

UZBEKISTAN

Trademarks Law

LAW ON TRADEMARKS, SERVICE MARKS AND APPELLATION OF ORIGIN OF GOODS

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Article 1 The aim of the present Law

The present Law regulates relationships in the field of legal protection and use of trademarks, service marks and appellations of origin of goods.

Article 2 Legislation on trademarks, service marks and appellations of origin of goods

The legislation on trademarks, service marks and appellations of origin of goods comprises the present Law as well as other legal documents. If a certain international agreement signed by the Republic of Uzbekistan lays down rules and regulations other than those stipulated by the legislation of the Republic of Uzbekistan on trademarks, service marks and appellations of origin of goods, the former is applicable.

Article 3 The trademark and service mark

The trademark and service mark ("the trademark") is a symbol registered in keeping with the established procedure, which serves to distinguish goods and services ("the goods") of one legal or natural entity from similar goods of another legal or natural entity.

Trademarks can be individual and collective.

The individual symbol is a trademark which belongs to a separate legal or natural entity.

The collective symbol is a trademark of an association of legal and/or natural entities.

It is designed to mark goods characterized by similar qualitative or other common properties, which these legal and/or natural entities produce and/or sell. Graphic, wordy, three-dimensional and other kinds of symbols or their combination of any color or combination of colors may be registered as trademarks.

Article 4 Legal protection of the trademark

The legal protection of the trademark is provided on the basis of its registration in accordance with the procedure specified in the present Law as well as on the force of the relevant international agreements, to which the Republic of Uzbekistan is a party.

The trademark may be registered on behalf of a legal or natural entity.

Article 5 Appellations of origin of goods

The name of a country, settlement, area or any other geographic locality ("the geographic locality") use to mark a commodity, whose specific properties are exclusively or mainly determined by the natural conditions characteristic of a given geographic locality or other factors or by the

combination of natural conditions and such factors, may be recognized as appellations of origin of goods.

Article 6 Legal protection of appellations of origin of goods

The legal protection of appellations of origin of goods is provided on the basis of its registration in accordance with the procedure stipulated by the present Law as well as on the force of the relevant international agreements signed by the Republic of Uzbekistan.

The appellations of origin of goods may be registered by one or several legal or natural entities situated in a given geographic locality, whose name is used to mark commodities they produce.

The appellations of origin of goods having been registered, its owner is granted the right to use it, provided that a given entity manufactures a commodity, whose specific properties are exclusively or mainly determined by the natural conditions characteristic of a given geographic locality or other factors, as well as by the combination of natural conditions and such factors.

The right to use the appellations of origin of goods, registered as specified in the present Law, may also be granted to other legal or natural entity situated in the same geographic locality, which manufactures goods characterized by the same properties.

Article 7 The authorized state body

The Agency for intellectual property of the Republic of Uzbekistan (hereinafter referred to as the Agency) is considered to be a state authority body authorized to protect trademarks and appellations of origin of goods. The Agency shall fulfill the following:

- to take part in the development and implementation of unified state policy in protection of trademarks and appellations of origin of goods;
- to accept for consideration applications for registration of trademarks, appellations of origin of goods and the right to use appellations of origin of goods, as well as to carry out the procedure for their official examination;
- to register trademarks, appellations of origin of goods and the right to use appellations of origin of goods, as well as agreements on the transfer of the right to trademarks;
- to keep the State Registry of trademarks and the State Registry of appellations of origin of goods ("the registry"), as well as a List of trademarks (hereinafter referred to as the List of famous trademarks) famous in the Republic of Uzbekistan;
- to issue certificates of trademarks and certificates of the right to

use appellations of origin of goods;

- to publish official information on both registration of trademarks and granting of the right to use appellations of origin of goods, as well as on recognition of trademark famous in the Republic of Uzbekistan.
- to exercise other powers in accordance with the law.

Article 8 Placement of request for registration of the trademark, the appellations of origin of goods and the right to use appellations of origin of goods

The request for registration of the trademark, appellations of origin of goods and the right to use appellations of origin of goods is placed by a legal or natural entity (hereinafter referred to as "the applicant") to the Agency.

The request for registration of the collective trademark is placed on behalf of an association of legal and/or natural entities in accordance with an agreement on the use of such a collective trademark approved by its members.

After a request for registration of a trademark, the appellations of origin of goods, and the right to use the appellations of origin of goods is filed, the Agency shall post information about the request on its official website within one working day.

After the information about the request is posted on the official website, the parties concerned may submit written comments to the Agency about any unfairness of the filed request for registration of the trademark, the appellations of origin of goods, and the right to use the appellations of origin of goods.

The date of placement of the request for registration of the trademark, appellations of origin of goods and the right to use appellations of origin of goods is considered to be the date of its receipt at the Agency.

The request for registration of the trademark, which contains a list of several goods, may be broken down, at the applicant's instance, into two or several requests, with the date of submission of the initial one being retained.

The request for the registration of the trademark protected earlier by virtue of international agreement of the Republic of Uzbekistan is placed in keeping with a procedure established by the Patent Department.

Article 9 Requirements imposed on the request for registration of the trademark, appellations of origin of goods and the right to use appellations of origin of goods

The request for registration of the trademark, the appellations of origin

of goods and the right to use the appellations of origin of goods should cover one trademark or appellations of origin of goods.

The request should contain the following:

- an application for registration of a symbol as the trademark, the appellations of origin of goods or the right to use the appellations of origin of goods;
- a picture of the symbol claimed for;
- a list of goods, registration of whose trademark is solicited for, which are grouped in keeping with the International Classification of Goods and Services for symbol-registration purposes;
- the commodity category, registration of whose appellations of origin of goods or the right to sue the appellations of origin of goods is solicited for, with the indication of both the place of its production within the limits of a certain geographic locality and the description of its specific characteristics.

The request should enclose the following documents;

- a document certifying that a certain patent duty charged on request placement has been defrayed;
- a warrant issued by the applicant in cases where a request is put in via the patent agent;
- documents certifying that the applicant is situated in the indicated geographic locality and manufactures goods, whose specific properties are bound up with the natural conditions characteristic of a given geographic locality or other factors or with the combination of natural conditions and these factors;
- a document certifying a foreign applicant right to use the appellations of origin of goods claimed for in the commodity origin country.

It is the Agency that specifies a range of requirements imposed on the documents to be submitted to have the trademark, the appellations of origin of goods and the right to use the appellations of origin of goods registered.

Article 10 Symbols not registered as trademarks

The following symbols are not registered as trademarks:

- 1) national emblems, flags and awards;
- 2) official names of countries, abbreviated or full names of international or intergovernmental organizations;
- 3) official control - and guarantee marks, hallmarks and stamps;
- 4) decorations and badges of rank used at state bodies in the Republic of Uzbekistan;
- 5) pictures which lack a distinguished capacity;
- 6) symbols being widely used as the symbols of certain goods;

- 7) symbols regarded as generally accepted symbols and terms;
- 8) symbols used to characterize the properties of goods, such as category, quality, quantity, characteristic features, purpose and value, as well as the place and time of their production and sale;
- 9) false symbols or those capable of misleading a consumer in respect of a given commodity or its manufacturer;
- 10) symbols, which formally point to the proper place of commodity production, while giving an erroneous idea of another place of their origin;
- 11) symbols, which are placenames or contain geographic names identifying mineral water, wine or strong drinks, to be used to mark goods not originating from a given locality, as well as translated symbols and those with the words "in view", "in type", "in style" and like these;
- 12) symbols, which are at variance with public interests, principles of humanity and moral;
- 13) symbols, which are identical with or similar to the following symbols and trademarks to the extent that they can easily be mixed up:
 - trademarks of other entities, recognized as generally known in accordance with the established procedure in respect of goods of every description;
 - geographical indications, and appellations of origin of goods, protected under the Law with the exception of cases where they are included in the trademark as an unguarded element, registered on behalf of the entity enjoying the right to use such an indication or name in respect of goods of every description;
 - certification symbols registered in keeping with the established procedure;
- 14) symbols, which repeat the following ones:
 - corporate names (or their fragments), well-known in the Republic of Uzbekistan, which belong to other entities, who have been conceded the right to use these names prior to submission of the application for registration of a given trademark in respect of similar goods;
 - production models, the rights to which in the Republic of Uzbekistan belong to other entities;
 - titles of works of science, literature and art, which are well-known in the Republic of Uzbekistan, as well as their characters and quotations therefrom, works of art or their fragments, without the permission of the copyrights holder or his successors (heirs);
 - surnames, names, pseudonyms and derivatives thereof; as well as portraits and facsimile of famous people without their permission or the permission of their heirs or an appropriate state authority, in cases where these symbols are the historical and cultural property of the Republic of Uzbekistan.

The symbols set up in Point 1 through Point 4, part I of the present Article may be included in the trademark as unguarded elements, if the permission of a corresponding state authority or their owner is available; as for the symbols referred to in Point 5 through Point 8, part I of the present Article, they may be included in the trademark as unguarded elements, provided that they do not occupy a dominating position there.

Registration of the symbols indicated in Point 5 through Point 8, part I of the present Article may be allowed on condition that these symbols have actually become distinguishable as a result of their use.

Registration of a symbol similar to the trademarks mentioned in paragraphs 2 and 3 of Point 13, part 1 of the present Article to the extent of being mixed up, may be allowed on condition that the owner of a given trademark gives his consent to registration of this symbol.

Article 11 Symbols not subject to registration as the appellations of origin of goods

The following symbols are not subject to registration as the appellations of origin of goods:

- symbols, which are the place names, which can delude a consumer in respect of the commodity's place of production;
 - symbols, which formally point to the commodities proper place of production, while giving an erroneous idea of another place of its origin;
 - symbols containing geographic names not associated with the commodities place of production, which have become usual in the Republic of Uzbekistan as the symbols of certain goods.
- registered as an appellation of origin, or geographical indication in relation to goods of the same type.

Article 12 Priority of the trademark

The trademarks priority is fixed on the basis of the date of a request for registration of the trademark.

The trademarks priority may be fixed on the basis of the date of submission of the first application for registration of the trademark in a country, which has joined the Paris Convention on Industrial Property Protection (conventional priority), provided that the application for trademark registration is received by the Agency within 6 months after the indicated date.

The priority of the trademarks attached to exhibits, which are displayed at the official or officially recognized international exhibitions organized in one of the countries that has joined the Paris Convention on Industrial Property Protection, may be fixed on the basis of the date

the public demonstration of such exhibits at the exhibition has started (exhibition priority), provided that the Agency receives the application for trademark registration within 6 months after the indicated date. The applicant soliciting for the right of conventional or exhibition priority must indicate this when submitting an application for registration of the trademark or within two months after the Agency has received the request for trademark registration, with all the necessary documents certifying the lawfulness of such request being enclosed. Or the applicant should present these documents within no later than 3 months of receipt by the Patent Department of the request for trademark registration. If the request for trademark registration is broken down into several requests, the priority of each of them is fixed on the basis of the initial requests date of priority.

The trademark priority may be fixed on the basis of the date of trademark priority protected earlier by virtue of international agreement of the Republic of Uzbekistan.

Article 13 Official examination of the request for registration of the trademark, the appellations of origin of goods and the right to use the appellations of origin of goods

Carried out by the Agency, the official examination of the request for registration of the trademark, the appellations of origin of goods and the right to use the appellations of origin of goods includes a formal examination procedure and examination of the symbol claimed for.

Pending the official examination of the request for registration of the trademark, the appellations of origin of goods and the right to use the appellations of origin of goods up to the moment an appropriate decision is made on a given request, the applicant is entitled, on his own initiative, to amend, specify or supplement his request with additional data, provided they do not change its essence.

Pending the official examination of the request for registration of the trademark up to the moment an appropriate decision is made on a given request, the applicant is entitled to divide the initial request into two or several requests by distribution of goods listed in the initial request between the requests.

When carrying out the official examination procedure, the Agency has the right to insist on the provision by the applicant of additional information, without which such an examination proves to be impossible.

Following an inquiry made by the Agency, additional information should be furnished within 3 months of sending of the inquiry to the applicant. This term may be extended, at the applicants request, for no more than

six months. If the applicant does not present additional information being requested or an application to extend a term of its presentation, the request is considered recalled.

The specified term missed by the applicant may be restored by the Agency, following an appropriate application put in by the applicant no later than two months after the expiry of such a term.

Article 14 Formal examination of the request for registration of the trademark, the appellations of origin of goods and the right to use the appellations of origin of goods

The procedure for formal examination of the request for registration of the trademark, the appellations of origin of goods and the right to use the appellations of origin of goods is carried out within 30 days of placement of the request with the Agency.

In the course of the formal examination procedure the following is verified: the content of the request for registration of the trademark, the appellations of origin of goods and the right to use the appellations of origin of goods, the availability of all the necessary documents as well as their compliance with the established requirements. The formal examination procedure having been completed, the applicant is informed of the Agency decision to accept the request for consideration or to deny it.

Article 15 Examination of the claimed symbol

Examination of the claimed designation shall be carried out by the Agency in accordance with the decision to accept the application for registration of a trademark, appellation of origin and (or) the right to use the appellation of origin for consideration within seven, but not earlier than six months from the date of filing the application. In the case of an information search for protectability, carried out by agreement of the parties, the examination of the claimed designation shall be carried out within one month from the date of the decision to accept the application for consideration.

When carrying out the examination procedure, the Agency verifies whether the symbol claimed for complies with the provisions contained in part 1 of Article 3 and Article 10 of the present Law (with the exception of Point 14 of the first Part of Article 10) in cases where the trademark is examined; or with the provisions specified in Article 6 and Article 11 of the present Law in cases where the appellations of origin of goods and (or) the granting of the right to use the appellations of origin of goods are examined.

On completion of the examination procedure, the Agency makes a decision to register or deny registration of the trademark, the appellations of origin of goods or the granting of the right to use the appellations of origin of goods, with the applicant being informed in both cases. The Agency decision on registration of the trademark may be revised following the receipt of a request with earlier priority, in accordance with Article 12 of the present Law.

Article 16 Appeal against the results of official examination

The applicant has the right to appeal against the results of official examination to the Board of Appeal of the Ministry of Justice of the Republic of Uzbekistan ("the Council of Appeal") within 3 months from the date the decision has been taken.

The procedure for appealing the results of the state examination to the Board of Appeal shall be established by the Ministry of Justice of the Republic of Uzbekistan.

The applicant is entitled to appeal against a Council of Appeals decision to the court within 6 months from the date a given decision has been taken.

Article 17 Concession or recall of the request for registration of the trademark, the appellations of origin of goods and (or) the right to use the appellations of origin of goods

The request for registration of the trademark, the appellations of origin of goods and (or) the right to use the appellations of origin of goods maybe conceded or recalled by the applicant at any stage of its consideration by the Patent Department, but no later than the date of registration of the trademark, the appellations of origin of goods and (or) the right to use the appellations of origin of goods, respectively.

Article 18 Registration of the trademark, the appellations of origin of goods and (or) the right to use the appellations of origin of goods

Based on the results of the state examination, the Agency shall, within three working days from the date of receipt of the document on payment of the patent fee, register the trademark, appellation of origin and (or) the right to use the appellation of origin in the relevant register. A list of details to be recorded on the registry is specified by the Agency.

Article 19 Publication of registration related information

Information on the registration of a trademark, appellation of origin and (or) the right to use an appellation of origin shall be published in the official bulletin of the Agency, which is also posted on its official

website. The composition of the published information is determined by the Agency.

Article 20 The certificate of the trademark and the certificate of the right to use the appellations of origin of goods

The certificate of the trademark gives proof of the fact that the symbol claimed for as a trademark has been registered, as well as the latter's priority and its owners exclusive right to use this trademark in respect of goods set out in the certificate.

The certificate of the right to use the appellations of origin of goods gives proof of the fact that (i) the symbol claimed for as the appellations of origin of goods has been registered and (ii) its owner's right to use this name in respect of the commodity stated in the certificate.

Both the certificate of the trademark and the certificate of the right to use the appellations of origin of goods are issued by the Agency within ten days after the trademark, the appellations of origin of goods and (or) the right to use the appellations of origin of goods have been recorded on the corresponding registries. Both a certificate blank form and a list of details to be indicated there are established by the Patent Department.

Article 21 The term of validity of the certificate of the trademark and the certificate of the right to use the appellations of origin of goods

The certificate of the trademark or the certificate of the right to use the appellations of origin of goods are valid within 10 years from the date of placing the request.

Article 22 Extension of the term of validity of the certificate of the trademark and the certificate of the right to use the appellations of origin of goods

Both the certificate of the trademark and the certificate of the right to use the appellations of origin of goods may be extended upon their holder's applications to be submitted within the last year of their term of validity each time for ten years.

The following documents should be enclosed with the application set out in part 1 of the present Article:

- a document certifying that payment of the established duty has been effected;
- a warrant issued by the applicant if the application is submitted via a patent attorney;
- a document certifying that the entity enjoying the right to use the appellations of origin of goods is situated in a given geographic locality

and manufactures goods characterized by the properties indicated in the certificate.

An appropriate entry concerning the extension of the certificate of the trademark, or the certificate of the right to use the appellations of origin of goods is recorded on a corresponding registry.

The term specified for the submission of an application set out in part I of the present Article may be prolonged following an appropriate application sent in by the certificate's owner within 6 months after the certificate's term of validity has expired.

Article 23 Introduction of amendments into the trademark certificate of the right to use the appellations of origin of goods

The owner of the trademark or the owner of the certificate of the right to use the appellations of origin of goods informs the Agency of any change in its title, surname, name and patronymic, as well as of other changes pertaining to registration of the trademark or the appellations of origin of goods. In addition, the Agency should be informed of any reduction in the list of goods, in whose respect the trademark has been registered, as well as of any change in the latter's separate elements, provided these changes do not alter its essence. The Agency marks the certificate of the trademark or the certificate of the right to use the appellations of origin of goods with a notice certifying the introduction of these amendments, with an appropriate entry being entered on a corresponding registry.

In case of origin of a dispute on recognition of the trademark certificate invalid, separate registration of the trademark for one good or a part of goods regarding which legal protection is not contested is singled out according to the application of an owner of the trademark from registration of the trademark valid with respect to several kinds of goods.

Article 24 Nullification of the certificate of the trademark or the certificate of the right to use the appellations of origin of goods

The certificate of the trademark may be nullified, partially or in full, during the entire term of its validity, if it is issued in breach of the requirements specified in part II of Article 4 and Point 1 through Point 12, part I, Article 10 of the present Law or it may be nullified within 5 years from the date information on registration of the trademark has been published in the official bulletin, also posted on its official website, if it is issued in breach of the requirements detailed in Points 13 and 14, part I, Article 10 of the present Law.

A trademark certificate may be declared fully or partially invalid within

three years of the date of publication of information about its registration in the official bulletin of the Agency, also published on its official website, if, in accordance with the established procedure, the actions of the trademark owner are recognized as unfair competition.

The Certificate of the right to use the appellations of origin of goods may be nullified during the entire term of its validity, if it is issued in breach of the requirements stipulated by the present Law.

Trademark certificate or the certificate for the right to use the appellations of origin of goods is recognized invalid either completely or partly on the grounds of the decision taken by a Board of appeal or a court.

Article 25 Cancellation of registration of an appellation of origin, termination of a trademark certificate or certificate of the right to use an appellation of origin

Registration of the appellations of origin of goods may be abrogated in the following cases:

- natural conditions characteristic of a given geographic locality disappear, hence the impossibility to manufacture goods with the properties indicated in the registry;
- foreign legal or natural entities forfeit the right to use a given appellations of origin of goods in a country of commodity origin.

The certificate of the trademark or the certificate of the right to use the appellations of origin of goods may be terminated in connection with the expiry of its validity.

The validity of a trademark certificate may be terminated prematurely in whole or in part on the basis of a court decision taken at the request of an interested person, if the trademark has not been used continuously for the last three years of its validity, as well as in case of violation of the agreement on the use of a collective mark. When deciding on the early termination of a trademark certificate in connection with its non-use, evidence of non-use of the trademark submitted by the owner of the trademark due to circumstances beyond his control may be taken into account.

Evidence of the use of trademark is considered its use, provided article 27 of this Law. Proof of use of a trademark, represented by its owner, must relate to the period of time specified in the statement.

The validity of a trademark certificate or a certificate of the right to use an appellation of origin shall be terminated prematurely on the basis as following:

- an appropriate decision made by the Council of Appeal;
- an application submitted by the owners of the trademark certificates

to the Agency;
- a judgement delivered by the court.

Article 26 The exclusive right to the trademark

The owner of trademarks has the exclusive right to use and dispose of a given trademark.

The exclusive right to a trademark is valid in relation to the goods specified in the certificate. At the same time, the exclusive right is exercised during the period of registration starting from the date of registration of the trademark in the State Register of Trademarks, and information on the registration of the trademark on the same day is posted on the official website of the Agency.

Infringement of the exclusive right to a trademark is unauthorized production, use, importation, putting up for sale and sale, as well as other ways of introduction into circulation or storage for this purpose of the trademark or goods labelled with this trademark, or any symbol similar to the latter to the extent of being mixed up, in respect of similar goods, are viewed as the infringement of the exclusive right to the trademark.

The use of this trademark by other persons in relation to goods that have been lawfully introduced into civil circulation directly by the owner of the trademark or with his consent is not a violation of the exclusive right to a trademark.

Article 27 The use of the trademark

The application of the trademark to goods, for which it has been registered, and (or) to their packing by the owner of trademarks or a person, who is granted such a right under the licensing agreement in accordance with Article 30 of the present Law, is considered to be the use of the trademark.

The following are also recognize the use of a trademark:

in advertisements, printed publications, official forms, signs;

when demonstrating exhibits at exhibitions and fairs;

on labels and packages of goods that are manufactured, offered for sale, sold or otherwise supplied into civil circulation or stored and/or transported for this purpose, or imported into the territory of the Republic of Uzbekistan;

on documentation related to the supply of goods into civil circulation;
in a domain name.

If a trademark or a confusingly similar designation is used illegally on goods, labels, or packages, these shall be considered counterfeit. Legal and natural entities alike, specializing in intermediary activity,

may use, on the basis of an appropriate agreement, their trademark together with that of the goods manufacturer.

Article 28 The use of the appellations of origin of goods

The application of the appellations of origin of goods to goods, packing, signboards, official blank-forms, advertisements, publications and other documentation associated with the introduction of goods into civil circulation is considered to be the use of the appellations of origin of goods.

Alienation, concession of the right to use the appellations of origin of goods and the granting of the right to use the appellations of origin of goods under the licensing agreement are not permissible.

The use of the registered appellations of origin of goods by entities not enjoying the certificate of the right to use the appellations of origin of goods is not permissible, even if the true commodity origin place is indicated or the name is used as a translated version or in combination with words such as type, kind, style etc. It is also not permissible to apply a similar symbol to any goods, thus misleading the consumer in respect of the commodities place of origin and specific properties.

Article 29 Precautionary marking

The owner of the trademark or the certificate of the right to use the appellations of origin of goods may put down, beside the trademark or the appellations of origin of goods, precautionary marking in the form of the Latin letter "R" or encircled "R", which serves to indicate that the symbol applied to the commodity or its packing is a registered trademark or the appellations of origin of goods in the Republic of Uzbekistan.

Article 30 Transfer of the right to the trademark

The exclusive right to the trademark may be transferred by its owner to the other entity under an appropriate agreement.

The transfer of the right to the trademark is not permissible if this can delude the consumer in respect of the commodity or its manufacturer. The right to use the trademark may be given by the trademarks owner (licensor) to another entity (licensee) under an appropriate licensing agreement. The licensing agreement should stipulate that the quality of the licensee's goods is by no means inferior to that of the licensor's goods and that the licensor is authorized to control the observance of this requirement. The agreement on transfer of the right to the trademark or the licensing agreement are both subject to registration with the Agency.

Neither the collective symbol nor the right to use it may be transferred

to other entities.

Article 31 Passage of the trademark when re-organizing the legal entity owner of the trademark

When legal entities - owners of trademarks are merged, trademarks are passed into the hands of the newly registered legal entity.

On division of the legal entity owning the registered trademark, the latter passes into the hands of the newly registered legal entity, into whose hands the production of goods is transferred. In cases where the trademarks owner reserves a portion of production of the commodity, whose trademark has been registered, both legal entities may be recognized as co-owners of the trademark under an appropriate agreement (contract) signed. Such an agreement (contract) is subject to registration with the Agency. If the legal entity, owning the trademark, joins another legal entity, the right to the trademark is passed into the latter's hands.

Article 32 Terms of repeated registration

The trademark, whose certificates term of validity expires, may not be registered on behalf of another entity within 3 years from the date the certificate of the trademark has become invalid. A given provision also applies to cases where the trademarks owner relinquishes the right to the trademark prior to the expiry of the certificates term of validity.

Article 32-1 Famous trademark

According to an application of legal or natural entity, famous trademark in the Republic of Uzbekistan may be recognized the trademark protected in the territory of the Republic of Uzbekistan on the grounds of its registration, the trademark protected in the territory of the Republic of Uzbekistan without the registration in accordance with international agreement of the Republic of Uzbekistan, as well as a symbol used in the Republic of Uzbekistan as the trademark but not enjoying legal protection in the territory of the Republic of Uzbekistan, if such trademarks or symbol, as a result of their wide use in the Republic of Uzbekistan as of the date indicated in the application, became well known among relevant consumers with regard to goods of this person.

Famous trademark is granted legal protection stipulated by the present Law for trademark.

Article 32-2 Legal protection of famous trademark

Legal protection is granted to famous trademark on the basis of the resolution of the board of appeal in keeping with the procedure established

by the law.

Trademark recognized famous is entered in the List of famous trademarks by the Agency.

Information related to famous trademark is published in an official bulletin of the Agency and is also posted on its official website after to have been entered in the List of famous trademarks. Content of published information is specified by the Agency.

The Agency issues certificate to famous trademark within ten working days from the date the trademark has been entered in the List of famous trademarks. A form of the certificate and a content of information contained in it is established by the Agency.

Legal protection of famous trademark is valid during unlimited period of time.

Article 33 Patent duties

The performance of legal procedures associated with registration of trademarks, appellations of origin of goods or the right to use appellations of origin of goods is chargeable, with certain patent duties being payable to the Agency. The amount and terms of payment of patent fees, the grounds for exemption from their payment, reduction of the amount or their return, as well as the procedure for the use of patent fees shall be established by the Law.

Article 34 Patent agents

The patent agent exercises the right to represent legal and natural entities at the Agency.

A citizen of the Republic of Uzbekistan, domiciled in the Republic of Uzbekistan, may act as the patent agent. Patent agents qualified requirements, the procedure for their certification and registration are specified by the legislation.

Natural entities domiciled outside the Republic of Uzbekistan, as well as foreign legal entities, carry out registration of trademarks and appellations of origin of goods and execute related legal actions via the patent agents registered with the Agency.

Natural entities domiciled in the Republic of Uzbekistan but temporarily stay outside it, may register trademarks and appellations of origin of goods, as well as execute related legal actions without the patent agent; they are to indicate address for the purpose of correspondence within the Republic of Uzbekistan.

Powers of the patent agent are to be attested by the letter of attorney.

Article 35 Registration of the trademark and the appellations of origin of goods in other countries

Legal and natural entities of the Republic of Uzbekistan have the right to register the trademark or the appellations of origin of goods in other states in keeping with the established procedure.

Article 36 Rights enjoyed by foreign legal and natural entities

Foreign legal and natural entities enjoy rights stipulated by the present Law on a par with legal and natural entities of the Republic of Uzbekistan or on the ground of reciprocity principle.

Article 37 Settlement of disputes

Any disputes, which may arise in connection with legal protection of trademarks and appellations of origin of goods, are settled in accordance with the procedure stipulated in the legislation

Article 37-1 Grounds and procedure for imposing fines and the fine payment procedure for legal entities who violate the legislation on trademarks and appellations of origin of goods

Illegal use of a trademark, the appellations of origin of goods, or confusingly similar designations for homogeneous goods by legal entities shall be subject to a fine of one hundred to two hundred basic calculation units. The amount of the said fine shall be determined separately for each type of offense.

Based on the application of the right holder, the Agency shall check compliance with the right to use the trademark and appellations of origin of goods. Checks on business entities shall be conducted in coordination with the Presidential Commissioner for the Protection of Rights and Legitimate Interests of Business Entities in the manner prescribed by law.

Fines shall be imposed by the Agency based on the checks conducted in accordance with the procedure specified in the second part of this Article. In this regard, an act of offenses identified during the check shall be drawn up. The act shall be signed by officials of the Agency and by the legal entity that committed the offenses (hereinafter "the offender"), respectively.

In the event that the offender (or their representative) refuses to sign the act, an official of the Agency shall document this fact by making a video recording and attaching it to the act or having two witnesses. Within five working days of the date of drawing up an act on the offenses discovered, which shall be the basis for imposing a fine, the Agency shall

make a decision whether to impose a fine on the offender in the amount specified in the first part of this article.

The decision to impose the fine shall be signed by the Head of the Agency (or their deputy) and sent to the offender within one working day.

Within one month of the date of the decision to impose the fine, the offender may voluntarily pay the amount of the fine specified in the decision.

If the offender voluntarily pays seventy percent of the amount of the fine specified in the decision to impose the fine, the offender shall be exempt from paying the remainder of the fine.

If the offender fails to pay the fine voluntarily, the Agency shall file a statement of claim for recovery of the fine in court within five working days, in accordance with the established procedure.

Ten percent of the amount of the collected fine shall be sent to the extra-budgetary fund of the Agency, and the remaining amount shall be sent to the State Budget of the Republic of Uzbekistan.

The offender shall have the right to appeal the Agency's decision to impose a fine.

Article 38 Liability for violation of the legislation on trademarks and appellations of origin

Persons identified as having violated the legislation on trademarks and appellations of origin of goods shoulder the responsibility in accordance with the established procedure.