



ВАЗОРАТИ РУШДИ ИҚТИСОД ВА САВДОИ
ҶУМҲУРИИ ТОҶИКИСТОН

МУАССИСАИ ДАВЛАТИИ

Маркази миллии патенту иттилоот

Ҷумҳурии Тоҷикистон, ш. Душанбе, 734042, кӯчаи Айни 14а, тел.: (992-372) 222 135; факс: (992-372) 222 138; e-mail: info@ncpi.tj; www.tajpatent.tj

13.01.17 № 20/01.2

World Intellectual
Property Organization
34, chemin des Colombettes
CH-1211 Geneva 20, Switzerland

January 11, 2017

Dear Sir/ Madam,

The state institution "National Center for Patents and Information" of the Ministry of Economic Development and Trade of the Republic of Tajikistan in connection with your letter about the notion and registration of the names of countries as a trademark, which as written in paragraph 13 of document SCT/36/5, reports the following.

The notion of the a names of the States means a short name of the State or a name that is in common use, which may or may not be the official name.

In accordance with paragraph 4 of Article 8 of the Law of the Republic of Tajikistan "On trademarks and service marks" by virtue of the international legal acts recognized by the Republic of Tajikistan, registration as trademarks shall not be allowed for designations, that consist only of the elements representing **official names of states**, State armorial bearings, flags and other State emblems, abbreviated or full names of international intergovernmental organizations, their armorial bearings, flags and other emblems, official signs and hall-marks of control and warranty, seals, awards and other marks of distinction or designations confusingly similar to the above. Such elements may be incorporated in a trademark as non-protected elements, subject to the consent of a relevant competent authority.

Therefore, a trademark consisting only of the country's name will not be registered according to the current legislation. But the name of a country may be incorporated in a trademark as non-protected element, which subject to the consent of a relevant competent authority.

With regard to a non-registered name of a country, if it is considered to be descriptive, it must be noted that Article 8.1.3 of the law of the Republic of Tajikistan «On trademarks and service marks», provides refusal for registration if the name indicates the place of origin.

Also it should be noted that if the name of the country which does not dominate in the trademark (if the origin country of the applicant (location) is a country which is used in the trademark), it will be included as a non-protected element (with the consent of the competent authority) on the basis of Article 8.2 of the law of the Republic of Tajikistan «On trademarks and service marks».

About invalidation and opposition procedures for these marks in Tajikistan, if such trademarks were registered with violation of article 8 of the law, the registration may be objected and invalidated by any person and during all of the time of protection (article 33 of the Law of the Republic of Tajikistan «On trademarks and service marks»).

Sincerely yours,

Director



Jamshed Jumakhonzoda