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## **THE LAW RELATIVE TO THE REGISTRATION OF PATENTS, INDUSTRIAL DESIGNS AND TRADEMARKS**

### **CHAPTER 1 – PATENTS**

**Art. 1-** The invention is the result of the thought of an individual or individuals which introduces a process on special products for the first time, and resolves a problem in a profession, technique, technology, industry or the like.

**Art. 2-** An invention may be registered if it contains new imitative and has an industrial application. New initiative consists in what did not exist in previous technique or industry and is not known and clear for those having ordinary skill in the said technique, and is considered as an applied invention, from industrial point of view suitable for manufacture or use in a field of industry. Industry shall be understood in the broadest sense and shall apply likewise to cases such as handicrafts, agriculture, fishing and services.

**Art. 3-** The patent is a document issued by Industrial Property Office for protection of the invention, and its holder may benefit from exclusive rights.

**Art. 4-** The following cases are excluded from the domain of protection of the invention:

A- Discoveries, scientific theories, mathematical methods, and artistic works.

B- Plans, rules or methods of performing commercial work and other mental and social activities.

C- Methods of diagnosis and treatment of human or animal diseases.

This paragraph does not apply to products conforming to the definition of invention and used in the said methods.

D- Genetic resources and their genetic components as well as biological processes of their production.

E- What has been previously foreseen in techniques and industries.

Previous technique or industry consists in anything that has been disclosed at a part of the world through written or oral publication, or through practical use and/or any other way, before application and/or in cases of priority right derived from application for registration of patent.

The disclosure of invention shall not prevent its registration if it has taken place within six months before the application date or, in appropriate cases, before priority date of the invention.

F- Inventions of which the use is contrary to religious norms or public order and morality.

**Art. 5-** The manner of mentioning the inventor's name in the patent and the manner of belonging of the right of the registered invention is as follows:

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A- The rights of the registered invention belong exclusively by to the inventor.

B- In case, individuals have developed an invention in common, the rights derived from the invention belong to them jointly.

C- In case two or more individuals, independently of each other, have developed the same invention, the person who has delivered his invention declaration earlier and/or, in case of priority claim, any of them who can prove that he had validly filed his application at an earlier date, provided that the said application was not withdrawn or restored or put in suspension, shall have the right to register the invention.

D- The rights derived from the registered invention are transferable and in case of death of the proprietor, they shall be transferred to his heirs.

E- In case the invention derives from employment or contract, its material rights shall belong to the employer, unless the contrary is stipulated in the contract.

F- The inventor's name shall be mentioned in the patent unless he requests the Industrial Property Office in writing not to mention his name. Any statement or undertaking of the inventor for mention of the name of another person as inventor is of no legal effect.

**Art. 6-** Application for registration of invention, given to the Industrial Property Office, should specify the object for which the protection is requested and should be drawn up in Persian, have the date and the signature and contain the claim, description of the claim, an abstract of description of the invention and, if necessary, the relevant drawings. The expenses of registration of application shall be received from the applicant. The following points must be observed in drawing up and filing the application.

A- Name and other necessary information about the applicant, the inventor and his legal representative if any, and the title of the invention should be mentioned in the application.

B- In cases where the applicant is not the same as the inventor, the documents evidencing his legal capacity should be submitted together with the application.

C- The claim specified in the application should be expressive and brief and accompanied by description, in such a manner to be clear and perfect for a person with ordinary skill in the relevant technique and to introduce an executory method for the invention. The abstract of description is only for the purpose of presenting technical information and may not be invoked for interpretation of the scope of the protection.

**Art. 7-** The applicant for registration of an invention may withdraw his application, as long as it has not been accepted.

**Art. 8-** The application should relate only to one invention or a category of interconnected inventions which form a general invention. In a general invention, failure to mention interconnection of its components shall not entail invalidity of the relevant patent. While the application is not agreed upon, the applicant may:

A- Amend his application, provided that the amendment does not go beyond the scope of the first application.



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B- Divide the application into two or more applications. The divided application must contain the date of the first application, and, if appropriate, be subject to the right of priority of the first application.

**Art. 9-** Together with his application, the applicant may, by virtue of a declaration, apply for the right of priority provided for in Paris Convention for Protection of Industrial Property dated March 20, 1983 as amended subsequently. The right of priority may be based on one or more national, regional or international applications submitted in any country or for any member country of the Convention. In case a right of priority is claimed:

A- The Industrial Property office shall require the applicant to present, within a fixed period, a copy of the application duly certified by the authority having registered the application that serves as the basis for the right of priority.

B- Upon acceptance of the claim of the right of priority, it shall be subject to the protections mentioned in Paris Convention. In case of inobservance of the conditions specified in this article and the provisions related thereto, the said declaration shall be considered null and void.

**Art. 10-** At the request of the Industrial Property Office, the applicant should present the number and the date of the application for patent filed abroad, which relates exactly and essentially to the invention mentioned in the application filed with the Industrial Property Office.

Moreover, the applicant should, at the request of the Industrial Property Office, submit the following documents to the said Office:

A- Photocopies of all the letters and notices received by the applicant about the results of the studies conducted in connection with foreign applications.

B- A photocopy of the patent registered on the basis of foreign applications.

C- A photocopy of any final decision concerning refusal of a foreign application or refusal of registration of the invention claimed in a foreign application.

D- A photocopy of any final decision concerning invalidity of the patent issued on the basis of a foreign application.

**Art. 11-** The date of receipt of the application shall be considered by the Industrial Property Office as the date of the application, provided that, at the time of receipt, the declaration contains the following points:

A- Explicit or implicit mention of this point that the registration of an invention is applied for.

B- Mention of points which enable identification of the applicant.

C- Brief description of the invention.

If the application, at the time it is filed, is recognized by the Industrial Property Office as lacking the above conditions, the applicant shall be required to make necessary amendments within thirty days from the date of notification, and the date of application shall be the same date on which the said amendments are received, but if the amendments are not made within the fixed period, the application shall be considered null and void.



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**Art. 12-** In the event that in the application, mention is made of drawings which are not inserted or attached, the Industrial Property Office shall invite the applicant to present the drawings. In case the applicant accepts the invitation and presents the drawings, the said Office shall consider the date of receipt of drawings as the date of the application. Otherwise, it shall mention the date of the application the same date on which it is received and shall consider the mention of drawings as null and void.

**Art. 13-** After mentioning the date of the application, the Industrial Property Office, shall examine the application in view of conformity with the conditions mentioned in this Law and its by-law, and in case of ascertainment of conformity, it shall take necessary action for registration of the invention. Otherwise, it shall refuse the application and notify the applicant accordingly.

**Art. 14-** After registration of the invention, the Industrial Property Office should:

A- Publish a notice once in connection with registration of the invention.

B- Issue the patent

C- File a copy of the patent, and submit the original to the applicant, after collection of due expenses.

D- at the request of the patentee, make modifications in the text and drawings of the invention for the purpose of defining the limits of granted protection, provided that as a result of such modification, the information mentioned in the patent does not go beyond the information mentioned in the first application on the basis of which the invention is registered.

**Art. 15-** The rights derived from the patent are as follows:

A- Exploitation of the invention registered in Iran by persons other than the proprietor of the invention, depends on agreement of its proprietor. The exploitation of the registered invention shall be as follows:

1- In case the invention is about a product:

1<sup>st</sup> – Manufacture, exports and imports, supply for sale, sale and use of the product

2<sup>nd</sup> – Storage for the purpose of supply for sale, sale or use of the product

2- In case the object of the invention is a process:

1<sup>st</sup> – Use of the process

2<sup>nd</sup> – Performance of any of the cases mentioned in subparagraph (1), paragraph (A) of this article in connection with the goods obtained directly from this process.

B- The proprietor may, with due observance of the paragraph (C) of this article and the article 17, lodge a complaint with the court against any person who proceeds to exploitations mentioned in paragraph (A) and infringes the inventor's rights and/or carries out an action which may result in infringement of the inventor's right.

C- The rights derived from the patent do not include the following cases:



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1- Exploitation of the goods which are supplied in Iranian market by the proprietor of the invention or with his agreement.

2- Use of the device forming the subject of the patent in aircrafts, land vehicles or vessels of other countries when they temporary or accidentally enter the airspace, land frontiers waters of the country.

3- Exploitations with mere experimental objectives about the registered invention.

4- Exploitation by any person who, before application for registration of the invention or when the right of priority is claimed, before claiming the right of priority, used the invention in good faith or took serious and effective action for getting prepared for its use in Iran.

D- The rights of the previous user mentioned in subparagraph (4), paragraph (C) of this article, may be transferred or assigned only together with the company or the business or together with a part in which the invention was used or it was brought about the means of its use.

**Art. 16-** The validity of the patent shall expire, with due observance of this article, after twenty years from the date the application for registration of the invention is filed. For the purpose of conservation of validity of the patent or the application, after the elapse of one year from the date of filing of the application and before the beginning of each year, a sum determined by the by-law of this law, shall be paid by the applicant to the Industrial Property Office. Delay in payment shall be authorized until six months at the latest subject to payment of a fine.

In case of failure in payment of the annual expense, the relevant application shall be considered withdrawn and/or the patent shall be devoid of validity.

**Art. 17-** The government or the person authorized by the government may exploit the invention with due observance of the following procedure:

A- In the instances where, in the opinion of the minister or the highest authority of the organization concerned, the public interests such as national security, nutrition, public health or development of other vital economic sectors of the country require that the government or a third person should exploit the invention, and/or the exploitation by the proprietor or the person authorized by him is contrary to free competition and in the opinion of the said authority, the exploitation shall remove the difficulty, the matter shall be put forth for decision in a committee composed of the Head of the State Organization for Registration of Deeds and Properties, one of the judges of the State

Supreme Court introduced by the Head of the Judicial Power, Public Prosecutor General, representative of the President of the Republic and the Minister or the highest authority of the organization concerned, and in case of approval, the government organization or the third person, as determined by the said Committee shall exploit the invention, without agreement of the proprietor of the invention.

B- Exploitation of the invention shall be limited to the purpose specified in the authorization and depend on the payment of an adequate sum to the said proprietor, taking into consideration the economic value of the object of authorization. Should the proprietor of the invention or any interested person have an explanation, the committee, after examination of their statements and taking into consideration the non-competitive exploitation, shall make the decision. The Committee may, at the request of the proprietor of the invention or the government organization or the third person who hold the authorization of exploitation of the invention, after examination of the statements of the parties or one of them, make a new decision, within the scope which the necessity requires.



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C- In case the proprietor of the invention claims that the circumstances which have caused adoption of the decision have ceased to exist and there does not exist the possibility of being repeated, and/or claims that the government organization or the third person designated by the Committee has failed to act according to the content of the decision and its conditions, the matter shall be put forth for discussion and examination in the Committee and after hearing of the statements of the proprietor of the invention and those of the minister or the highest authority of the exploiting organization, concerned the authorization of exploitation shall be cancelled and the authorization of exploitation shall be issued for the proprietor or another exploiter as the case may be. Ascertaining the conditions specified in this paragraph, if the Committee finds out that the protection of the legal rights of the persons who have obtained such authorization requires the reinstatement of the decision, it shall not cancel the decision.

In the instances where the authorization of exploitation has been given by the Committee to a third person, the assignment of such authorization may take place only at the same time as the transfer of the business or goodwill of the person designated by the Committee or the business or goodwill for which the invention is exploited.

D- The authorization of exploitation specified in this article, does not impede the accomplishment of the following affairs:

- 1- Conclusion of exploitation contract by the proprietor of the invention, with due observance of the provisions of this article.
- 2- Continuous exploitation of the rights granted by the proprietor of the invention according to the contents of paragraph (A) of article (15)
- 3- Issuance of not requested authorization of use according to subparagraphs (1) and (2) of paragraph (H) of this article.

E- The request of exploitation authorization from the committee should be accompanied by evidence and a document proving that the government organization or the authorized person had requested exploitation from the proprietor of the invention but failed to acquire the authorization of exploitation with reasonable conditions and within a normal period of time.

The observance of the provisions of this paragraph shall not be necessary, in case of urgency derived from national interests or from cases of occurrence of force majeure in the country, at the full discretion of the Committee, provided that in such cases the proprietor of the invention is informed of the decision of the Committee at the earliest convenience.

F- Exploitation of the invention by the government organization or third persons designated by the Committee, for supply in the Iranian market.

G- Authorization of the Committee in connection with exploitation of an invention in the field of technology of semiconductors, is admissible only if it is granted for the purpose of non-commercial public use or in cases where, as distinguished by the Minister or the highest authority of the organization concerned, the manner of use of the registered invention by its proprietor or user is non-competitive.

H- The exploitation license without the proprietor's agreement may also be issued in the following cases with below-mentioned arrangements:

- 1- In case where in a patent, it has been claimed that it is not exploitable without utilization of a previously registered invention and also the latter invention comprises important technical progress and has considerable economic importance compared with the former invention, the Industrial Property Office, at the request of the



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proprietor of the latter invention, issues the license of exploitation of the former invention without its proprietor's agreement, to the extent that the necessity requires.

2- Whenever according to subparagraph (1) of this paragraph, the exploitation license is issued without the proprietor's agreement, the Industrial Property Office shall, at the request of the proprietor of the former invention, issue also the license of exploitation of the latter invention without its proprietor's agreement.

3- In case of request of issuance of the exploitation license without the proprietor's agreement, according to subparagraphs (1) and (2) of this paragraph, in the decision related to issuance of any of the said licenses, the scope and application of the license, the proper sum to be paid to the proprietor of the invention concerned, and the conditions of the payment shall be specified.

4- In case of issuance of the exploitation license according to subparagraph (1), its transfer is authorized only together with the latter invention and in case of issuance of the exploitation license according to subparagraph (2), its transfer is authorized only together with the former invention.

5- The request of issuance of exploitation license without the proprietor's agreement depends on payment of the prescribed expenses.

6- In case of issuance of the exploitation license without the proprietor's agreement, the subparagraphs (1) and (2) of this paragraph and paragraphs (B) to (F) as well as paragraph (I) of this article are applicable.

I – The decisions of the Committee may be opposed in Tehran Public Court within the scope of paragraphs of this article.

**Art. 18-** Any interested party may apply to a court for cancellation of a patent, if the party concerned can prove that one of the conditions specified in articles (1), (2), (4) and the top section of article (6) and its paragraph (c) is not observed, or that the proprietor of the invention, is not the inventor or his legal substitute, the injunction of annulment of the patent shall be issued.

Any patent or claim or a part of the relevant claims which has been annulled, is considered null and void as of the date of registration of the invention. The final injunction of the court shall be notified to the Industrial Property Office, which shall register the said injunction and publish the notice relevant thereto, at the earliest convenience, after receipt of the fees.

**Art. 19-** In case the proprietor of the patent is willing to use the registered invention, the State Organization for Registration of Deeds and Properties shall refer the matter to the organization or organizations concerned, within a period of one week at the latest.

The said organizations shall express their views in connection with possibility of exploitation of the invention, within a period of two months at the latest and shall declare the result in writing to the State Organization for Registration of Deeds and Properties for issuance of the exploitation license.

## CHAPTER 2 INDUSTRIAL DESIGNS

**Art. 20-** From the viewpoint of this Law, any composition of lines or colors and any three-dimensional figure with or without lines or colors, in such a manner to change the composition or figure of an industrial product or a product of handicrafts, is an industrial design. In an industrial design, only the access to a technical result without any apparent change is not subject to the protection of this Law.



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**Art. 21-** An industrial design may be registered if it is new and original. An industrial design is new when it had not been disclosed to the public in any part of the world through noticeable publication or through use in any other way before filing the application or before the right of priority of application for registration, as the case may be. The provisions of the latter part of paragraphs (E) and (F) of article 4 of this law are applicable also to industrial designs.

**Art. 22-** Application for registration of an industrial design filed with the Industrial Property Office shall be accompanied by drawings, photos and other graphical specifications of the goods which form the industrial design, and mention of the type of the products for which the industrial design is used. If the industrial design is three dimensional, the Industrial Property Office may require also a real sample or a model thereof together with the application.

The application should contain specifications of the design and, in cases where the applicant is not the same person as the designer; the application should be accompanied by a document which proves that the applicant is entitled to apply for registration of the industrial design.

**Art. 23-** The content of article (5) and paragraph (C) of articles (11) and (15) of this law are applicable also to industrial designs.

**Art. 24-** Two or more industrial designs may be mentioned and deposited in one application, provided that they relate to the same international classification or relate to a collection or a compound of elements.

**Art. 25-** A request may be made in an application that the publication of the notice of registration of the industrial design be postponed until 12 months at the latest from the filing date of the application or, if the right of priority is claimed, from the date of the right of priority.

**Art. 26-** The applicant may withdraw the application, while it is under examination.

**Art. 27-** Examination, registration and publication of the notice of the industrial design shall be as follows:

A- The date of the application shall be the same date on which it is filed with the Industrial Property Office, provided that, upon filing, the application contains all the pieces of information which enable identification of the applicant as well the graphical presentation of the goods for which the industrial design is deposited.

B- After receiving the application, the Industrial Property Office, shall examine it from the viewpoint of its conformity with the content of article (22) and also shall see that it is in compliance with provisions of article (20) and paragraph (F) of article (4) and the relevant provisions.

C- In case the Industrial Property Office finds out that the conditions specified in paragraph (B) of this article have been observed, shall register the industrial design, publish the relevant notice and issue its registration certificate in the name of the applicant, otherwise declares refusal of the application.



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D- Whenever a request has been presented according to article (25), after registration of the industrial design, the sample of the design and the content of the application shall not be published. In such a case, the Industrial Property Office shall publish a notice containing postponement of publication of the said industrial design, information related to the identity of the proprietor of the registered design, the filing date of the application, the requested period of postponement and other necessary affairs. After the expiry of the requested period of postponement, the Industrial Property Office shall publish the notice of the registered industrial design.

A claim in connection with a registered industrial design during the period of postponement of publication of the notice may be dealt with if the information included in the registers and the information related to application file is notified in writing to the person against whom the claim is lodged.

**Art. 28-** The rights derived from the industrial design, validity period and its renewal are as follows:

A- Exploitation of any industrial design which has been registered in Iran, by persons, depends on agreement of its proprietor.

B- Exploitation of a registered industrial design consists in manufacture, sale and importation of the items containing such industrial design.

C- The proprietor of the registered design, may lodge a claim with the court against the person who, without his agreement, has accomplished the actions specified in paragraph (B) of this article or has committed an act which, customarily brings about the means of future infringement.

D- The validity period of an industrial design shall be five years from the filing date of the application for its registration. This period may be renewed for two other consecutive five-year periods, after payment of the relevant fees. At the expiry of each period which begins from the end of the period, a six-month period of grace shall be allowed for payment of the fees and also a delayed payment surcharge shall be imposed.

**Art. 29-** Any interested party may apply to the court for cancellation of registration of the industrial design. In such a case, he should prove that one of the conditions specified in articles (20) and (21) has not been observed and/or the person in whose name the industrial design is registered is not the creator of that design or his legal successor in title. The provisions of the latter section of article (18) are applicable also to this case.

### CHAPTER 3 MARKS, COLLECTIVE MARKS AND TRADE NAMES

**Art. 30-** Marks, collective marks and trade names are:

A- "Mark" means any visible sign which may make a distinction between goods or services of natural or legal persons.

B- "Collective mark" means any visible sign introduced in the application for registration as collective mark and may make a distinction between the origin and any other particulars such as quality of goods or services of natural and legal persons who use this sign under supervision of the proprietor of registered collective mark.

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C- "Trade name" means a name or a title which introduces and identifies a natural or legal person.

**Art. 31-** The exclusive right to use a mark belongs to a person who has made register that mark according to provisions of this Law.

**Art. 32-** Registration of marks may be denied in the following cases:

A- When they fail to distinguish goods or services of an establishment from goods or services of another establishment.

B- When they are contrary to religious norms or public order or morality.

C- When they are of such a nature as to mislead commercial or public centers, particularly as regards the geographical origin of goods or services, or their qualities.

D- When they are identical to or an imitation of military medals and decorations, flags, or other State emblems, names abbreviations or acronyms or official signs of the country, intergovernmental organization or organizations which are established under international conventions, or the said cases are one of the elements of that mark, unless the authorization of its use is issued by a competent authority of the relevant country or the organization concerned.

E- When they are identical or misleadingly similar to or a translation of a mark or a trade name which is well known for the same similar goods and services belonging to another establishment in Iran.

F- When an identical or similar mark has previously been registered and well-known for non-similar services, provided that there customarily exists an interrelation between the user of the mark and the proprietor of the well-known mark, and the registration thereof may prejudice the interests of the proprietor of the previous mark.

G- When they are identical to a mark which has previously been registered in the name of another proprietor or the date of application for registration thereof is prior to or has the right of priority for the same goods and services or for goods and services which create confusion and deception due to connection and similarity.

**Art. 33-** Application for registration of a mark shall be filed with the Industrial Property Office, together with a sample of the mark and a list of goods or services for which the registration of the mark is requested and is based upon applicable or international classification. Payment of the fees for mark registration shall be borne by the applicant.

**Art. 34-** In case the application contains a claim of the right of priority as described in Paris Convention for Protection of Industrial Property by the applicant or his predecessor in any of the member countries of the Convention, it shall be acted according to the provisions of article (9) of this Law.

**Art. 35-** The applicant may withdraw his application while it has not been registered yet.

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**Art. 36-** The Industrial Property Office shall examine the application from the viewpoint of its conformity with conditions and provisions of this law and, in case the mark is deemed adequate for registration, issues the authorization for publication of the notice related thereto.

**Art. 37-** Any interested party may, within thirty days from the date of notice publication at the latest, submit to the Industrial Property Office, his opposition concerning inobservance of the content of paragraph (8) of article (30), and article (22) of this Law. In such a case:

1- The Industrial Property Office shall notify a copy of the letter of opposition to the applicant and shall allow him a twenty-day period of grace for declaring his view. In case of affirmation of his application, the applicant shall send an adverse note containing the relevant reasoning, to the said Office. Otherwise his application shall be considered withdrawn 2- Should the applicant send an adverse note, a copy thereof shall be made available to the opponent by the Industrial Property Office which, taking into consideration the views of the two parties and the articles of this Law, shall decide whether to register or to refuse the mark.

**Art. 38-** After publication of the notice of application and pending the time of registration of the mark, the applicant enjoys the same advantages and rights as he does in case of registration. However, if an action is taken in the by court the applicant for registration as regards an act performed after publication of the application, and the defendant proves that at the time of performance of the act, the mark was not legally registrable, his defense shall be examined and appropriate decision shall be made for registration or refusal of registration of the mark.

**Art. 39-** In case the Industrial Property Office determines that the conditions specified in this Law have been duly observed, shall register the mark and publish the notice of its registration and issue the registration certificate in the name of the applicant.

**Art. 40-** The rights derived from registration of the mark, validity period and its renewal are as follows:

A- The use of any mark duly registered in Iran, by any person other than the proprietor of the mark, depends on the agreement of its proprietor.

B- The proprietor of the registered mark may take action in the courts against any person who uses the mark without his agreement and/or a person who commits an act which customarily results in infringement of the rights derived from registration of the mark. These rights comprise the cases of use of the mark which is similar to the registered mark and the use of which in similar goods and services, is liable to mislead the public.

C- The rights derived from registration of marks do not apply to the actions related to goods and services imported to the country by the proprietor of the mark or with his agreement and supplied in the Iranian market.

D- The validity period of registration of marks is ten years from the filing date of the application for registration thereof. This period may be renewed at the request of the proprietor of the mark for consecutive ten-year periods, upon payment of the prescribed fees. A six-month period of grace which begins from the end of the period is allowed for payment of the renewal fees or the delayed payment surcharge.



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**Art. 41-** Any interested party may apply to the court for cancellation of registration of the mark. In such a case he should prove that the content of paragraph (A) and article (32) of this Law have not been observed.

The cancellation of registration of a mark shall be effective from the date of registration thereof and the notice related thereto shall be published at the earliest convenience.

Any interested party who proves that the proprietor of the registered mark personally or through a person authorized by him has failed to use the mark for at least three full years from the registration date until one month before the date of the interested party's application, may apply to the court for cancellation of the said mark. The registration of the mark shall not be cancelled; in case it is proved that an event of force majeure has constituted an obstacle to the use of the mark.

**Art. 42-** Without prejudice to this article and the article (43), the articles (31) to (41) of this Law are applicable also to collective marks.

In the application for registration of collective marks, while the collective nature of the mark is specified, a copy of the norms and terms for the use of the mark is also attached. The proprietor of the registered collective mark should inform the Industrial Property Office of any change in the norms and terms mentioned at the top of this article.

**Art. 43-** In addition to the causes of cancellation mentioned in article (41), in case the plaintiff proves that the proprietor of the registered mark uses the said mark singly or contrary to the norms mentioned under the article (42) or issues the authorization for its use, or he uses the collective mark or gives the authorization for its use in such a manner to be misleading as to the origin and any other common quality of the relevant goods and services, the court shall cancel the collective mark.

**Art. 44-** The contract of authorization to exploit the registration or the application for registration of the mark must effectively contain the authorizing person's control on the quality and desirability of the goods and presentation of services by the user. Otherwise or in case the control is not exercised effectively, the contract of exploitation authorization shall lose the validity.

**Art. 45-** The registration of the collective mark or the application therefore may not be object of the authorization of exploitation.

**Art. 46-** A name or a title of which the nature or the way of use is contrary to religious norms or public order or morality or creates deception of commercial or public centers as to the nature of the establishment which is known by the said name or title, may not be employed as a trade name.

**Art. 47-** With due observance of the laws and regulations of compulsory registration of the trade names, such names, even without registration, shall be protected against illegal acts of third persons.

Any use of trade names by third persons, in the form of trade name, mark or collective mark, or any use of them which customarily creates public deception, is considered to be illegal.



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## CHAPTER 4 – GENERAL PROVISIONS

**Art. 48-** Any change in the proprietorship of patents, registration of industrial designs, registration of trade marks or collective marks, or the proprietorship derived from filing the relevant application, shall be effected and registered at the written request of any interested party from the Industrial Property Office and shall be published by the said Office, except in case of change in proprietorship of the application. The effect of such change on third persons depends on submission of the said request.

The change in proprietorship of registration of marks or collective marks is not valid when it causes confusion or deception of the public as to the nature, origin, manufacture stages, qualities or suitability for the objective of goods or services.

Any change in proprietorship of registration of a collective mark or the proprietorship of the relevant application, depends on the previous approval of the Head of the State Organization for Registration of Deeds and Properties.

**Art. 49-** Any change in the proprietorship of the trade name should take place, together with transfer of the establishment or a part of it known by the said name.

**Art. 50-** Any contract of authorization of exploitation of registered inventions and industrial designs, or registered marks or relevant application shall be submitted to the Industrial Property Office. The Industrial Property Office shall keep confidential the content of the contract but shall register and publish the authorization of exploitation. The effect of such contracts on third persons depends on observance of the above provisions.

**Art. 51-** In case the applicant's domicile or the principal center of his business is out of Iran, his legal agent who resides and practices in Iran, may perform necessary actions on his behalf.

**Art. 52-** The State Organization for Registration of Deeds and Properties is in charge of the affairs related to industrial property as well as representation of the Islamic Republic of Iran in World Intellectual Property Organization and Unions under the relevant conventions.

Registration of all the objects of the Industrial Property including patent, marks, collective marks, industrial designs is made by the Industrial Property Office of the State Organization for Registration of Deeds and Properties. In cases where other authorities proceed to examination and registration by virtue of law, they shall enjoy protections and advantages specified in this Law if their proprietorship or patent, as the case may be, has been registered with the Industrial Property Office.

**Art. 53-** Using modern processes, the Industrial Property Office shall provide for separate books for registration of patents, industrial designs and trade marks. Collective marks shall be registered in a special section of the register of marks.

**Art. 54-** The information available in the registers are available to the public and any person may, according to regulations laid down in executive by-laws, receive the information which he requires.



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**Art. 55-** The Industrial Property Office shall publish all the notices mentioned in this Law, in the Official Gazette.

**Art. 56-** The Industrial Property Office is authorized to correct any error in translation or reproduction, administrative errors, errors in applications or errors in any of registrations according to this Law or the executive by-law.

**Art. 57-** After reception of any written request concerning extension of the grace period for any action provided for in this Law or its executive by-law, the Industrial Property Office may extend it after due examination of the existing conditions. This shall be made after notification to the interested persons according to the regulations laid down in the by-law.

**Art. 58-** Before exercising legal power, the Industrial Property Office shall give adequate opportunity to the party against whom, a decision is to be made, so that he may submit his statements. In such a case any decision shall be made with due consideration of the said statements.

**Art. 59-** Dealing with the disputes arisen from application of this Law and its executive by-law is within the jurisdiction of a special division or divisions of Tehran Public Courts which shall be designated by the Head of the Judicial Power within six months from the date of approval of this Law at the latest. The decisions of the Industrial Property Office may be opposed by the persons concerned, and the relevant petition should be lodged with the competent court within two months from the date of notification of the decision to the interested person or after his being duly informed. Appeal against judgments and court procedure shall follow the provisions of the Procedure in Public and Revolutionary Courts in Civil Cases.

**Art. 60-** Infringement of the rights mentioned in this Law consists of performance of any activity in Iran by persons other than the proprietor of the rights protected by this Law and without his agreement. In addition to the proprietor of the rights under protection of this Law, whenever it is proved that the holder of authorization for use has requested the proprietor to lodge a petition with the court for a specific claim and the proprietor has refrained or failed to do so, the court may, in addition to issuance of the order for prevention of infringement of rights or imminent infringement of rights, render judgment for indemnification of relevant damage or adopt other decision for administration of justice.

**Art. 61-** Any person who knowingly and intentionally commits an act which according to articles (15), (28) and (40) is infringement of rights or according to article (47) is an illegal act, is recognized as a criminal and shall be condemned, in addition to indemnification of the damage, to payment of a cash fine from ten million rials (RIs. 10,000,000/-) to fifty million rials (RIs. 50,000,000/-) or to discretionary imprisonment awarded by the judge (Taazir) from 91 days to 6 months or to both of them. In a civil action in connection with infringement of rights of the proprietor of a patent, whenever the invention consists in a process for access to a product, in presence of the following conditions, the burden of proving that the product has not been manufactured through that process rests with the defendant of the action in infringement of rights. In such an event, the court, in case of production of documents and deeds shall consider the legitimate interests of the defendant of the action in infringement of rights from the viewpoint of non-disclosure of his manufacturing and commercial secrets:

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1- The product is new

2- There exists a strong probability that the product has been manufactured using the said process and the proprietor of registered rights, despite reasonable efforts, has failed to determine the process which has factually been used.

**Art. 62-** In case of contradiction between the content of this Law and the provisions of international treaties concerning industrial property to which the Islamic Republic of Iran has accepted or accepts the accession, the provisions of the said treaties shall prevail.

**Art. 63-** By providing in the Annual Budget Law, up to fifty percent (50%) of the foreign exchange income derived from execution of the contents of conventions related to international registration of industrial property which is earned as of the approval date of this Law, shall be allocated in the annual budget to the promotion and equipment of the Industrial Property Office and its quality promotion.

After confirmation by the Industrial Property Office, the Central Bank of the Islamic Republic of Iran, is bound to provide for the foreign currency required by Iranian proprietors of industrial property rights for international registration of these rights at official rate according to the tariffs specified in international conventions and regulations.

**Art. 64-** The executive by-law of this Law shall be drawn up by the State Organization for Registration of Deeds and Properties and approved by the Head of the Judicial Power, within one year from the approval date.

In the said by-law, particularly the tariff of fees related to applications for registration of inventions and industrial designs, registration of patents and collective marks and their renewal and the surcharge for delay in renewal should be determined with due observance of this Law and the content of the relevant conventions to which the Islamic Republic of Iran has accepted the membership and if necessary, they may be reviewed once every three years.

**Art. 65-** Patents and trade marks which have previously been registered according to former regulations are valid and protected by this Law. In such a case:

A- As for the patents, the annual fees stipulated in this Law should be paid for the rest of the period.

B- The marks should be renewed at the time determined in that law and after renewal be classified again on the basis of international classification.

**Art. 66-** As of the date of approval of this Law, the Law on Registration Marks and Patents approved on June 22, 1931 and subsequent amendments and the relevant by-laws are abrogated.

The above law including sixty-six articles has been approved at the session dated Oct. 29, 2007 of the Judicial and Legal Committee of the Islamic Consultative Assembly according to article 85 of the Constitution of the Islamic Republic of Iran and after the consent of the Assembly to probationary execution thereof for a period of 5 years has been confirmed by the Guardian Council.