

Trademark and Patent Registration Act

Chapter One:

Registration of Trademarks

Article 1. A trademark is any type or form of marking composed of drawing, picture, number, wording, seal, phrase, special wrapping, etc. which is chosen to distinguish or specify a particular commercial industrial or agricultural product.

A trademark may be chosen to distinguish or specify the product of a group of farmers, industrialists, commercial firms, a city or town or a region of the country.

Note: The right to have a trademark is optional unless the government declares it compulsory.

Article 2. The right to use any certain trademark is recognized only for the person who has registered the trademark.

Article 3. Iranian or foreign nationals in Iran with commercial, industrial or agricultural establishments who, have their trademarks registered under the provisions of the articles given herein under, shall benefit from all privileges of the law.

Article 4. Persons with commercial, industrial or agricultural establishments abroad, may enjoy the privileges of the law under the following provisions:

1. Register their trademarks in Iran according to regulations;
2. The country in which their establishments are situated have treaty relations, or domestic laws, protecting Iranian trademarks.

Article 5. None of the following markings may be used as a trademark in whole or in part of the trademark:

1. The state or any other flag the use of which is unauthorized by the government of Iran and medals, decorations and arms of the Iranian government.
2. Canceled.

3. Phrases or words which may give the impression of a connection with official authorities of the state or government.
4. Emblems of official authorities such as the Red Cross, Red Crescent etc.
5. Signs which disturb public order or harm public morality.

Article 6. Registration applicants must, personally or through an attorney, request the registration of their trademark from the special branch which has been established by the First Instance Court of Tehran for this purpose. The application must be made in a written statement which will be entered into a special book upon receipt by the special branch, and a receipt issued for same.

Article 7. The officer in charge of the said branch (see article above) must decide whether to accept or refuse the application within fifteen days from the date of receipt of the application and other annexed documents.

If the application for registration is rejected, the reasons must be clearly stated. The applicant may file a petition before the First Instance Court of Tehran within ten days from the date of rejection of his application. The court's verdict is also subject to appeal to a higher (supreme) court.

Article 8. If the application for registration of a trademark is approved by the officer in charge of the special branch, or if, after his rejection of the application, the application is upheld by a final court verdict, the Tehran Department of Deeds Registration will be required to register the trademark and issue an official registration certificate within 15 days of receipt of a copy of the approval, or court verdict.

Article 9. The officer in charge of the special branch (ref. Article 6) may reject an application on the following grounds:

1. When the mark is contrary to the Law,
2. If the mark has already been registered in someone else's name, or if the resemblance between the mark under application and an already-registered mark is so great that ordinary members of the public, the consumer and persons without specialized knowledge, may be confused by it.

Article 10. The registration of a trademark shall have the following data:

1. Date (day, month and year) of registration in words.

2. Name, profession, address and nationality of the owner of the trademark and his attorney (if the application has been made through an attorney).
3. Name and description of goods or the category of goods for which the mark has been registered.
4. A brief description of the trademark, with specific reference to the parts which the owner wishes to reserve for his own use exclusively; and
5. The registration fee charged.

Article 11. Any change in the trademark, or the goods covered by such trademarks, must also be registered in accordance with the law, otherwise the changes will not be subject to the protection of the law.

Article 12. A trademark may be assigned or transferred, but such a transfer or assignment to a third party will be legal only when it is registered in accordance with the law.

Article 13. The registration of a trademark or changes thereof, will be published in the Official Gazette of the Ministry of Justice within fifteen days from the date of registration by the Tehran Deeds Registration Department but at the expense of the applicant.

Article 14. Registered trademarks will enjoy protection from the date of submission of the original application. The validity period of registration of a trademark is ten years, after which period the owner may apply for a further period of ten years.

Article 15. The registration fee for trademarks shall be collected according to the schedule of charges which can be obtained.

Article 16. The following persons may object to a trademark for the registration of which an application has been submitted:

1. Persons who consider the trademark to be their own; and
2. Persons who consider the applicant's trademark sufficiently resembling their own as to confuse ordinary consumers.

In either of the above two cases, if the objector has not already registered the trademark in his own name, he should at the same time of his objection, take action and to apply for the registration of the trademark under dispute. He must pay all the registration and other costs in advance. For persons whose establishment is situated abroad, the right to object will be conditional upon reciprocal arrangements as specified in Section 2 of Article 4.

Article 17. If the objection is filed before the registration of the trademark under application, the objection must be transmitted to the applicant in the manner, and within the period specified in the regulations. If the applicant does not concede the right of the objector and does not withdraw his applications, then the objector may file a petition within the period specified in the regulations with the First Instance Court of Tehran.

The procedure regarding the registration of the application will be suspended during the filing of the petition. If however, the objector does not file a petition within the specified period (or when he does, he fails to prosecute) the trademark will be registered in the name of the applicant and all moneys deposited by the objector will be confiscated by the government.

Article 18. If the objection is concerning a trademark which is already registered, the objector should refer directly to the First Instance Court of Tehran and must request the cancellation of the registration.

Article 19. Except where otherwise provided for by the Ministry of Justice regulations, all such petitions shall be dealt with under Commercial Law and in any case the verdict of the court will be subject to appeal to a higher (supreme) court.

Note: The text of the final verdict will be published (at the expense of the winner of the case) in the Official Gazette of the Ministry of Justice and also in a daily newspaper in Tehran; the winner may demand the cost of publication along with other damages from the loser.

Article 20. Should the objector prove to have priority right in respect of a trademark resulting from prior continuous usage, the court shall hold that the trademark be registered in the name of the objector, and if the said trademark has already been registered at the Tehran Deeds Registration Department, then the court shall hold that the former registration be canceled and the trademark to be registered in the name of the objector.

Article 21. The above mentioned procedure shall be followed in the case of an objection to the assignment of a trademark, changes in the trademark or changes in products included under that trademark.

Article 22. If no objection is raised against the registration of a trademark within the first three years from the date of registration, no objection will be considered afterwards unless it is proved that the applicant was aware, during the course of registration, that the trademark had been continuously used by the objector or by another person who had transferred the trademark to the objector. If the applicant can then prove that the objector was aware of the registration within the three years then the objection will be rejected.

Article 23. The necessary regulations will be prepared by the Ministry of Justice for the enforcement of this law.

Article 24. Trademarks registered by persons with industrial, commercial or agricultural concerns in Iran, registered under the Industrial Patents Act of 1923, shall remain valid for the balance of the period of ten years since registration.

Article 25. Persons with commercial, industrial or agricultural concerns outside Iran who have registered their trademarks according to the Act of 9th Farvardin 1304 (30 March 1926), or who have applied for registration under that Act but obtain their registration after the approval of this Law, will enjoy the protection of this Law for the balance of their ten years provided that the country in which their establishment is situated offers such protection under treaty with Iran or through its international laws.

Chapter Two:

Registration of Patents

Article 26. Any new invention or discovery in the various fields of industry or agriculture gives exclusive rights to the inventor or discoverer under which right and in accordance with the terms and period prescribed by this law, he may benefit from the invention or discovery provided that a patent for the invention or discovery is registered with the Tehran Deeds Registration Department according to the terms of this law.

The certificate which will be issued by the Tehran Deeds Registration Department in this connection will be called a 'Letter Patent'.

Article 27. Any person who makes any of the following claims, may apply for a patent:

1. New innovation for a new industrial product;
2. Discovery of a new means or the discovery of new methods using existing means to obtain a different result or product in industry or agriculture.

Article 28. A patent may not be applied for, for the following reasons:

1. Financial schemes;
2. A new invention or the development of an existing invention harmful to public order, or public health or morality; and
3. Pharmaceutical formula or compounds.

Article 29. The first person who applies for the registration of an invention in accordance with the provisions of this law shall be considered the inventor for that particular invention, unless proved otherwise.

Article 30. An inventor who has patented his invention outside Iran, if his patent is still valid, may also apply for the registration of his invention in Iran, for the remaining period of validity of his patent. However, if a person or establishment has been using his invention, in whole or part in Iran before he applies for a patent; or should the use be in the preparatory stage at the time of application for a patent, the inventor may not prevent the further use of the invention in whole or part, by that person or establishment.

Article 31. The provisions of Article 6, 7 and 8 of this law shall also be valid for the application for patents of invention.

Article 32. An application for registration will be accepted when the inventor or his representative pay in advance, for the application and at least the registration charge for the first year set down in Article 34. The charge set collected for the application, will in no circumstances be returned.

Article 33. The period of validity of a patent shall range, according to the request of the inventor, between 10, 15 or 20 years. This period shall be

clearly stated in the patent and during this period the inventor or his legally appointed representative may have exclusive right to build, sell, apply or otherwise use the invention.

Article 34. A registration fee for patent of invention shall be collected according to the schedule of charges which can be obtained.

All or part of the fee may be paid in cash during the patenting of the invention. In the case of cash payment, a discount of 5% shall be given for the cash payment for five years, 10% for ten years, 15% for 15 years and 20% for twenty years.

Article 35. If the fee for a year has not been paid in advance, it should be settled within the first three months of the year, otherwise the patent shall become invalidated, unless the inventor pays double the amount within the next three months of the year.

Article 36. A patent cannot be used as proof that an invention is commercially usable, or that it is new, or genuinely practical, nor does it prove that the person who has taken the patent, or his representative, is the actual inventor; or that the description of drawings of the invention are true. Interested persons may file a petition with the First Instance Court of Tehran in any of the above cases to prove that the statements are not true.

Article 37. In the following cases interested parties may apply to the First Instance Court of Tehran and petition to cancel a patent:

1. When the invention is not a new one;
2. When the patent has been obtained contrary to the provisions of Article 28, or
3. When the invention is purely scientific and theoretic nature and has no practical uses in industry or agriculture; or
4. When no practical use has been made of the invention five years after a patent has been obtained.

Note: Any existing invention or development of an existing invention which has been described in publications, or whose drawings have appeared in publications, or which has been used and utilized before the date of application for patent in Iran or abroad, is not considered a new invention.

Article 38. Provisions of Article 19 shall be binding in connection with the provisions of Articles 36 and 38.

Article 39. A patent holder may transfer, in whole or in part or in any other way he may desire, the ownership or right of use of his invention to a second party. If the transfer has been due to inheritance, the next of kin may use the patent only after he has registered such a transfer.

Article 40. All transactions concerning a patent must be properly and legally documented, otherwise the transactions will not be valid for the second party. If the transaction takes place outside Iran, the transaction becomes valid for the second party only when it is registered by the Tehran Deeds Registration Department.

Article 41. The registration fee of the above -mentioned transactions or transfers shall be determined by the Ministry of Justice.

Article 42. All patents and other documents related to the registration of an invention are open to public inspection after registration of the invention and issuance of the patent. Any person, upon payment of a fee to be fixed by special regulations, may obtain a certified copy of the documents or papers related to an invention or transactions related to it.

Article 43. The owner of an invention or his legal representative, may make any changes to his invention during the entire period of validity of the patent and register such changes in accordance with the law.

Article 44. In respect of foreign nationals who apply for patents in Iran, but who are not domiciled in Iran, the regulations of treaties signed with their government is applicable; if no such treaty exists, then they will be treated on reciprocal basis.

Article 45. The Ministry of Justice will draw up the regulations concerning the provisions of this Chapter.

Chapter Three:

Common Regulations

Article 46. Civil or penal proceedings concerning patent or trademark shall be heard by the Tehran Court of Justice, whether the crime takes place or is discovered outside Tehran or the accused is arrested outside Tehran, in this case the preliminary investigation shall be carried out in the place where the crime took place or where it was discovered or the accused arrested, and the records shall be sent to the Tehran Court of Justice for examination.

Article 47. If, during a criminal trial the accused raises questions of ownership of the trademark or patent of invention, in his defense, the court will examine the question of ownership also.

Article 48. The Ministry of Justice shall regulate the procedures for the collection of evidence, the seizure of goods produced in violation of the trademark or patent of invention; and the period allowed to the accuser to file a petition after the seizure of goods, after which if the accuser fails to file a petition the goods will be released. Such regulations will regulate the action of both judicial authorities and executive authorities officials, such as customs officials etc.

Article 49. Damages demanded in civil or criminal cases concerning patent or trademark rights shall include inflicted losses and also loss of earnings or profits.

Article 50. The Act of 9th Farvardin 1304 (1925) concerning trademarks is hereby annulled. This law shall come into force effective from the 15th day, of the month of Tir, 1310 (1931).

Article 51. The Ministry of Justice is hereby assigned to enforce this law.

Trademark and Patent Registration Regulations

Chapter One: Application

Article 1. The application for the registration of a trademark must be written in Persian, signed, dated and have the following additional information:

1. Name, domicile and nationality of the applicant and the address of his head office;
2. Name and address of his legal representative in Tehran (if the application is submitted by an attorney);
3. The line of commercial or industrial business in which the applicant is engaged;
4. Date and place of registration and registration number of the trademark in the country of origin (if the trademark is already registered abroad);
5. Address in Tehran; to be chosen by the applicant;
6. Name and address of the person or persons who will receive official notices and communication on behalf of the applicant in Tehran;
7. Description of the type of commodity or class of goods, for which a trademark is applied for;
8. Description of the trademark under application and of the way it is intended to be used; and
9. Description of appendices.

Note: In the case of applications from foreign applicants, Persian and Latin characters must be used. The trademark will be registered and notice of registration will appear in both languages.

Article 2. The following should also be included with the application:

1. The original or certified copy of the Power of Attorney (if the application is made by a legal representative);
2. Ten samples of the trademark (as will be used on the product), and whenever the trademark is used for more than one category of goods, one extra sample for each additional category will be required;

Each application must have one sample affixed to it and the sample must be signed by the applicant. The third copy of the sample shall be affixed

in the registry and the fourth sample shall be affixed to the Certificate of Registration. Trademarks which are embossed or engraved on articles of goods, shall be drawn on paper.

The samples may not exceed ten centimeters in dimensions.

3. A block of the trademark must be submitted for the clear printing (dimensions not to exceed 10 centimeters) unless the trademark consists of ordinary lettering, in which case no printing block shall be required.
4. If the trademark has already been registered abroad, it is then necessary to produce a certified copy of the Certificate of Registration in the original language and an unofficial translation into Persian, which the applicant will be responsible for the accuracy of same
5. If the trademark is used to distinguish the products of a group, a town or a region of a country, a Certificate must be produced from the relevant government authorities certifying the applicant's authority to use such a trademark. In Iran, competent authorities whose Certificate shall be accepted by the Registration Department are: 1) The Guilds, 2) The Chamber of Commerce or Industry, 3) The Municipality and 4) The Governor's Office.

Article 3. The official who receives the application must at the beginning, ensure that it has been properly drawn-up. Having entered the application in a special book, the official will sign and stamp a second true copy of the applicant as a receipt. A third true copy of the application shall be available at the Company, Trademark and Patent Registration Office for public inspection pending a final decision on the application. Any person may read the copy and file an objection according to regulations.

Article 4. A person who applies for several trademarks must submit separate application for each trademark in accordance with these regulations. If the application is being made through a legal representative, the original Power of Attorney must be affixed to one application and certified copies must accompany each of the other applications.

Article 5. An application will be studied for the following details within fifteen days from the date of receipt:

1. Presentation: the application and appendices should be as required by the law and regulations. Should any defects be noticed in the application, the applicant will be informed accordingly for correction within the prescribed time limits (two months for applicants residing in Iran, and six months for those residing abroad). Should the time prove insufficient, the applicant may request one time extension.

2. **Classification:** the class of goods for which a trademark is applied, with the general classification of the goods in the category. Should there be a discrepancy, then the applicant will be required to rectify the error.
3. **Compliance:** the trademark must comply with all the conditions of the law and these regulations.

Note 1: For the purpose of concession rights and trademarks specified in Article 1 of the law, common names of products or proper geographic names which tend to mislead the consumer as to the origin of the product or the nature of goods, shall not be accepted for registration.

Note 2: With reference to Article 9 of the law, resemblance of trademarks shall apply to any similarity in appearance, pronunciation, in the written form or any other similarity.

Article 6. In the following cases, if after fifteen days following the receipt of the application it becomes apparent that the application is unacceptable, or if the applicant fails to correct his application form within the prescribed time limit, the Registration of Company, Patents and Trademarks Department will inform the applicant in writing of the rejection of his application and will give the reasons for rejection.

Article 7. The company, Patent and Trademark Registration Department will publish a notice in the Iranian Official Gazette for every application that it accepts under Article 5. The Notice shall contain the name and address of the owner, details of the trademark and types of goods to be covered.

Article 8. Any amendment or change made to a trademark by the owner after the publication of the Notice, must be carried out after a new application has been submitted. The new application will be studied according to the provisions of Article 5 of these regulations. If the amendment or change thus requested is accepted by the Company, Trademark and Patent Registration Department, then a new Notice will be published to that effect.

Article 9. If after thirty days of the publication of the Notice, there are no objections, the Company, Trademarks and Patent Registration Department is duty-bound to register the trademark.

Chapter Two:

Registration of a Trademark

Article 10. The registration of a trademark in the special registry will be effected, including the following details:

- a. Date and serial number of the application;
- b. Date and serial number of the registered trademark and details specified in Article 1 of these Regulations;
- c. A copy of the trademark (affixed) at the appropriate place;
- d. Registration fee and other charges collected for each class of goods;
- e. Signature of the applicant or his legal representative; and
- f. Signature of the Head of the Department or his Deputy.

Note: Two pages of the registry shall be allocated for the registration of every trademark.

Article 11. After the registration of the trademark, a certificate containing the following details and bearing a full sample of the trademark, shall be handed to the owner of the trademark, or his representative.

1. Date of receipt of application and its number in the registry;
2. Date and serial number of registered trademark;
3. Name, profession, address and nationality of the owner;
4. The type of goods, products or class of products to be covered by the trademarks;
5. A definition of the parts reserved for the exclusive use of the owner of the trademark;
6. Date, number and place of the registered trademark abroad, if the trademark has already been registered abroad;
7. Issuance date of certificate;
8. Period of validity; and
9. Signature of the Head of Registration Department.

Article 12. Within thirty from the date of registration of a trademark, the Registration Department must publish a public notice containing all the information enumerated in Article 11.

Article 13. Should a registered trademark for goods specified in Article 1 of the Patent Registration Law of 1st of Tir 1310 (1931) not be commercially used in Iran or abroad within three years from the date of registration, and if the owner or his legal representative fails to furnish a valid reason, any interested party may apply to the Town Court and request the trademark's cancellation.

Chapter Three: Amendments

Article 14. No charge or amendment concerning a trademark, the classification of goods covered by it, change of address, nationality or the legal representative of the owner in Iran, shall be considered valid unless registered in Iran.

The registration of changes and amendments shall be made through an official application signed by the owner or his legal representative.

The application must be drawn up in three copies containing full details of the proposed changes. A receipt for the payment of fee must be attached to the application. The changes and amendments will be registered according to regulations. It is not necessary to publish by public notice changes concerning the address or domicile of the owner or his legal representative in Iran.

Article 15. Should the change or amendment concern the trademark itself, ten samples of the new trademark must be submitted.

Article 16. Changes or amendments must be registered on a special page provided, for this purpose and the changes must be written on the back of the Certificate issued by the Registration Department.

Article 17. Should a trademark in any way be transferred, the application for the registration of transfer must contain the following information:

- a. Registration number in Iran,
- b. Name, address and nationality of the new owner, and
- c. Name and address of his legal representative in Iran.

Article 18. Legal documents concerning the transfer of ownership, the Power of Attorney and the Iranian Patent Certificate must be attached to the application for transfer registration. The Patent Certificate shall be returned to the new owner after the registration of the transfer and the insertion of a note to that effect on the back of the Certificate.

Note: If the transfer of ownership has been registered abroad, a certificate copy from the Foreign Trademark Registration Office shall be sufficient.

Article 19. In cases where the owner of a trademark or his legal representative, allows another person to utilize the trademark, the permission shall be valid only when the Letter of Consent has been duly registered in Iran.

The registration of the Letter of Consent shall be undertaken upon the application in writing of the owner of that trademark, or his legal representative. A receipt for the payment of the registration fee and the cost of publication of notice must be attached to the application. The application must signify the period of consent for the use of the trademark, its terms and limitations.

A brief account of the Letter of Consent shall be published in the press.

After considering the application and checking it against the law and regulations, the Trademark and Patent Registration Department will register the application, and will publish the relevant notice containing the name of the owner of the trademark, the name of the user of the trademark, registration number and a brief account of the Letter of Consent.

Chapter Four:

Renewal of Registration

Article 20. Any owner, his deputy or legal representative, may renew the registration of a trademark every ten years, within six months before or six months after the date of expiration of the previous period. The renewal application must be submitted in two copies, signed by the owner, his deputy or legal representative and bearing a sample of the trademark. The renewal shall be effected after payment of all of the fees and costs borne at the time of the original registration.

The renewal shall be noted at the Registry on the same page, or immediately following it, on which the original registration was made. If, at the time of renewal, changes or amendments are made to the trademark, all formalities concerning such changes or amendments must

be observed. Should there be no such changes, there will be no need for the publication of notice renewal.

Chapter Five: Classification

Article 21. The products of each class for which a trademark may be obtained are specified on a list attached to these Regulations; a special fee will be obtained for each class according to Article 15 of the Law.

THE LIST OF CLASSES HAS BEEN OMITTED FROM THIS TRANSLATION

The Registration Office is required, at the time of application for registration or renewal, to check and correct the classification of the goods according to the list appended to these Regulations.

PART TWO:

PATENT OF INVENTION

Chapter One:

Application for a Patent

Article 22. An application submitted for a Patent of Invention must be drawn up in Persian, dated and signed, and must include the following information:

1. Name, profession, address and nationality of the applicant;
2. Name, profession, address of his legal representative in Tehran, if the application is submitted by an attorney;
3. A brief and clear account of the invention;
4. Unconditional period for which the patent is being applied for under Article 33 of the Trademark and Patent Registration Act;
5. Date, place of issue and serial number of the patent abroad, (if the invention has already been patented abroad);
6. The address chosen by the applicant in Tehran, and

7. Name and address of the person or persons residing in Iran and authorized by the applicant to receive notices and communications on his behalf.

Note: On the application, the name and address of the applicant, the subject of the invention and the name of the country in which the invention has already been registered may be written in English or French.

Article 23. The following documents must be included on the application:

1. A detailed description of the invention or equipment for which the patent is applied for (3 copies);
2. Drawings to help explain the description (3 copies);
3. Receipt from the Registration Department cash office showing that the sums specified in Article 31 of the Law have been paid; and
4. Certified and legalized Power of Attorney (if the application is submitted by a legal representative).

Article 24. The application must be confined to the main points of the invention and details of the same points of the invention.

Note: If the invention has already been registered abroad, the inventor may apply for a single patent for the original invention as well as for later development, if any, of the same.

Article 25. A detailed description of the invention which is included in the application in compliance with Article 23, must be in Persian. At the end of the description, there must be a brief account of the invention and the manner of utilization of the invention. However, if it is not possible for the applicant to submit a detailed account of the invention in Persian, he may submit such details and full accounts in either French or English and attach a brief account in Persian.

Article 26. Regardless of the language the description is written, it must be legible and understandable in such a way that an informed person may understand the subject matter and the new points. No deletion, correction or writing between the lines is permitted in these descriptions, though redundant words may be struck off. The number of redundant words should be specified and accounted for. Furthermore, the original and the copies of the description should be signed by the applicant or his legal representative.

Article 27. The description and drawings of the invention must be on pages 34 centimeters long and 22 centimeters wide. Only one side of the paper may be written on. The description pages must be serially numbered and must be joined to each by ribbon or punch. Drawings must be made on special drawing paper and must be numbered in the right order.

Article 28. The Trademark and Patent Registration Department will check the formalities and proper observance of the regulations shall be carried out when receiving an application. The application will then be entered on a special registry and a copy of the application will then be signed and stamped, giving the hour, day, month and year of receipt in words, and this copy will then be returned to the applicant.

Article 29. Upon receiving the application, the Registry will first check that the application and its appendices within 15 days to ensure that the application complies fully with the provisions of the Law and Regulations. If any defects are seen in the application, the applicant shall be informed of same writing. A grace period of about two months for applicants residing in Iran and about six months for applicants residing abroad - shall be given to the applicant, during which time he must take steps to rectify the error. The Registration Department may extend this period only once, provided that the applicant has a valid reason.

If, however the applicant fails to remove these defects within the period legally allowed to him, or if the application does not conform with the provisions of the Law, the Registration Department will reject the application and inform the applicant in writing of their decision, giving their reasons for rejection. The applicant may protest to the Town Court against the rejection of the application within the period specified by the Law.

Chapter Two:

Registration of Inventions

Article 30. Should the application be complete and fully comply with the Law, the invention shall be registered in a special Registry, giving all the following details:

1. Registration number,
2. Application number in the Registry,
3. Date of receipt of application, giving hour, day, month and year,
4. Full name and address of the applicant,

5. Full name and address of the legal representative of the applicant, if the application is submitted by a representative,
6. Subject of invention,
7. Period of validity,
8. Registration number and period of validity of the patent registered abroad, if any,
9. Date of registration of the patent,
10. Signature of the Head of the Patent Registration Office, or his deputy, and
11. Signature of the applicant, or his legal representative.

Note: Two pages shall be devoted in the Patent Registry for each invention. All changes, amendments and transfers concerning the invention must be entered onto these pages.

Article 31. After the registration of the invention, a patent shall be issued to the owner of the invention, containing the following information:

- 1. Registration number of the patent,**
2. Date of registration of the patent,
3. Application number of the patent,
4. Subject of the invention,
5. Date of submission of the application,
6. Full name and address of the owner of the invention and his legal representative,
7. Address in Iran of the owner (or his representative) of the invention,
8. Validity period,
9. Registration number and period of validity of the patent abroad (if registered abroad),
10. Signature of the head of the Trademark and Patent Registration Department,
11. Signature of the Director General of Deeds and Estates Registration Department, and
12. Application date of the patent.

A copy of the description of the invention, a brief explanations of the invention and all the drawing will be attached to the patent by ribbon or staple and will be stamped.

Article 32. Within thirty days from the date of registration of an invention, the Registration Department shall publish a notice containing the following information:

- a. Registration number of the invention,
- b. Validity period of the patent,
- c. Name and full address of the owner of the invention, and
- d. Subject of the invention.

The said notice shall appear in the Official Gazette of the government of Iran over the signature of the Head of the Trademark and Patent Registration Department.

Article 33. The period of validity of a patent shall be calculated from the date of submission of the application.

Chapter Three: Changes

Article 34. All changes, amendments or additions concerning the invention during the period of validity of a patent, shall be effected in accordance with the provisions of Article 23 and 24.

Article 35. A new patent supplementing the original one shall be issued for each and every change, amendment or addition.

The conditions for the supplementary patent are those which have been laid down for the original, but the validity period of the supplementary patent may not exceed that of the original.

Article 36. The owner of an invention who wishes to obtain an original patent of a supplementary one for his changes, amendments or additions, must observe all the formalities provided by the law and regulations for the registration of an invention, and must pay all the costs and registration fees.

Article 37. If the applicant for the supplementary patent is a person other than the original inventor, the supplementary patent shall not authorize him to benefit from the original invention; nor can the original inventor benefit from the new change or development of his original invention, unless the two reach a mutual agreement.

Article 38. Changes concerning the name, address, nationality and legal representative of the inventor in Iran, will not be official unless each of these changes are registered in Iran. Such changes shall be registered upon the official application by the inventor or his legal representative.

Such applications must be drawn up in three copies, giving full details of the changes and include all relevant documents and also receipt of payment of registration fees. The application for such changes shall be dealt with according to the same terms as those for the registration of an invention. There is no need for a public notice concerning the change of name of address of the inventor or his legal representative.

Article 39. All such changes must be entered into the page allocated for the registration of that particular invention. The Trademark and Patent Registration Office shall also endorse such changes on the back of the patent Certificate given to the inventor.

Article 40. Should an invention be lawfully transferred, the following details must be given on the application for the registration of this transfer:

- a. Registration number in Iran,
- b. Name, address and nationality of the new owner, and
- c. Name and address of his legal representative in Iran.

Article 41. The legal documents concerning the transfer, the Power of Attorney and the original patent for Iran must be included in the application. The patent shall be returned after registration of the transfer.

Article 42. If the transfer has been effected abroad and registered there, a copy of the transfer certificate shall be considered as proof of the transfer.

Article 43. An inventor who has taken a patent to Iran for his invention may allow another person, under whatever terms are agreed upon, to use the invention, but the permission must be registered in the appropriate

page allocated to that invention in the Patent Registry and must be publicized in the Official Gazette.

Article 44. Having studied and checked the application, the legal Registration Office shall register the permission and shall publish a notice containing the name of the inventor, patent registered number and the person authorized to use the invention as well as a brief account of the Letter of Consent. A copy of the registration shall be issued to the second party.

PART THREE: COMMON REGULATIONS

Chapter One

Article 45. The Trademark and Patent Registration Office shall issue a Certificate for the registration of a trademark or patent after the publication of the relevant notices.

Article 46. Should the applicant for the registration of a trademark or invention, not be a domicile of Iran, he must choose a known and established address in Tehran and introduce this address for the receipt of all official correspondence and notifications concerning trademarks and patents. This provision shall also apply to an objector against the registration of a trademark or patents. This provision shall also apply to an objector against the registration of a trademark or patent who is not domiciled in Iran.

All notifications concerning trademarks or patents shall be addressed to the address of the interested person and other persons qualified to receive such notifications under this Article.

Chapter Two: Legal Procedure Concerning Trademarks and Patents

Article 47. Any person who objects to a trademark or patent, whether he objects before or after the registration of the trademark or invention patent, must deposit a fee with the Ministry of Justice and attach the receipt to his Letter of Objection. If the objection of the objector is

rejected as baseless, damages payable to the owner of the trademark or invention shall be paid out of this deposit. If the owner of the trademark or invention has suffered damages exceeding this fee, he shall go to Court to collect the balance outstanding.

Article 48. The following documents should be attached to the petition submitted by the applicant for the registration of a trademark or patent, whose application has been rejected in accordance with Article 7 of the Trademark and Patent Registration Law:

1. The original or certified copy of the Letter of Objection;
2. The objections raised by the applicant to such a rejection;
3. A receipt for the deposit of fees specified in Article 47; and
4. Power of Attorney, if the petition is being submitted by a legal representative.

Article 49. The clerk of the court shall determine the day of the hearing and will notify the objector and the official in charge of the Trademark and Patent Registration Office (specified in Article 6) to be present at Court on the appropriate day. The plaintiff may seek a delay in hearing not exceeding six months. On the appointed day, the Court shall hear the oral arguments of both sides and shall issue a verdict accordingly.

The failure on part of either party to attend the hearing shall not prevent the Court from issuing its verdict and the verdict shall assume that the absent party is present.

Article 50. The procedure for appeal is the same as mentioned in the previous article.

Article 51. Objections to trademarks or patents which have not been registered yet, must be submitted in writing to the Trademarks and Patent Registration Office. A dated receipt shall be issued against such letters of objection.

The objector must include the following information in his Letter of Objection:

1. Name, profession and address in Tehran; and
2. All proof, evidence and argument substantiating the objection.

Article 52. Whenever possible, the objector must enclose certified copies of documents which he uses as evidence to substantiate his claims.

Article 53. If an objector objects on the grounds of ownership, against the registration of a trademark or patent which has not already been registered in his own name, his objection will be entertained only when he also applies for the registration of the trademark or patent in accordance with the laws and regulations. The same procedure will apply in the case of persons objecting to a registration of a trademark or patent on the grounds of protecting their rights in respect of that trademark or patent under application - unless the trademark or patent could not have been legally registered in Iran.

Article 54. The Trademark and Patent Registration Office must notify, within ten days of receipt, the original applicant of such objections to his application. The notification shall be served at the official address or on the persons so qualified to receive notification under Article 46. The notice must specifically mention that if the applicant concedes the objection, he must withdraw his application for the registration of that trademark or patent.

The serving of the Letter of Objection shall be effected in accordance with the Civil Procedure Code for the submission of petitions.

Article 55. If the application concedes the objection in writing and withdraws his application, the objector shall be notified of the withdrawal and action will be taken in accordance with the regulations and laws concerning the registration of the objector's application which he has submitted under Article 53 of these regulations.

Article 56. The objector must go to the Tehran town court within sixty days from the date of the serving of the notice of objection to the applicant, unless within this period the applicant concedes the objection and further action is taken in accordance with the previous Article.

Article 57. The objector fails to apply the Tehran Town Court within the period specified in the above Article, the Trademark and Patent Registration Office shall take note of a statement by the Tehran Town Court that no petition has been received from the objector, and will then proceed with the registration of the trademark or patent in the name of the applicant. In such cases, the fees paid by the objector in accordance with Article 16 of the Trademark and Patent Registration Law, shall be confiscated by the Government.

Article 58. If the objector fails to submit all his evidence and documents to court, he will ask the President of the court for a stay of execution for a period not exceeding six months and the President will agree, if necessary, to this request after studying the grounds for the request.

Article 59. The above-mentioned time limit shall also be given to the applicant to offer documents and evidence in support of himself.

Article 60. Other procedures for the hearing of the case in the Town or Provincial Courts are the same as provided for commercial cases.

Article 61. Any person who wishes to nullify a trademark or an invention patent registered in Iran must apply to the Tehran Town Court.

His petition for the nullification must contain the following appendices:

1. A certified extract from the books of the Trademark and Patent Registration Office concerning the trademark or patent for nullification of which the petition is being submitted;
2. The original or certified copies of all the documents which the petitioner wishes to submit to the court to substantiate his action; and
3. Power of Attorney, if the case is conducted by a legal representative.

Article 62. The serving of notice and the preliminary and other procedures of the case shall be according to the Civil Procedure, but the provisions of Article 59 shall apply to the defendant.

Chapter Three: Seizure

Article 63. The owner of a trademark or an invention patent, or his legal representative, on orders from the nearest district court, of the locality where the goods subject to the claim exist, may prepare a detailed list of the goods which are subject to trademark or patent violation charges. This order shall be enforced by customs officials if the goods are with the customs, otherwise by a law-enforcing agent.

The seizure of such goods is permissible only when the court clearly states it.

The court order shall be issued in either case to the application of the owner of the trademark or patent, or his legal representative. To the

petition of such a court order, there must be a certified copy of the trademark registration Certificate or the patent papers attached.

If the owner of the trademark or patent request the seizure of the goods, they must furnish adequate sureties to cover possible damage to the other party and also to compensate for his loss of earnings.

Article 64. In all cases concerning the rights and privileges arising from the registration of trademarks and patents, the objector in the civil case or the plaintiff in the criminal case may ask the court or judicial authorities at any time they are dealing with the case, to issue an order for seizure of evidence or confiscation of the infringed or imitation goods or products; or an order temporarily restraining the manufacture, or sale or import of such infringed or imitation goods.

The legal authorities are required to accept such a request. In the case of request for seizure or temporary restraint on the manufacture, sale or import of the goods, the legal authorities may ask the objector or plaintiff to offer adequate bond from which all damages to the other party, including the loss of earnings, may be paid.

Article 65. If the objector or plaintiff fails to take real action in a civil or criminal case within ten days from the date of issue of the order mentioned in Article 63 of these regulations, with due regard to the provisions of Article 615 of the Civil Procedure Code, the order shall be lifted and the objector or plaintiff shall be required to pay damages according to Article 63.