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To the Deputy General
Director of WIPO
Ms. Wang Binying

Regarding directive C.8607 of 03.11.2016

Having considered the presented directive, the Agency on Intellectual Property of the Republic of Uzbekistan is sending comments as regards the questions mentioned on it.

The comprehension of name of country – in accordance with point 2 of the article 10 of the Law of the Republic of Uzbekistan “About trademarks, service marks and appellations of origin”, designations representing official names of countries cannot be registered as trademarks.

Refusal of registration, if the sign is deemed to be descriptive – according to point 8 of the article 10 of the Law of the Republic of Uzbekistan “About trademarks, service marks and appellations of origin”, the designations used for the characteristics of the goods, including the type, quality, quantity, properties, purpose, value, as well as the place and time of their manufacturing or sales cannot be registered as trademarks.

The process of declaration of registration invalid and process of objection – pursuant to article 24 of the Law of the Republic of Uzbekistan “About trademarks, service marks and appellations of origin”, the certificate of trademark can be declared invalid wholly or partially within the whole period of usage, if it has been issued in violation of requirements, prescribed by the 2nd part of article 2 and points 1-12 of article 10 of law, or within the period of 5 years starting from the date of publication of report about registration on official bulletin, if it has been issued in violation of requirements, prescribed by first parts of points 13 and 14 of article 10 of current law. The certificate of trademark can be declared invalid wholly or partially within the period of 3 years starting from the date of publication of report about registration on official bulletin in case if acts of owner of trademark are confessed as factor of unfair competition in the prescribed manner. The certificate of trademark can be declared invalid wholly or partially on basis of the decision of the Appeals Board or the Court.

In accordance with the article 25 of the Law of the Republic of Uzbekistan “About trademarks, service marks and appellations of origin”, the validity of certificate of trademark can be terminated earlier wholly or partially by the decision of the Court, made by the application of interested party, if the trademark has not been used within the consecutive five years from the date of registration, and in case of violation of agreement about the usage of collective mark. The validity of certificate of trademark can be terminated earlier by the decision of the Court.

The procedure of objection is not stipulated by the Law of the Republic of Uzbekistan “About trademarks, service marks and appellations of origin”.

Usage as a trademark – on the basis of rule of the Law of the Republic of Uzbekistan “About trademarks, service marks and appellations of origin”, the usage of designation of trademark is not considered to be compulsory requirement as for acquisition of legal protection for mark.

Yours sincerely,

M. Bobojanov
Deputy Director General