

Registration of Collective Marks in the Republic of Belarus

In accordance with the trademark law in force of the Republic of Belarus, collective marks are granted legal protection. National trademark law does not extend to certification marks.

A collective mark is the trademark of an association of legal entities, the purpose of which is to designate goods manufactured or placed on sale by the association and having common qualitative or other characteristics.

When filing an application, the applicant must indicate that a trademark for which protection is sought is the collective mark. The application must be accompanied by the Rules of the collective mark that are to include the following information:

- the name of the association authorized to register the collective mark;
- the list of legal entities authorized to use the collective mark;
- the purpose of the registration of the collective mark;
- the list and the common qualitative or other characteristics of the goods that will be designated by the collective mark;
- the conditions and the supervisory procedures to which the use of the collective mark is subject;
- the sanctions applicable in the event of violation of the Rules of the collective mark.

The Rules of the collective mark must be signed by the managers of all individual enterprises and organizations of the association having the right to use the collective mark. If, within two months following the date of receipt of the application by the Patent Office, the applicant has not furnished to it the Rules of the collective mark, the application will be considered to have been withdrawn.

When registering the collective mark, in addition to the particulars mandatory in respect of all trademarks, information on the legal entities authorized to use the collective mark will be recorded in the State Register of Trademarks and Service Marks of the Republic of Belarus. The particulars of the registration of the collective mark, together with an extract from the Rules of the collective mark that specifies the common qualitative or other characteristics of the goods for which the collective mark has been registered, will be published in the Official Bulletin of the Patent Office.

The collective mark or the application for the registration of the collective mark may be converted into the trademark belonging to one of the legal entities authorized to use the collective mark in accordance with the Rules of the collective mark or into the trademark application, correspondingly. The request for converting of the application must be

submitted no later than the date on which the decision to register the collective mark has been taken. The request may be filed by any legal entity listed in the Rules of the collective mark, subject to a written consent of all other legal entities authorized to use the collective mark. It must indicate the number of the corresponding application for the registration of the collective mark, its filing date, and the name of the new applicant.