

Comments by the Delegation of the Russian Federation on matters relating to trademark opposition procedures (document SCT/16/8, paragraph 13)

In accordance with the current legislation of the Russian Federation, the legal protection of a trademark arises from the date on which the trademark is registered.

The legislation of the Russian Federation does not contain a trademark opposition procedure. This is explained by the fact that, in accordance with patent office legislation, a trademark is examined both on absolute and also relative grounds for the refusal of registration. A decision is taken, according to the examination results, on the registration of or on the refusal to register a trademark.

In addition, the possibility exists for an applicant to challenge a decision taken in accordance with trademark examination results. Such a possibility is not available to third parties.

As to the legality of trademark registration, the legislation of the Russian Federation allows any person to challenge the registration of a trademark with a special administrative body, in accordance with the established procedure. The body in question is the Chamber of Patent Disputes which forms part of the Patent Office. Procedure provides for the possibility to challenge a trademark registration on absolute grounds during the whole of the term of validity of registration. Registration may be challenged on relative grounds during a period of five years from the date of publication of information concerning a registration in the Patent Office Official Gazette.