the Republic of Belarus in the name of other persons and having an earlier priority with respect to homogeneous goods;

24.2. other persons' trademarks protected in the Republic of Belarus by virtue of international treaties entered into by the Republic of Belarus, with respect to homogeneous goods; or

24.3. other persons' trademarks recognized as well-known in the Republic of Belarus with respect to any goods.

25. The registration of a mark confusingly similar to a trademark among those specified in Paragraph 24 of these Provisions shall be permitted only with the written permission of the owner of the said trademark drawn up in line with the requirements provided for in Paragraph 180 of these Provisions.

26. Trademark registration with respect to any goods shall not be permitted for marks that are identical or confusingly similar to geographical indications protected in the Republic of Belarus, as well as to marks filed for registration as geographical indications with earlier priority dates, unless such geographical indications or marks confusingly similar to them are included as non-protected

elements in trademarks registered in the name of the persons who have the exclusive right to such geographical indications, provided that the trademark registration is conducted with respect to the same goods for whose individualization the geographical indications have been registered.

27. Trademark registration with respect to homogeneous goods shall not be permitted for marks that are identical or confusingly similar to:

27.1. industrial designs the rights to which belong to other persons in the Republic of Belarus, if the said industrial designs have earlier priority compared to the trademarks filed for registration;

27.2. names of protected selection attainments in the Republic of Belarus, the rights to which in the Republic of Belarus were granted to other persons earlier than the priority dates of the trademarks filed for registration; or

27.3. brand names protected in the Republic of Belarus (or separate elements of such brand names), the rights to which in the Republic of Belarus were granted to other persons earlier than the priority dates of the trademarks filed for registration.

28. Trademark registration shall not be permitted for marks that are identical to:

28.2. the name of a work of science, literature, or art famous in the Republic of Belarus, a character or a quotation from such a work, a work of art or a fragment thereof, without the consent of the right holder, if the right to the respective work was granted earlier than the priority date of the trademark filed for registration;

28.3. the name of a mass media outlet registered in the Republic of Belarus, without the permission of its founder(s), in relation to homogeneous goods; or

28.4. the family name, given name, paternal name (if any), pseudonym or mark derived thereof, portrait, or facsimile of a person known in the Republic of Belarus, without the consent of that person or their heirs.

29. The notoriety of the items and persons specified in Paragraphs 28.2 and 28.4 of these Provisions shall be determined as of the priority date of the mark filed for trademark registration.

### **SECTION 3 THE APPLICATION AND DOCUMENTS ATTACHED THERETO**

30. An application shall only relate to one trademark.

31. An application shall comply with the requirements provided for in Paragraph 4 of Article 6 of the Law.

32. An application shall be submitted in the Belarusian or Russian language in the form determined by the State Committee on Science and Technology and shall contain the necessary information.

33. The applicant shall not fill in the boxes above the word "Application".

An application shall contain a request for registration of a mark as a trademark.

34. Box 1 of an application shall contain information on the applicant in the Belarusian or Russian language:

The full name of the organization according to the constituent document or family name, given name, paternal name (if any) of the individual, and the family name shall be indicated before the given name.

The applicant's location or place of residence, including the country of location or residence, as well as the applicant's telephone (fax) number and e-mail address (if any). The country of location or residence of the applicant shall be indicated using the WIPO Standard ST.3 code, if established.

In the column "Address for correspondence", the applicant shall indicate the address for correspondence in the territory of the Republic of Belarus in accordance with the postal regulations and the addressee's name, as well as the telephone (fax) number and e-mail address (if available). If no address for correspondence is indicated, all correspondence shall be sent to the applicant's address.

35. Names and places of the locations of foreign organizations and family names, given names, paternal names (if any), and places of residence of foreign individual applicants shall additionally be given in the Latin alphabet if the Cyrillic alphabet is not used in the country of location or residence of the applicant. The country of location or residence of the applicant shall be indicated using the WIPO Standard ST.3 code, if established.

36. For foreign organizations and individuals, the following information may be indicated in Latin letters:  
the legal form and the country (or the administrative territorial unit of the country) under whose legislation the organization has been established; and  
the country of the applicant's nationality.

37. In Box 2 of an application, the family name, given name, and paternal name (if any) of a patent attorney, their registration number, telephone (fax) number, and e-mail address (if any) shall be indicated.

38. In Box 3 of an application, the date of priority claimed shall be indicated if the applicant is claiming priority earlier than the filing date of the application.

If conventional priority is claimed, the filing date, country of filing, and number of the first application shall be indicated.

If exhibition priority is claimed, the starting date of the public display of the exhibit at an exhibition and the location of that exhibition shall be indicated.

If priority is claimed based on the priority date of an international application, the priority date and the international registration number shall be indicated. If conventional priority has been claimed in an international application, it shall be indicated in the appropriate box of the application.

If a divisional application is filed, the applicant shall indicate the filing date and the number of the initial application from which the application to be filed has been divided.

39. In Box 4 of an application, an image of the mark to be filed, in the form of a photograph, typographical print, or computer graphics generated image, shall be placed in the provided square box sized 8 x 8 cm.

The distance between the two furthest points of the mark, except for verbal, alphabetic, or numeric marks without any special typographic or graphic design, shall not be less than 1.5 cm.

40. If a label is to be filed for registration as a trademark, the label itself may be submitted as an image of the mark. A label shall be considered to be a mark if it contains at least the name of the

manufacturer and the name of the product.

If a label is larger than 10 x 15 cm, the image shall be provided reduced in size. If the image does not fit within the square box in Box 4 of the application, it shall be submitted on a separate sheet as an annex to the application.

41. If a three-dimensional mark is to be filed for registration as a trademark, a two-dimensional graphic or photographic image of such mark illustrating its three-dimensional nature shall be submitted. The applicant may include one or more different views of the mark (e.g., top, bottom, front, and other views).

42. The image of the mark to be filed shall have the same color or color combination for which trademark protection is sought.

43. The image of the mark to be filed shall be of high graphic quality and be suitable for graphic reproduction. All the pictorial elements of the mark shall be clear and distinct, and the verbal elements shall be easy to read.

44. If necessary, the following information shall be indicated in Box 4 of the application:  
mark in a standard font;  
three-dimensional mark; and  
collective mark.

The applicant shall indicate whether the mark is in black and white or in color.

If a mark is filed in color, the name or code of the color or colors (the CMYK color model code) of that mark shall be indicated. The name or code of the color or colors of the mark shall correspond to the colors actually used in the mark.

In the case that a mark is filed in a foreign language, its transliteration and translation into Russian or Belarusian shall be provided if the mark has a semantic meaning.

45. A description of a mark to be filed shall be provided by the applicant where necessary to clarify the nature of the said mark and to identify it. A description serves solely for the purpose of the examination and may in particular be provided in the following cases:

if a verbal mark or part of it has no meaning, the way it has been

formed may be indicated (e.g., initial syllables of several words, an abbreviation, a made-up word, etc.);  
if a verbal mark is not common in the Belarusian and/or Russian language (e.g., a special term, historical name, or obsolete word), its semantic meaning may be indicated;  
if a verbal mark is not in the Belarusian or Russian language, its transliteration in the Belarusian or Russian alphabet may be provided, and, if the mark has a semantic meaning, its translation may also be provided;  
if a mark or part of it is graphic, a description of all its constituent elements may be provided and its semantic meaning, if any, shall be indicated; and  
if a mark is three-dimensional, its special properties may be indicated.

If the description of a mark does not fit on the application form, it shall be submitted on a separate sheet as an annex to the application.

46. If the applicant believes the mark contains unprotected elements, such elements may be indicated in the application.

47. The documents to be attached and the corresponding number of sheets of each document shall be indicated in Box 5 of the application.

48. Box 6 of the application contains the goods for which the registration of a trademark is requested. Goods shall be grouped into classes in accordance with the edition of the NICE effective as of the filing date of application and shall be identified by precise terms (preferably NICE terms).

49. Each group of goods shall be preceded by the number of the NICE class which the group of the goods belongs to. The groups of goods shall be indicated in the same order as the NICE classes.

50. Only goods included in the list of goods of the initial application shall be included in the list of goods of a divisional application, and the divisional goods shall not be homogeneous to those remaining in the list of goods of the initial application.

51. If the list of goods does not fit within Box 6 of the

application, it shall be provided in full on separate sheet(s) as an annex to the application and the numbers of classes to be filed shall be entered, in ascending order, in Box 6 of the application.

52. If the application is submitted without indicating the date of signing, the date of signing shall be the date of submission of the application to the patent body.

53. If the applicant is an organization of the Republic of Belarus, the application shall be signed by the head of such organization or a person authorized to do so, and the signatory's position, family name, and initials shall be indicated.

55. Signatures on all documents shall be transcribed (the signatory's position, family name, and initials shall be indicated). If the application contains additional sheets with a list of goods, a description of the mark to be filed, or its image, the last sheet shall be signed in the designated order, and the other sheets shall be endorsed by the signatory.

56. The application shall be accompanied by the documents specified in the first part of Paragraph 6 of Article 6 of the Law, which shall be submitted together with the application or within two months of the date of its receipt by the patent body.

57. If the application is filed for a collective trademark, collective trademark provisions shall be attached to the application.

Collective trademark provisions shall be submitted together with the application and shall contain the name of the legal entity or family name, given name, and patronymic name (if any) of the person authorized to apply for registration of the collective trademark, the list of persons entitled to use the trademark, the purpose of its registration, the general characteristics of the goods to be marked with the collective trademark, the terms and conditions for its use, the procedure for controlling its use, and the liability for breach of the provisions for the collective trademark. Collective trademark provisions shall be signed by all the persons entitled to use the said collective trademark.

58. If convention priority or exhibition priority is to be claimed,

the documents confirming the validity of such claim shall be submitted to the patent body within the time limit provided for in Paragraph 4 of Article 7 of the Law.

59. If necessary, the applicant may attach to the application:

59.1. the consent of the relevant competent authority or the owner to use in the trademark state armorial bearings, flags or emblems, official names of states, flags, emblems, or abbreviations or full names of international intergovernmental organizations if the said elements or elements confusingly similar to them are included in the mark filed for registration;

59.2. a document confirming the accuracy of the details of awards or other honorary distinctions, if they are included in the mark filed for registration (e.g., certified extracts from archives, copies of award diplomas, etc.);

59.3. the consent of the relevant competent authority or the owner to use in the trademark official signs or hallmarks of control and warranty or images confusingly similar to them if the said elements are included in the mark filed for registration;

59.4. images of various projection of the three-dimensional mark filed for registration (up to six kinds) in accordance with Paragraph 41 of these Provisions, and/or a sample thereof; and

59.5. a list of goods in a foreign language.

60. The consent of the relevant competent authority or the owner to use in the trademark state armorial bearings, flags or emblems, official names of states, flags, emblems, or abbreviations or full names of international intergovernmental organizations, official signs or hallmarks of control and warranty, and awards or other honorary distinctions shall be provided on the letterhead of the competent authority or the owner. The document shall be signed by an authorized person and certified by a seal, except for organizations that are legally entitled not to use seals.

Extracts from archives, copies of diplomas, and other similar documents shall be notarized or certified by the issuing organization.

61. Only one copy of each document shall be submitted, except for the images of the mark filed for registration.

62. In addition to the image included within the application, the

applicant shall submit:

five 8 x 8 cm copies of the black-and-white image if the trademark is filed for registration in black and white;

five 8 x 8 cm copies of the color image and two black-and-white copies if the trademark is filed for registration in color.

If the trademark is filed for registration in a standard typeface, no additional images shall be submitted.

63. Documents submitted by the applicant in a foreign language shall be accompanied by a translation into Belarusian or Russian. The said documents shall be deemed to have been submitted on the date of their receipt by the patent body if their translation is received within two months of the date of receipt of those documents.

Otherwise, the said documents shall be deemed to have been submitted on the date of receipt of their translation.

The translation shall be signed by the applicant or their patent attorney.

## **CHAPTER II APPLICATION EXAMINATION**

### **SECTION 4 APPLICATION SUBMISSION**

64. An application shall be submitted to the patent body in person or sent by post.

65. An application may be submitted by the applicant themselves or through a patent attorney.

66. An application received by the patent body shall be given a registration number and marked with the date of receipt by the patent office. An application submitted in a foreign language shall not be accepted and shall be returned to the person who has submitted it.

67. The materials of a registered application shall not be returned.

## **SECTION 5 REPRESENTATION**

68. An applicant shall be able to appoint a patent attorney to deal with the application and to represent them in matters arising during the examination of the application, including during negotiations or at an examination meeting. A patent attorney may be appointed either before filing an application or during the prosecution process.

69. Applicants with a permanent location or place of residence in foreign countries handle matters related to filing and registration of trademarks in the Republic of Belarus through patent attorneys, unless otherwise provided by international treaties entered into by the Republic of Belarus.

70. The authority of the patent attorney before the patent body shall be certified by the power of attorney. The power of attorney to represent the applicant before the patent body may be issued by the applicant or by the applicant's patent attorney (through substitution).

72. Power of attorney forms in Russian and English shall be determined by the State Committee on Science and Technology. All necessary sections of the power of attorney form shall be filled in by the applicant, indicating the authority to be granted. If the power of attorney form is filled in by the applicant in a language other than Belarusian or Russian, a translation thereof into Belarusian or Russian, signed by the applicant or their patent attorney, shall be submitted on a separate sheet.

73. An original power of attorney form shall be submitted to the patent body.

For the purposes of the prosecution, the relevant application materials shall be accompanied by a copy of the power of attorney form, the correctness of which shall be confirmed by the patent body.

75. A power of attorney form shall be able to cover one or more applications, both existing and future.

76. The period of validity of the power of attorney shall not exceed the period prescribed in Article 187 of the Civil Code of the Republic of Belarus.

An applicant or their legal successor shall be able to terminate the

powers indicated in the power of attorney form by filing a relevant petition with the patent body (revocation of the power of attorney). The powers of a patent attorney shall be considered terminated starting from the date of receipt of such a petition by the patent body.

77. When withdrawing from representation, a patent attorney shall notify thereof to the applicant who issued the power of attorney and the patent body.

78. Any action by a patent attorney within the scope of their powers or any action by the patent body in relation to a patent attorney has the same effect as an action by an applicant or an action by the patent body in relation to the applicant.

## **SECTION 6 CORRESPONDENCE WITH THE PATENT BODY**

79. Correspondence shall be conducted for each application individually.

80. The patent body shall correspond with the applicant. If the applicant has appointed a patent attorney, correspondence shall be conducted with the patent attorney.

If correspondence concerning an application is conducted by the applicant's patent attorney, the date of receipt or submission of the correspondence by the patent attorney shall be deemed to be the date of receipt or submission of the correspondence by the applicant.

81. Materials submitted to the patent body after an application has been filed shall contain a reference to the application registration number. Materials that do not contain the application registration number will be returned without consideration, unless the application number can be identified indirectly.

Materials shall be signed by the person submitting them to the patent body. Materials submitted on behalf of an organization of the Republic of Belarus shall be signed by the head of such an organization or another authorized person and the signatory's position, family name, and initials shall be indicated.

82. Original documents previously transmitted by facsimile or e-mail shall be submitted within one month of the date of receipt of the said copies, together with a cover letter indicating the transmittance time of the copies by facsimile or e-mail. If this condition is met, the date on which the copies are received by facsimile or e-mail shall be deemed to be the date of receipt of the document.

If original documents are received after the said time limit or without a cover letter, or if copies received by facsimile or e-mail are not identical to the submitted original document, the documents shall be deemed received on the date of receipt of the originals, the content of the copies received by facsimile or e-mail shall not be taken into account thereafter, and the sender shall be informed accordingly.

83. A document transmitted by facsimile or e-mail shall be deemed not to have been received until the original is submitted.

84. If any documents or parts thereof transmitted by facsimile or e-mail are illegible or not received, the relevant documents or parts thereof shall be deemed received on the date of receipt of the originals.

Such documents or parts thereof may be deemed to have been received on the date of receipt of the copies transmitted by facsimile or e-mail if the applicant excludes the illegible part.

85. Prosecution at the patent body shall be conducted in the Belarusian or Russian language.

## **SECTION 7 PRELIMINARY EXAMINATION**

86. A preliminary examination shall be carried out within the time limit provided for in Paragraph 1 of Article 9 of the Law.

If the patent body sends an applicant an inquiry in respect to the application filed, the time limit of the preliminary examination shall be suspended until the date on which the patent body receives a reply to its inquiry.

87. In accordance with Paragraph 2 of Article 9 of the Law, the purpose of the preliminary examination is to check the contents and form of documents submitted to the patent body.

88. Preliminary examination includes:

verifying the completeness of the set of documents received by the patent body and the correctness of the forms thereof;

verifying the correctness of patent fee payment;

establishing convention or exhibition priority (if priority is claimed);

verification of the correctness of the list of goods and classification thereof in accordance with the current NICE edition; and

checking the list of goods of a divisional application for correspondence with the list of goods of the initial application.

89. During the preliminary examination, the presence and compliance with the established requirements of the following items shall be verified:

89.1. the application form;

89.2. the indication of the legal entity name or family name, given name, and patronymic name (if any) of the applicant and the location or place of residence thereof;

89.3. the mark filed for registration;

89.4. the list of goods;

89.5. the description of the mark filed for registration (if any);

89.6. the indication of the family name, given name, and patronymic name (if any) of the patent attorney, their registration number, and telephone (facsimile) or e-mail address (if any) if the application is filed by a patent attorney;

89.7. the power of attorney to represent the applicant before the patent body;

89.8. documentation showing proof of the patent fee payment for the

application and an examination of the filed mark;

89.9. the copy of the first application if convention priority is claimed;

89.10. documentation confirming the validity of an exhibition priority claim;

89.11. the collective mark provision if a collective trademark is filed for registration; and

89.12. the translation of documents in a foreign language attached to the application.

91. An application shall be deemed not filed if a document showing proof of payment of the prescribed patent fee and/or a document certifying the powers of a patent attorney are not submitted within the period specified in the first part of paragraph 6 of Article 6 of the Law, and the applicant shall be notified thereof.

92. In the case of an application for registration of a trademark for more than one NICE class, if the payment confirmation document submitted by the applicant shows that the amount of the patent fees paid does not correspond with the number of additional classes, the applicant shall be asked to make the required additional payment within two months of the date of receipt of the notice or to indicate the NICE classes to be filed for trademark registration in correspondence with the patent fee paid.

If the document showing proof of payment of the lacking patent fee within the established time limit has not been submitted, the examination shall be conducted only in respect to the NICE classes indicated by the applicant or, if the applicant has provided no indication, in respect to the NICE classes listed first on the list of goods of the application.

93. If the necessary documents confirming the validity of an exhibition or convention priority claim have been submitted, the patent body shall be able to establish the said priority during the preliminary examination in accordance with Chapter 10 of these Provisions.

94. During the preliminary examination, the patent body shall verify if the applicant has formulated the names of the goods and classified them correctly.

During the preliminary examination, the patent body shall verify

whether the terms used by the applicant to designate the filed goods unambiguously correspond with particular goods of particular NICE classes and whether the applicant has correctly grouped the goods into NICE classes.

If the examiner identifies names of goods that are ambiguous, imprecise, or unclear, a request for clarification shall be sent to the applicant.

If the majority of the filed list of goods does not comply with the requirements, the request may refer to the entire filed list of goods, specifying what actions the applicant is expected to take. In the case of an increase in the actual number of the NICE classes as a result of the examination of the correctness of the classification of the filed list of goods, the applicant shall be notified that they need to pay a prescribed fee for additional classes.

95. The check of the list of goods of a divisional application shall confirm the following:

goods indicated in a divisional application were filed in the initial trademark application and  
goods in a divisional application are not homogeneous with the goods remaining in the initial application.

96. If the preliminary examination reveals that the application and the documents attached thereto do not comply with the established requirements, an inquiry shall be sent to the applicant asking them to make additions or amendments to the application and the documents attached thereto within three months of the date of receipt of the said inquiry. Before this time limit expires, the applicant shall be able to apply for its renewal of up to three months, provided that they submit proof of payment of the prescribed patent fees.

96-1. If the applicant has missed the time limit provided for in Paragraph 96 of these Provisions, it may be renewed by the patent body upon petition by the applicant.

A petition for the renewal of the time limit shall be submitted by the applicant within the period specified in Paragraph 2 of Article 14-1 of the Law, provided that the applicant indicates good reasons for missing the time limit. A petition for the renewal of the time limit shall be accompanied by a document whose submission time limit has been missed and a document proving payment of the prescribed

patent fees.

97. The reasons for sending an inquiry during the preliminary examination shall be as follows:

97.1. the use by the applicant of an application form that does not comply with the prescribed form;

97.2. the name of the legal entity applicant or the family name, given name, and patronymic name (if any) of the individual applicant as stated in the application documents or on the company seal do not match the actual name of the legal entity applicant or the family name, given name, and patronymic name (if any) of the individual applicant.

97.3. the application contains no information on a patent attorney, if the application is filed through a patent attorney;

97.4. the images of the filed mark do not correspond to the prescribed format, are of poor quality, or are insufficient in number;

97.5. the color or color combination provided in the application does not match the color or color combination of the filed mark;

97.6. errors and inaccuracies in the list of goods filed for registration, or errors and inaccuracies in their classification;

97.8. the power of attorney to represent the applicant before the patent body does not comply with the prescribed requirements;

97.9. lack of other information and/or documents, which prevents the application from being accepted for consideration.

100. If the response to the inquiry includes such information and/or documents that do not allow the application to be accepted for consideration, if there is no response to the inquiry, or if the applicant fails to respond to the request within the established time limit and does not submit a petition for the time limit renewal, the application will not be accepted for consideration.

**SECTION 8 DECISIONS MADE ON THE BASIS OF THE PRELIMINARY EXAMINATION**

101. Based on the results of the preliminary examination, a decision shall be made whether to accept or refuse the application for consideration.

102. If the application and the documents attached thereto comply with the prescribed requirements, if the necessary information and/or documents have been duly provided upon inquiry of the patent body, and if the required additions or amendments to the application and the documents attached thereto have been made, then the decision to accept the application for consideration shall be made and the filing date and the convention or exhibition priority (if the necessary documents confirming the validity of such priority claim have been provided) shall be determined.

103. A decision to refuse an application shall be made in the cases specified in the second part of Paragraph 3 of Article 9 of the Law.

104. A notice of decision to refuse an application shall include the reasons for that decision.

104-1. The patent body shall publish on its official website on the global computer network Internet information concerning applications which have undergone a preliminary examination the result of which is a decision to admit them for consideration.

## **SECTION 9 EXPERT EXAMINATION**

105. The expert examination shall be carried out upon completion of the preliminary examination of an application which has resulted in a decision to accept such an application for consideration, within the time limit provided for in Paragraph 1 of Article 10 of the Law.

106. In accordance with Paragraph 2 of Article 10, the purposes of the expert examination shall be as follows:  
establishing the priority of a trademark if it has not been established by preliminary examination and  
verifying that there are no reasons for refusing to register the mark as a trademark specified in Article 4 and Paragraphs 1 and 3 of Article 5 of the Law.

107. The expert examination shall deal with the special features of the mark itself in order to confirm whether it has the required characteristics necessary to recognize it as a trademark.

108. The expert examination shall include:

108.1. establishing the priority of a trademark if it has not been established at the preliminary examination stage;

108.2. verifying the powers of a patent attorney to deal with an application; and

108.3. verifying that there are no grounds for refusing to register a mark as a trademark specified in Article 4 and Paragraphs 1 and 3 of Article 5 of the Law.

110. Absolute grounds for refusal of registration are due to the characteristics of the mark itself.

111. When checking a filed mark for absolute grounds for refusal of registration, it shall be established whether it is one of the marks specified in Article 4 of the Law or whether it includes such a mark.

112. If the mark contains at least one of the marks specified in Paragraph 5 of Article 4 of the Law as its element, it shall be concluded that the said mark cannot be registered as a trademark.

113. If the mark contains at least one of the elements representing state armorial bearings, flags, or emblems; official country names;

flags, emblems, or abbreviations or full names of international intergovernmental organizations; official signs or hallmarks of control and warranty; awards or other honorary distinctions; or signs confusingly similar to them, then whether the consent of an appropriate competent body or the owner has been obtained shall be checked. Trademark registration shall not be permitted without such consent.

114. If the mark contains at least one of the elements that have no distinctive character, have become customarily used to indicate goods of certain kind, are common symbols and terms, or are used to indicate a type, quality, quantity, property, purpose, or value of goods, as well as the time, place, and manner of their production or marketing, it shall be checked if the said element occupies a dominant position in the filed mark.

114-1. When determining whether a non-protected element occupies a dominant position in a filed mark, not only the combination of the characteristics of the said element, such as its semantic meaning, spatial position (size, position in the composition, etc.), special design features (the use of original typography and other graphic means and techniques, original color design, etc.) shall be assessed, but also the whole composition of the mark shall be analyzed, taking into account the role of the said non-protected element in that composition, the way it is perceived together with the other elements of the composition (the possibility that it acquires a new semantic meaning), and the influence of each of the elements on the distinctiveness of the filed mark.

115. If an unprotected element occupies a dominant position in the filed mark, it shall be concluded that the said mark cannot be registered as a trademark.

116. A mark shall be deemed identical with another mark if all its elements are exactly the same as the elements of that mark.

117. A mark shall be deemed confusingly similar to another mark if it is associated with that mark as a whole, despite the individual differences.

Assessment of the degree of similarity between marks is made on the basis of the overall impression, taking into account unprotected

elements. The overall impression may be shaped by any mark features, including dominant verbal or graphic elements, their composition and coloring, etc.

118. Identity and similarity checking shall involve the following steps:

118.1. a search for identical and similar marks;

118.2. determination of the degree of similarity between the filed mark and the marks identified during the search;

118.3. determination of the homogeneity of the filed goods with the goods for which the identified identical or similar trademarks (marks) have been registered (filed).

119. A search for identical and similar marks shall be conducted among the trademarks and marks specified in Paragraphs 1 and 3 of Article 5 of the Law.

Trademarks whose legal protection has been invalidated in accordance with Article 25 of the Law or terminated in accordance with Article 26 of the Law, with all the opportunities to appeal against registration invalidation having been exhausted, shall not be taken into account during the search.

Marks that have been refused application consideration or trademark registration, with all the opportunities to appeal against refusal having been exhausted, shall neither be taken into account.

120. Verbal, alphabetic, and numeric marks shall be compared with: verbal, alphabetic, and numeric marks in Cyrillic or Latin letters, or in Arabic numerals, without any special typographic or graphic design and

combined marks that include combinations of words, letters and/or digits with or without special typographic or graphic design.

121. Similarity of verbal, alphabetic, or numeric marks may be audible (phonetic), graphic (visual), or similarity of meaning (semantic).

122. Audible (phonetic) similarity shall be determined on the basis of the following criteria:

the presence of close and coincident sounds in the compared marks;

the proximity of the sounds that make up the marks;

arrangement of close sounds and sound combinations in relation to each

other;  
the presence of coinciding syllables and their location;  
the same number of syllables in the marks;  
the same place of coinciding sound combinations in the composition of marks;  
the proximity of the vowel composition;  
the proximity of the composition of consonants;  
the similarity of the coinciding parts of the symbols;  
the entry of one mark into another;  
stress.  
presence of close or similar sounds in the marks being compared;  
positions of close sounds and sound combinations in relation to each other;  
presence of identical syllables and their positions;  
the same number of syllables in marks;  
the same position of identical sound combinations within marks;  
close vowel composition;  
close consonant composition;  
similar nature of identical parts of marks;  
incorporation of one mark into another; and  
stress.

123. Graphic (visual) similarity shall be determined on the basis of the following criteria:

overall visual impression;  
font type;  
graphic representation taking into account the nature of letters (e.g., printed or handwritten, capital or small)  
positions of letters in relation to each other;  
the alphabet in which words are written; and  
color or color combination.

124. Similarity of meaning (semantic similarity) shall be determined on the basis of the following criteria:

resemblance of concepts and ideas of marks (e.g., identical marks in different languages);  
presence of identical elements on which the logical emphasis falls and which has a meaning on its own; and  
the opposite nature of concepts and ideas of marks.

125. The criteria listed in Paragraphs 122-124 of these Provisions

may be used either individually or in various combinations.

126. Pictorial or three-dimensional marks shall be compared with:  
pictorial marks;  
combined marks whose compositions include pictorial and/or three-dimensional elements; and  
three-dimensional marks.

127. Similarity of pictorial or three-dimensional marks shall be determined on the basis of the following criteria:  
external form;  
presence or absence of symmetry;  
semantic meaning;  
type and nature of images (naturalistic, stylized, caricatured, etc.); and  
combination of colors and tones.  
The criteria listed above may be used either individually or in various combinations.

128. Combined marks shall be compared with:  
combined marks and  
types of marks that are included as elements in the combined mark being checked.

129. To determine similarity of combined mark, the criteria listed in Paragraphs 122-124 and 127 of these Provisions shall be used, and the significance of the position occupied by identical or similar elements in the filed mark shall be examined.

130. When determining homogeneity of goods, the basic possibility of the consumer having an idea that the goods belong to the same manufacturer shall be identified.

To determine homogeneity of goods, the following criteria may be taken into account: the nature (type) of goods, their consumer properties and functional purpose (scope and purpose of use), the type of material of which they are made, the complementarity or interchangeability of goods, sale conditions (including common place of sale, sale through a retail or wholesale network, etc.), range of consumers, traditional or prevailing use of goods, etc.

A conclusion on homogeneity of goods, works, or services shall be made based on the analysis of the above criteria as a whole if the

goods, works, or services may be attributed by consumers to the same source of origin due to their nature or purpose.

131. The adopted classification of goods under the NICE Agreement on the International Classification of Goods and Services shall not affect the assessment of homogeneity of goods.

## **SECTION 10 TRADEMARK PRIORITY DETERMINATION**

132. In accordance with Paragraph 1 of Article 7 of the Law, the priority of a trademark shall be determined by the date of filing an application with the patent body. The filing date of an application shall be the date of receipt by the patenting body of the documents referred to in Paragraph 4 of Article 6 of the Law.

133. Convention or exhibition priority of a filed mark may be established during the examination of that filed mark if it has not been established during the preliminary examination.

134. When convention priority is claimed in accordance with Paragraphs 2 and 4 of Article 7 of the Law, the following shall be checked:

134.1. submission of a request for convention priority establishment within the established time limit, if that has not been indicated in the application;

134.2. submission by the applicant of an application containing a claim of convention priority to the patent body within the established time limit;

134.3. submission of a duly certified copy of the first application and the time of its submission to the patent body; and

134.4. correspondence of the filed mark, the list of goods with the mark, and the list of goods included in the first application, and in this case the list of goods which the mark is filed for may not include some of the goods indicated in the first application.

135. When exhibition priority is claimed in accordance with Paragraphs 3 and 4 of Article 7 of the Law, the following shall be checked:

135.1. submission of a request for exhibition priority establishment within the established time limit, if that has not been indicated in the application;

135.2. submission by the applicant of an application containing a claim of exhibition priority to the patent body within the established time limit; and

135.3. the presence of a document confirming the validity of an exhibition priority claim and the time of its submission to the patent body.

A document submitted by the applicant shall prove the exhibition status as an official or officially recognized international

exhibition organized in the territory of one of the countries party to the Paris Convention. It shall include the name of the person who exhibited the goods, the mark, the list of goods indicated by that mark, and the date when an open display of the goods at the said exhibition started. The document shall be certified by the administration or organization committee of the exhibition; and 135.4. correspondence of the filed mark with the mark of exhibited goods, provided that the goods for which the mark with an exhibition priority claim is filed have been exhibited at the exhibition.

136. Exhibition priority does not extend the time limit established for claiming convention priority.

137. Trademark priority based on a divisional application shall be determined according to the filing date of the initial application, or, if there is a right to establish earlier priority based on the initial application, it shall be determined according to the date of that priority.

In that case, the following conditions shall be met:

a divisional application shall be submitted by the applicant before a decision on the initial application or, in the case of re-examination, a decision on the re-examination results, is issued; the initial application has not been withdrawn;

a divisional application shall be drafted in accordance with the requirements of these Provisions; and

the list of goods of a divisional application shall contain goods indicated in the initial application as of its filing date and those goods shall not be homogeneous to the other goods from the list of goods of the initial application for which the initial application remains in force.

A standard application form indicating the number on the initial application shall be submitted at the same time as the divisional application. A document showing proof of payment of the prescribed patent fee shall be attached to the application.

137-1. Trademark priority may be established in accordance with Paragraph 6 of Article 7 of the Law.

138. If the applicant does not meet the requirements specified in Paragraphs 134, 135, 137, and 237-1 of these Provisions, trademark priority shall be established as of the date of submitting the

application to the patent body.

## **SECTION 11 INQUIRY REQUESTING CORRECTLY DRAFTED MATERIALS**

139. In accordance with Paragraph 3 of Article 10 of the Law, during the expert examination, if the documents submitted by the applicant or information included therein do not comply with the established requirements, the patent body shall send the applicant an inquiry requesting the submission of correctly drafted materials. If the patent body sends the applicant an inquiry in respect to the application filed by them, the time limit of the examination of the filed mark shall be suspended until the date on which the patent body receives a reply to its inquiry.

140. The reasons for sending an inquiry during the preliminary examination may, for example, be as follows:

140.1. the expiry of the submitted power of attorney;

140.2. the necessity to clarify the classification or list of goods indicated in the application, including when the list of goods in a divisional application does not correspond to the list of goods in the initial application;

140.3. the necessity to pay additional patent fees if the number of classes has increased as a result of the clarification of the list of goods;

140.4. the necessity to clarify and resolve issues relating to the identification of similar registered trademarks or marks previously filed for registration, for all or part of the goods;

140.5. the necessity to verify the accuracy of information provided by the applicant in the application;

140.6. the necessity to make a non-substantive change to the mark to eliminate absolute grounds for refusal of registration;

140.7. the absence of consent to the use of marks specified in Paragraph 4 of Article 4 of the Law in the trademark;

140.8. the necessity to verify the legal entity name or family name, given name, and patronymic name (if any) of the applicant, their location or place of residence, and postal address or e-mail address (if any) for correspondence, or other information; or

140.9. the necessity to indicate the unprotected elements of the filed mark.

141. The applicant shall submit the documents requested by the examiner within the time limits provided for in Paragraph 3 of Article 10 of the Law.

If the applicant misses the time limits for submitting documents

requested by the examiner, those time limits may be renewed by the patent body upon receiving a petition from the applicant in accordance with Article 14-1 of the Law.

142. If the applicant fails to submit a relevant reply to the inquiry within the established time limit or to submit a petition for the renewal of the said time limits, a decision to refuse the trademark registration shall be made.

143. Upon receiving the documents submitted by the applicant upon inquiry, the patent office shall check the applicant's compliance with the established time limits for their submission.

144. Additional materials submitted by the applicant on their own initiative and accepted for examination, as well as documents submitted by the applicant upon request of the patent body, shall be checked to assure they are in line with the application and do not change it substantially.

145. Additional materials submitted by the applicant on their own initiative and accepted for examination, as well as documents submitted by the applicant upon request of the patent body, shall be deemed to change the application substantially, if the changes caused by them affect the perception of the filed mark as a whole or the perception of its main elements (elements occupying the dominating position and affecting the perception of the mark as a whole). Such changes include, in particular, the following:  
including a new element or elements in the mark;  
removing the main verbal or pictorial element from the mark;  
phonetic or semantic changes of a word element; and  
graphic or semantic changes of the main pictorial element, or changes of the color or color combination of the filed mark.  
Additional materials submitted by the applicant on their own initiative and accepted for examination, as well as documents submitted by the applicant upon request of the patent body, shall be deemed to change the application substantially if they add goods to the list of goods that are not indicated in the application.

146. If additional materials submitted by the applicant on their own initiative and accepted for examination, as well as documents submitted by the applicant upon request of the patent body, are

deemed to change the application substantially, the applicant shall be notified which of the information included therein provides the grounds for such a conclusion.

**SECTION 12 EXTENSION OF THE TIME LIMIT FOR REPLYING TO AN INQUIRY**

147. The time limit for replying to an inquiry related to the preliminary examination or examination of a filed application may be extended upon receiving a petition from the applicant.

148. A petition for an extension of the time limit for replying to an inquiry related the preliminary examination or examination of a filed application shall be submitted within the time limit for replying to an inquiry.

149. Together with the petition for an extension of the time limit for replying to an inquiry related to the preliminary examination or examination of a filed application, the applicant shall submit a document showing proof of payment of the prescribed patent fee.

150. The time limit for replying to an inquiry related to the preliminary examination may be extended for a period of no more than three months, and in that case, the preliminary examination is suspended for the corresponding period of time.

The time limit for replying to an inquiry related to the examination of a filed application may be extended for a period of no more than twelve months, provided that the relevant petition is submitted before the expiry of the time limit provided for in Paragraph 3 of Article 10 of the Law.

**SECTION 13 MAKING ADDITIONS, UPDATES, OR CORRECTIONS TO APPLICATION MATERIALS**

151. An applicant shall have the right to make additions, updates, or amendments (hereinafter referred to as "changes") to the application materials at any stage of their consideration before the date of the trademark registration.

Changes to application materials, information on the legal entity name or family name, given name, and patronymic name (if any) of the applicant, their location or place of residence, postal address or e-mail address (if any) for correspondence, and the filed mark, as well as changes to the list of goods and transfer of the rights over an application, shall be made by means of submitting a written request.

Requests on making changes to the legal entity name or family name, given name, and patronymic name (if any) of the applicant, their location or place of residence, postal address or e-mail address (if any) for correspondence, filed mark, and list of goods, and requests on transfer of the rights over the application shall not be accepted for consideration if they do not comply with the established form. Forms for such requests shall be determined by the State Committee on Science and Technology.

152. Changes concerning a filed mark may only be accepted if they are not substantial, which is to say, if they do not lead to altering the visual and/or phonetical impression of the mark.

153. Changes to the list of goods shall only be permitted if they do not lead to adding new goods that are not included in the initial list.

154. A request on making changes to application materials shall be accompanied by a document showing proof of payment of the patent fee for making changes to application materials. If no document showing proof of the patent fee payment is submitted, the materials shall not be accepted for consideration, and the applicant shall be notified accordingly.

No patent fees shall be paid for correcting grammatical, orthographical, punctuational, typographical and other obvious errors.

154-1. If an identical change is to be made to several applications

belonging to the same applicant, one request may be submitted, indicating the numbers of all the applications to which the change is to be made. In this case, the patent fees shall be paid for each application indicated in the request.

155. If a change is to be made to a filed mark, the necessary number of copies of the changed mark image shall be submitted as specified in Paragraph 62 of these Provisions.

156. A request for transfer of the rights over an application shall be submitted to the patent body by the applicant or by the person who has acquired the rights over the application (the new applicant). The request shall be signed both by the person transferring the rights and the person acquiring the rights over the filed mark.

If the applicant complies with the established requirements, the changes shall be made to the application materials and further correspondence shall be conducted with the new applicant.

157. If the applicant does not comply with the established requirements, the submitted materials shall not be accepted for consideration and no changes shall be made to the application, in which case the applicant shall be notified accordingly.

**SECTION 14 CONVERSION OF A COLLECTIVE MARK APPLICATION INTO A TRADEMARK APPLICATION**

158. A collective mark application may be converted into a trademark application, provided that the following requirements are complied with:

a request for conversion of a collective mark application into a trademark application shall be submitted in the form determined by the State Committee on Science and Technology before the decision is issued to register the application to be converted or to refuse the registration;

a request for conversion of a collective mark application into a trademark application shall be signed by the applicant who filed the application for collective mark registration;

a request for conversion of a collective mark application into a trademark application shall be accompanied by the consent of the persons who have the right to use the collective mark; and

a request for conversion of a collective mark application into a trademark application shall be accompanied by a new request, signed by the person authorized to register the trademark in their name who meets the established requirements.

159. The applicant of the application to be converted shall be one of the persons listed among those who have the right to use the collective mark.

160. Upon receipt of a request for conversion of a collective mark application into a trademark application, a check shall be made to assess if the application has been drafted correctly and if a document showing proof of payment of the established patent fee has been submitted.

161. Upon receipt of a request for conversion of a collective mark application into a trademark application violating the established time limit, the applicant shall be notified that the application cannot be converted.

If it is confirmed that the request for conversion of a collective mark application into a trademark application has been drafted correctly and submitted within the established time limit together with a document showing proof of the patent fee payment, the applicant shall be notified that the conversion is completed, maintaining the priority and filing date of the application, and

that the further consideration of the application shall be conducted in accordance with these Provisions.

162. Conversion of a collective mark application into a trademark application shall not be conducted in relation to a withdrawn application.

**SECTION 15 APPLICANT'S PARTICIPATION IN THE CONSIDERATION OF APPLICATION**

163. An applicant shall have the right to participate in the consideration of issues arising in the process of the preliminary examination or expert examination.

164. Issues arising in the process of the examination may be set out in the examiner's inquiry, which additionally informs the applicant about the advisability of the meeting. The applicant may set out their own questions in a request of such a meeting.

165. The applicant shall reply to the examiner's inquiry within the established time limit whether or not they intend to take part in the consideration of the said issues.

166. The date and time of the consideration of the application in which the applicant is to participate shall be agreed to in advance. If, due to a change in circumstances, one of the parties is unable to participate in the consideration of the application at the appointed time, the other party shall be immediately notified accordingly.

167. If the applicant or their patent attorney arrives to participate in the consideration of the application without first agreeing on a date and time, their participation may be refused.

168. The consideration of the application in which the applicant participates shall be conducted by negotiation or at an expert meeting.

A negotiation is held if the issues can be resolved directly by the examiner and the applicant. An expert meeting is held if the resolution of the issues requires the participation of several experts.

**SECTION 16 DECISION BASED ON THE RESULTS OF THE EXPERT EXAMINATION**

169. Based on the results of the examination of the filed mark, a decision shall be made whether to register the trademark or refuse its registration.

170. The decision to register the trademark shall include:  
the mark to be registered as a trademark;  
the mark type (three-dimensional, collective, etc.); and  
the legal entity name or family name, given name, and patronymic name (if any) of the applicant and their location or place of residence;  
the filing date;  
the trademark priority; and  
the list of goods grouped into NICE classes for which the trademark is to be registered.

The said decision shall indicate the name(s) or code(s) (according to the CMYK color model) of the color(s) if the trademark is registered in color. Information on unprotected elements shall be indicated only if provided by the applicant.

172. The decision to register may be made in respect to the entire list of goods or only part of it.

173. If no grounds are found for refusing registration as a trademark in accordance with Article 4 and Paragraphs 1 and 3 of Article 5 of the Law for any of the goods specified in the list of goods submitted by the applicant, a decision shall be made to register the trademark for the entire list of goods.

If the filed mark meets the above requirements only for a part of the goods, a decision shall be made to register the trademark only for that part of the goods.

174. The decision to register a trademark may be reconsidered before the registration date due to the receipt of an application enjoying an earlier priority on the basis of the international treaties entered into by the Republic of Belarus.

176. The decision to refuse registration of a trademark shall be made for the entire list of goods. The decision shall state the reasons for refusing registration of the trademark in accordance with the Law and these Provisions.

177. If, as a result of the expert examination, it is established that the mark does not meet the requirements specified in Article 4 and Paragraphs 1 and 3 of Article 5 of the Law for the whole list of goods, the decision to refuse the registration of the trademark shall be sent to the applicant.

Before a decision is issued to refuse the registration of a trademark, the applicant may be requested to submit the necessary documents or to make the necessary clarifications to the application.

## **SECTION 17 CONDUCTING THE EXPERT RE-EXAMINATION**

178. If the applicant disagrees with the decision based on the results of the examination, they shall have the right to file a petition with the patent body within the time limit provided for in the first part of Paragraph 6 of Article 10 of the Law for the expert re-examination. The applicant may apply for the extension of the said period for a period of no longer than 18 months, provided that the petition and a document showing proof of payment of the prescribed patent fee are submitted to the patent body before the expiry of that period.

If the applicant misses the time limit for filing a petition for the expert re-examination, it may be renewed by the patent body upon request of the applicant in accordance with Article 14-1 of the Law.

179. As a result of the expert re-examination, the patent body may revise the original decision in whole or in part and decide to register the trademark or leave the original decision unchanged.

180. A petition for the expert re-examination may be accompanied by a document confirming the consent of the owner of the opposing trademark to the registration of the filed mark (hereinafter referred to as "letter of consent").

A letter of consent shall be drafted on plain paper, and the original copy shall be submitted so it can be attached to the application file. The letter of consent shall include:

- full information on the person giving consent (authorization) to the registration of the trademark which identifies that person as the owner of the opposing trademark;
- full information on the person obtaining consent (authorization) to the registration of the trademark which identifies that person as the applicant;
- consent to the registration of the filed mark as a trademark (the application number and description of the filed mark to be registered as a trademark);
- a specific list of goods in respect to which the owner of the opposing trademark does not object to the registration of the similar trademark, or information that the letter of consent refers to all the goods the trademark is filed for; and
- the date of the document and the signature of the owner of the opposing trademark.

A letter of consent on behalf of an organization shall be signed by

its head or another authorized person, indicating their position, family name, and initials.

If a letter of consent is signed by a person authorized by the owner of the opposing trademark, it shall be accompanied by the power of attorney authorizing the grant of consent to the registration of the filed mark as a trademark on behalf of the owner of the opposing trademark. If there is no such power of attorney or if the power of attorney does not specify the authority to grant consent to the trademark registration on behalf of the right owner, the document signed on the basis of such power of attorney shall not be deemed an expression of consent of the right owner to the registration of the filed mark as a trademark.

A document confirming the consent of the right owner to the registration of the filed mark as a trademark shall be submitted in the Belarusian, Russian, or other language. If such document is submitted in another language, it shall be accompanied by a translation into Belarusian or Russian signed by the right owner (in the case of a legal entity, by its head or another authorized person) or their patent attorney.

181. A petition for the expert re-examination may be accompanied by documents confirming amendments made to the International Register of Trademarks and Service marks or to the Register. Such documents shall be an extract from the International Register of Trademarks and Service marks, a notification by the International Bureau, or a relevant publication by the International Bureau.

A petition for the expert re-examination may indicate unprotected elements not indicated in the application.

182. Documents which the applicant considers necessary for conducting the expert re-examination shall be submitted to the patent body together with the petition for the expert re-examination.

183. The expert re-examination shall be conducted within the time limit provided for in Paragraph 8 of Article 10 of the Law.

184. The patent body shall suspend the prosecution of the application at the stage of the expert re-examination if the time limits for extension established in the first part of Paragraph 6 of Article 10 of the Law have been exhausted and the applicant has

submitted documents confirming that the final decision by the patent body, court, anti-trust authority, or the International Bureau on the opposing mark or trademark registration has not been issued. In this case, the term for the expert re-examination shall be suspended until the above authorities issue a relevant decision on the opposing mark or trademark registration, but not for more than 12 months.

The applicant shall immediately notify the patent body of the decision issued by the above authorities, whereupon the patent body shall resume the expert re-examination.

If the applicant has not submitted the said notice within 12 months of the date of suspension of re-examination, the patent body shall re-examine the mark on the basis of the data available in the application material.

**SECTION 18 WITHDRAWAL OF APPLICATION**

185. An application may be withdrawn upon request of the applicant at any stage of its examination prior to the date of registration of the trademark.

186. The application shall be considered withdrawn on the date of receipt of the withdrawal request.

187. No examination of a withdrawn application shall be conducted. The rights of the applicant may not be based on that application any further.

188. The withdrawn application shall not be taken into account when examining other applications.

## **SECTION 19 INSPECTION OF APPLICATION DOCUMENTS**

189. After publication of the information on the application, any person shall have the right to inspect the application and the documents attached thereto as of the application date.

190. The applicant shall be able to inspect the application and the documents attached thereto directly at the patent body after agreeing on the date and time of the inspection, or by receiving copies of the application and the documents attached thereto provided by the patent body upon written request.

191. Persons who are not applicants shall be able to inspect the application and the documents attached thereto by receiving copies of the application and the documents attached thereto provided by the patent body.

192. After registration of the trademark, inspection of the application and the documents attached thereto shall only be possible by receiving copies thereof.

**CHAPTER III TRADEMARK REGISTRATION, CHANGE AND EXTENSION OF THE  
REGISTRATION VALID PERIOD, AND TERMINATION OF THE TRADEMARK LEGAL  
PROTECTION**

**SECTION 20 REGISTRATION OF THE TRADEMARK IN THE REGISTER,  
CERTIFICATE ISSUANCE, AND PUBLICATION OF INFORMATION ON REGISTRATION**

193. On the basis of the decision to register the trademark, the patent body shall enter the trademark in the Register within one month of the date of receipt of the document showing proof of payment of the prescribed patent fee for trademark registration. If a document confirming the payment of the prescribed patent fee is not submitted within the established time limit, the registration of the trademark in the Register shall not be conducted, and a decision to refuse the registration of the trademark shall be issued.

194. The date of registration of the trademark shall be the date of entry of the trademark registration information in the Register.

195. The patent body shall issue the certificate within one month of the date of registration of the trademark. The certificate shall be sent to the owner by post or, if the owner wishes so, presented to them or their patent attorney in person at the patent body.

196. The form of the certificate shall be determined by the State Committee on Science and Technology.

197. Information on the trademark registration entered in the Register shall be published in the official bulletin within two months of the date of the trademark registration as prescribed by the patent body.

**SECTION 20-1 TRADEMARK REGISTRATION IN FOREIGN COUNTRIES AND INTERNATIONAL REGISTRATION**

197-1. An application for the international registration of a trademark (hereinafter referred to as "international application") shall be filed in accordance with Article 16 of the Law.

197-2. An international application shall be filed in English or French on the form prescribed by the International Bureau and valid as of the date of filing the international application.

197-3. An international application shall be filed together with:  
a request for the examination of the international application and its transmission to the International Bureau;  
a document showing proof of the prescribed patent fee payment;  
a document certifying the powers of the patent attorney (if the international application is filed by a patent attorney);  
two 8 x 8 cm copies of the mark filed for registration, in addition to the copy put on the international application form; and  
other documents in accordance with international treaties entered into by the Republic of Belarus and, if necessary, a declaration of intention to use the international trademark.

197-4. Only one copy of an international application and documents attached thereto shall be submitted, except for images of the mark filed for registration.

197-5. Requirements for payment of the patent fee for registration of a trademark in a foreign state shall be established by the international treaties entered into by the Republic of Belarus.

## **SECTION 21 MAKING CHANGES TO TRADEMARK REGISTRATION**

198. During the valid period of a trademark registration, the following changes may be made thereto upon the request of the owner or their legal successor (heir) submitted to the patent body before the expiry of the trademark registration in accordance with the procedure prescribed in these Provisions:

- 198.1. changes to the legal entity name and/or location, family name, given name, and patronymic name (if any) and/or place of residence of the owner;
- 198.2. changes to the address for correspondence (including changes of the recipient and changes to the phone number, fax number, and e-mail address);
- 198.3. reducing the list of goods for which the trademark is registered;
- 198.4. changes to individual elements of the trademark that do not alter the essence thereof;
- 198.5. changes of ownership;
- 198.7. division of the trademark registration by dividing the goods for which the trademark is registered;
- 198.8. conversion of a collective mark into a trademark owned by one of the persons entitled to use it;
- 198.9. changes to a collective mark provision; and
- 198.10. corrections of grammatical, orthographical, punctuational, typographical, and other obvious errors in the trademark registration.

199. A trademark registration change request shall be submitted to the patent body during the trademark registration valid period in the Belarusian or Russian language in the form determined by the State Committee on Science and Technology. All boxes shall be filled in by the person submitting the request. Only information relevant to the changes to be made shall be indicated in the request. Adverse consequences resulting from untimely filing of a trademark registration change request shall be borne by the owner or their legal successor (heir).

200. A trademark registration change request shall be submitted to the patent body in person or sent by post.

201. A trademark registration change request shall contain:

- 201.1. the trademark registration number;

201.2. the legal entity name or family name, given name, and patronymic name (if any) of the owner or their legal successor (heir), as well as the location or place of residence thereof;

201.3. information relating to the trademark registration to be changed exactly as it appears in the said trademark registration;

201.4. information relating to the trademark registration to be entered;

201.5. the signature of the owner, their legal successor (heir), or patent attorney;

201.6. the address for correspondence concerning the request; and

201.7. any other information required by these Provisions.

202. A trademark registration change request shall be signed by the owner, their legal successor (heir), or patent attorney. The signature put on the request shall be accompanied by the signatory's surname, initials, and position.

The appointment of a patent attorney shall be made in accordance with the provisions of Chapter 5 of these Provisions.

If the owner or its legal successor is an organization of the Republic of Belarus, the request shall be signed by its head or another authorized person with indication of their position, family name, and initials.

203. A trademark registration change request shall be accompanied by a document showing proof of the prescribed patent fee payment and, if necessary, documents confirming the change to be made or a copy thereof certified by the owner, their legal successor (heir), or patent attorney.

Documents confirming the change to be made that are issued by competent authorities of foreign states shall be accepted by the patent body if they are legalized or authenticated, unless otherwise provided for by an international treaty entered into by the Republic of Belarus.

Documents submitted in a foreign language shall be accompanied by translations into the Belarusian or Russian language and certified by the owner, their legal successor (heir), or patent attorney.

204. If a trademark registration change request is submitted through a patent attorney, it shall be accompanied by a power of attorney form certifying the authority of the patent attorney.

205. The responsibility for the accuracy and correctness of the documents and information submitted to the patent body lies with the person who has filed the request.

206. If an identical change under Paragraphs 198.1, 198.2, and 198.5 of these Provisions concerns several trademark registrations belonging to the same owner, one request may be submitted indicating all the trademark registrations the change is to be made to. In this case, the patent fees shall be paid for each trademark indicated in the request.

207. A trademark registration change request shall be considered within one month of the date of its filing with the patent body, unless otherwise provided for in these Provisions.

208. When considering a trademark registration change request, the patent body shall check whether all the necessary documents have been submitted and whether they comply with the prescribed requirements.

209. If all the documents have been submitted and if they comply with the prescribed requirements, the patent body shall change the trademark registration by entering the relevant information in the Register.

Upon request of the owner, the patent body shall add the changes provided for in Paragraphs 198.1 and 198.3-198.5 to the certificate by drawing up an annex to it.

210. The date of change of the trademark registration shall be the date of filing of the request with the patent office.

211. The patent body shall notify the person who filed the request of the changes made to the trademark registration and shall publish information on the changes made in the official bulletin in due course.

212. If the documents necessary to change the trademark registration have not been submitted or the prescribed requirements for the form or content of the request are not complied with, the patent body shall, within three days, refuse to accept the request and return the submitted documents to the person who has filed the request.

213. A request for a change to the legal entity name and/or location, family name, given name, and patronymic name (if any) and/or place of residence of the owner shall be submitted in the form determined by the State Committee on Science and Technology. The documents confirming the change of the legal entity name and/or location of the owner may be copies of sheets of constituent documents, extracts from trade registers or copies thereof, or other documents or copies thereof, from which it is obvious that the name and/or location of the trademark owner has changed. The documents confirming the change of the family name, given name, and patronymic name (if any) and/or place of residence of the owner may be copies of civil status registration certificates (marriage certificates, divorce certificates, or certificates of change of family name, given name, or patronymic name issued by the civil status registration authority) or copies of other documents from which it is evident that the family name, given name, patronymic name, and/or place of residence of the individual has changed.

214. A request for a change to the address of correspondence shall be submitted in the form determined by the State Committee on Science and Technology.

215. A request for reducing the list of goods for which the trademark is registered shall be submitted in the form determined by the State Committee on Science and Technology. When considering a request for reducing the list of goods for which the trademark is registered, the patent body shall check the reduced list of goods indicated in the request for goods not included in the trademark registration. Goods not included in the trademark registration are not permitted to be included in the reduced list of goods.

216. A request for a change to individual elements of the trademark that does not alter the essence thereof shall be submitted in the form determined by the State Committee on Science and Technology. The request shall include an image of the changed mark in the form of a photograph, typographical print, or computer-generated image. In addition to the image included in the request, three copies of the image shall be submitted. The image shall be provided in the form complying with the requirements specified in these Provisions.

If the change to individual elements of the trademark involves a change to the name(s) or code(s) (according to the CMYK color model) of its color(s), the request shall include the name(s) or code(s) (according to the CMYK color model) of the color(s) after the change. In this case, the said change shall not alter the essence of the trademark.

When the patent body examines whether the change to individual elements of the trademark changes its essence, the provisions of Paragraph 145 of these Provisions shall apply.

217. A request for a change of ownership as a result of reorganization of the owner organization or transfer of trademark rights by inheritance shall be submitted in the form determined by the State Committee on Science and Technology. Information about the change in the owner of the registration is entered in the certificate.

218. A request for a change of ownership as a result of reorganization of the owner organization shall be accompanied by a document certifying such reorganization (i.e., copies of a certificate of transfer and merger, a separation balance sheet, copies of sheets of constituent documents, extracts or copies of trade registers, and other documents or copies thereof, from which it is obvious that the organization has been reorganized). A request for a change of ownership by inheritance shall be accompanied by a document certifying such inheritance.

221. A request for division of the trademark registration by dividing the goods for which the trademark is registered shall be submitted in the form determined by the State Committee on Science and Technology.

A request for division of the trademark registration by dividing the goods for which the trademark is registered shall be possible if the goods indicated in the said request were included in the initial application and are not homogeneous to the other goods from the list of goods of the initial application for which the initial application remains in force.

In the case of division of the trademark registration by dividing the goods for which the trademark is registered, the trademark registration shall be conducted in respect to the divided part of the goods whose number consists of the initial registration number,

the Latin letter "B" which means registration division, and a digit indicating the registration division number (e.g., "1234-B01", where "1234" is the initial registration number, the letter "B" means registration division, and "01" is the registration division number). The patent body shall issue a certificate in accordance with the trademark registration conducted in respect to the divided part of the goods.

The information on the division of the trademark registration shall be entered in the initial certificate.

222. A request for conversion of a collective mark into a trademark owned by one of the persons entitled to use it shall be filed by a person indicated in the collective mark certificate as its owner, in the form determined by the State Committee on Science and Technology.

A request for conversion of a collective mark into a trademark owned by one of the persons entitled to use it shall be accompanied by the consent to such conversion of all the persons entitled to use it.

223. A request for a change to a collective mark provision shall be submitted in the form determined by the State Committee on Science and Technology.

A request for a change to a collective mark provision shall be accompanied by the changed collective mark provision or a list of the changes made thereto.

224. A request for correcting grammatical, orthographical, punctuational, typographical, and other obvious errors in the trademark registration shall be submitted in the form determined by the State Committee on Science and Technology.

A request for correcting grammatical, orthographical, punctuational, typographical, and other obvious errors in the trademark registration shall be accompanied by a document or a copy thereof indicating the correct information.

Correction of errors in documents previously submitted to the patent body shall only be conducted upon submission of a document showing proof of the prescribed patent fee payment.

The patent body shall have the right to correct grammatical, typographical and other obvious errors on its own initiative if it finds discrepancies in the trademark registration with the information included in the documents previously submitted.

225. The patent body shall make relevant changes to the trademark registration on the basis of an enforceable court order, including cases of change of ownership and termination of a licensing agreement or trademark pledge agreement through legal action. In this case, the date of trademark registration change shall be the effective date of the relevant court decision, unless a different date is specified in the said court decision.

## **SECTION 22 RENEWAL OF TRADEMARK REGISTRATION**

226. An application for renewal of trademark registration for another ten-year period shall be submitted in the form determined by the State Committee on Science and Technology.

When renewing the registration of a trademark containing Olympic or Paralympic symbols, for which the certificate was issued before June 8, 2017, an application for renewal of the said trademark registration shall be accompanied by the permission to use the Olympic and Paralympic symbols referred to in the first part of Sub-Paragraph 1.3 of Paragraph 1 of Order No 440 of the President of the Republic of Belarus of December 5, 2016 "On Use of the Olympic and Paralympic Symbols" (the National Legal Internet Portal of the Republic of Belarus, 12.07.2016, 1/16763).

227. The filing and examination of an application for renewal of trademark registration shall be carried out in accordance with Paragraphs 199-212 of this Provisions, taking into account the details of this SECTION.

228. If an application for renewal of trademark registration for another ten-year period concerns several trademark registrations belonging to the same owner, one application may be filed indicating all the trademarks whose renewal is applied for. In this case, the patent fees shall be paid for each trademark indicated in the application.

229. An application for renewal of trademark registration for another ten-year period shall be filed during the last year of the current trademark registration.

An application for renewal of trademark registration for another ten-year period may be submitted within six months after the expiry of the registration, provided that a patent fee for a six-month grace period for trademark renewal is paid.

230. An application for renewal of trademark registration for another ten-year period shall be considered by the patent body within 15 days of its filing date.

231. The patent body shall enter information on the renewal of the trademark registration in the Register and, upon request of the owner, in the certificate, notify the owner of the renewal of the

trademark registration, and publish information on the changes in the official bulletin in due order.

**SECTION 23 SUBSTITUTION OF A NATIONAL TRADEMARK REGISTRATION BY AN INTERNATIONAL REGISTRATION, CONVERSION OF AN INTERNATIONAL REGISTRATION INTO A NATIONAL APPLICATION, AND ISSUANCE OF A DUPLICATE CERTIFICATE**

232. During the valid period of a trademark registration, a national registration may be substituted with an international registration upon application to the patenting authority by the owner prior to the expiry of the current trademark registration.

An application for substitution of a national trademark registration with an international registration shall be submitted in the form determined by the State Committee on Science and Technology. The application shall only relate to one national trademark registration.

233. Filing and consideration of an application for substitution of a national trademark registration with an international registration shall be conducted in accordance with Paragraphs 199-212 of these Provisions, taking into account the details of this SECTION.

234. An application for substitution of a national trademark registration with an international registration shall be considered by the patent body within one month of its filing date.

235. Substitution of a national trademark registration with an international registration shall be conducted, provided that the following requirements have been complied with:

235.1. the national trademark registration to the international registration belong to the same person;

235.2. the international registration covers the territory of the Republic of Belarus;

235.3. all the goods included in the list of goods of the national trademark registration are included in the list of goods of the international registration; and

235.4. the international registration date is more recent than the national registration date.

236. Substitution of a national trademark registration with an international registration shall not invalidate the national trademark registration.

237. The patent body shall enter information on the substitution of

a national trademark registration with an international registration in the Register, notify the owner and the International Bureau accordingly, and publish information on the substitution in the official bulletin in due order.

237-1. An international trademark registration that has been in effect in the Republic of Belarus and has been excluded from the International Register of Trademarks and Service marks upon request of the office of origin in respect to all or part of the goods listed in the said registration due to the occurrence of circumstances established by international treaties may be converted into a national application upon request of the trademark owner filed with the patenting body, provided that:  
the national application filed for conversion is received by the patent body within three months of the date on which the international registration was removed from the International Register of Trademarks and Service marks;  
the goods indicated in the national application are covered by the list of goods included in the international registration in respect to the Republic of Belarus; and  
the national application filed for conversion and the accompanying documents are prepared and submitted in accordance with the requirements provided for in Paragraphs 4 and 6 of Article 6 of the Law.

A national application filed for conversion shall be deemed submitted on the date of the relevant international registration or on the date of recording the territorial extension of the international registration, and, if the international registration includes information on priority, the national application shall have the same priority.

A petition for the conversion of an international registration into a national application shall be submitted in the prescribed form together with the application, accompanied by the information on the international registration, including information on the invalidation of the international registration, and the translation thereof into the Belarusian or Russian language.

238. During the valid period of the trademark registration, a duplicate certificate may be issued upon request of the owner submitted to the patent body before the expiry of the trademark registration in case the certificate has been lost or fallen into

disrepair.

An application for a duplicate certificate shall be submitted in the form determined by the State Committee on Science and Technology. The application shall only relate to one trademark registration.

239. Filing and consideration of an application for a duplicate certificate shall be conducted in accordance with Paragraphs 199-212 of these Provisions, taking into account the details of this SECTION.

240. An application for a duplicate certificate shall be accompanied by a document showing proof of payment of the prescribed patent fee. The certificate fallen into disrepair shall also be attached to the application.

241. An application for a duplicate certificate shall be considered by the patent body within 15 days of its filing date.

242. The patent body shall enter information on the issuance of a duplicate certificate in the Register and publish information on the issued duplicate certificate in the official bulletin in due order. If the certificate is lost, information on the invalidity of the original certificate shall be published in the official bulletin at the same time as the information on the issuance of the duplicate certificate.

243. The duplicate certificate shall contain the details of the trademark registration as of the date of its issuance, taking into account previous changes made to the Register.

244. The date of issue of a duplicate certificate shall be the date of applying for a duplicate certificate. The original certificate shall be deemed invalid from the date of issue of the duplicate certificate.

#### **SECTION 24 TERMINATION OF LEGAL PROTECTION OF A TRADEMARK**

245. In the case of the invalidation of legal protection of a trademark in whole or in part or termination of legal protection of a trademark on the basis of a decision of the Appeal Council or a court, the patent body shall make a corresponding entry in the Register, notify the owner accordingly, and publish information on the invalidation of legal protection of the trademark in whole or in part or termination of legal protection of the trademark in the official bulletin in due order.

246. The date of entry in the Register of information on the invalidation of legal protection to a trademark in whole or in part or termination of legal protection of a trademark shall be the effective date of the decision of the Appeal Council or the court, unless a different date is specified in the above decision.

247. If an application for renewal of trademark registration for another ten-year period has not been submitted by the owner within the time period specified in the second part of Paragraph 229 of these Provisions, the patent body shall enter information on the termination of legal protection of the trademark in the Register, notify the owner accordingly, and publish information on the termination of legal protection of the trademark in the official bulletin in due order.

248. A request for cancellation of trademark registration shall be filed by the owner or their patent attorney in the form determined by the State Committee on Science and Technology.

249. Filing and consideration of a request for cancellation of trademark registration shall be conducted in accordance with Paragraphs 199-212 of these Provisions, taking into account the details of this SECTION. The request shall only relate to one trademark registration.

250. If a request for cancellation of trademark registration is filed by the owner's patent attorney, the authority of the patent attorney to cancel the trademark registration shall be specified in the power of attorney form.

251. A request for cancellation of trademark registration shall be

considered by the patent body within 15 days of its filing date.

252. The date of termination of legal protection of a trademark shall be the filing date of a request for cancellation of trademark registration.

253. The patent body shall enter information on the cancellation of a trademark registration in the Register, notify the owner accordingly, and publish information on the cancellation of the trademark registration in the official bulletin in due order.

254. A request for cancellation of trademark registration due to the termination of a legal entity or death of an individual who is the owner may be filed by any person in the form determined by the State Committee on Science and Technology, provided that the right over the trademark has not been transferred to the legal successor (heir) of the owner.

A request for termination of legal protection of a trademark due to the death of the individual owner shall be filed not earlier than six months after the date of death of the individual owner or the date they were declared dead by a court.

255. Filing and consideration of a request for cancellation of trademark registration due to the termination of a legal entity or death of an individual who is the owner shall be conducted in accordance with Paragraphs 199-212 of these Provisions, taking into account the details of this SECTION. The request shall only relate to one trademark registration.

256. A request for cancellation of trademark registration due to the termination of a legal entity or death of an individual who is the owner shall be accompanied by a copy of a document certifying the fact of the termination of a legal entity or death of an individual who is the owner.

257. A request for cancellation of trademark registration due to the termination of a legal entity or death of an individual who is the owner shall be considered by the patent body within 15 days of its filing date.

258. If no application for a change of ownership has been submitted

to the patent body by the time of the examination of a request for termination of legal protection of a trademark due to the termination of a legal entity or death of an individual who is the owner, the patent body shall enter information on termination of legal protection of a trademark in the Register, notify the person who has filed the request accordingly, and publish information on the termination of legal protection of a trademark in the official bulletin in due order.