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CHAMBERS GLOBAL PRACTICE GUIDES

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# Trade Marks & Copyright 2025

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**Armenia: Law and Practice**

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Anahit Aloyan and Rita Parzyan  
Concern Dialog



# ARMENIA



## Law and Practice

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### Concern Dialog

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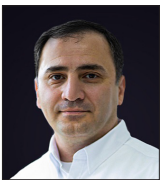
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**Concern Dialog** is a top-tier, full-service law firm, headquartered in Yerevan, Armenia. It has been a trusted partner for businesses and individuals seeking legal counsel and representation since 1998. The firm is renowned for its work in the areas of corporate law, labour law, competition law, tax law, contract law, family law (including child abduction cases), and regulatory issues. Concern Dialog has extensive experience in regulatory matters in TMT, mining, energy, utilities, banking and finance, medical services, real

estate, and not-for-profit sectors. In addition to its renowned consulting and transaction practice, the firm's litigation practice is regarded as one of the leaders in Armenia for landmark litigation and arbitration cases. Concern Dialog's membership of TagLaw and Nextlaw networks, as well as its co-operation with individual law firms from various jurisdictions, allow the firm to provide services to its Armenian clients virtually worldwide.

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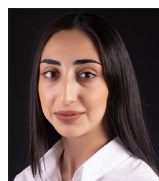


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## 1. Trade Mark and Copyright Law

### 1.1 Governing Law

Trade marks are regulated by the Armenian Civil Code, the Trade Mark Law, and Government Resolutions regulating trade mark prosecution/registration procedures. Copyrights are regulated by the Armenian Civil Code and the Law on Copyright and Related Rights.

### 1.2 Conventions and Treaties/Rights of Foreign IP Holders

Armenia is a member of the following international treaties in the field of trade marks:

- Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement);
- Madrid Agreement Concerning the International Registration of Marks;
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks;
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks;
- Paris Convention for the Protection of Industrial Property;
- Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks;

- Agreement on Trade Marks, Service Marks and Appellations of Origin of Goods of the Eurasian Economic Union; and
- Singapore Treaty on the Law of Trade Marks.

Armenia is a member of international treaties in the field of copyright and related rights, including:

- Berne Convention for the Protection of Literary and Artistic Works;
- WIPO Copyright Treaty;
- Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;
- Beijing Treaty on Audiovisual Performances;
- WIPO Performances and Phonograms Treaty;
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations; and
- Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms.

## 2. Trade Mark Ownership, Protection and Rights

### 2.1 Types of Trade Marks

Armenian Trade Mark Law protects the following types of signs or source-identifiers:

- trade marks/service marks (word marks, pictorial marks, combined marks, audio-visual marks, slogans, three-dimensional trade marks);
- collective marks;
- certification marks;
- geographical indications;
- designations of origin;
- traditional speciality guaranteed; and
- designs.

Scent is not subject to registration as a trade mark. Trade marks solely consisting of Arabic, Chinese, Japanese, Korean, Georgian or other similar words, letters, characters are not subject to registration due to lack of distinctiveness. Trade marks containing such words, letter or characters may be registered, if they are disclaimed and are combined with Armenian, Latin or Cyrillic words/letters, any symbols or pictorial elements.

Armenia does not have any specific marks that are protected by statute in a way different than ordinary marks.

Foreign famous trade marks, per se, are not protected in Armenia, without registration. However, the Armenian IP Office may refuse registration of a trade mark (i) which is confusingly similar to a trade mark being in use in Armenia or outside of Armenia, and (ii) is likely to cause confusion among consumers in Armenia, and (iii) if the applicant acted in bad faith (ie, knew or could have known about the use of the earlier mark).

### 2.2 Essential Elements of Trade Mark Protection

Armenian law does not require use in commerce. However, any third party, having legal interest, may file a court action to cancel registration of a trade mark based on non-use, if the mark was not in use for a consecutive period of three years.

Only distinctive trade marks are subject to registration. A descriptive trade mark may become registrable, if it acquires distinctiveness (secondary meaning) over some period of time, as a result of extensive use, when consumers identify the brand with a specific source (owner).

### 2.3 Trade Mark Rights

After registration, the applicant (trade mark owner) receives the exclusive right to use the registered trade mark and exclude others from using any identical or similar trade marks that is likely to cause confusion among consumers. All these rights are granted for a period of ten years and may be renewed every ten years.

### 2.4 Use in Commerce

Use in commerce is not required in Armenia for the purposes of registration or maintaining registration. Trade marks that are not in use will not get abandoned automatically. However, any third party having legal interest in an identical or similar trade mark, may file a court action to cancel registration of the mark, if it was not in use for more than three years. The trade mark owner bears the burden of proof. If no evidence of use is submitted by the owner of the trade mark, the court is likely to make a decision on cancellation, based on non-use.

### 2.5 Notices and Symbols

Armenian law does not require use of any symbol with a trade mark. However, according to

the Trade Mark Law only owners of registered trade marks have the right to use the letter “R” inside a circle. There are no consequences for not providing notice of trade mark ownership.

## 2.6 Related Rights

Copyrightable images may be registered as a trade mark (eg, logo). If a trade mark consists of or includes a copyrightable object, the copyright may co-exist with the trade mark. If a trade mark consists of or contains a surname of a well-known person, then that person or their heirs/successors may oppose the registration of such trade mark.

## 3. Copyright Ownership, Protection and Rights

### 3.1 Types of Copyrightable Works

In Armenia, copyright is regulated by the Civil Code and the Law on Copyright and Related Rights. Works eligible for copyright protection include but are not limited to literary and scientific works, computer programs, painting, sculpture, graphics, design and other works of visual and fine arts, scenarios, sketches, librettos, choreographic and pantomimic works, musical works with or without words, audiovisual works (cinematographic, movies, animation, cartoons, advertisements, documentary and other similar works), photographs, architectural works, landscape designs, maps, topography, derivative works (translations, adaptations, arrangements, transformations, compilations), encyclopaedias, databases, fonts, etc. Industrial designs may also be subject to copyright protection.

### 3.2 Essential Elements of Copyright Protection

A copyrightable subject matter shall be original (ie, be a unique outcome of a creative activity in

the fields of science, literature and art) created by one or more authors, expressed in spoken, written or any other objectively perceivable manner, fixed in a tangible medium (including in electronic form), regardless the scope, significance, merits and the purpose of its creation.

### 3.3 Copyright Authorship

According to the Armenian Copyright Law, only individuals (humans) may be considered as authors of copyrightable works. Unless proved otherwise, an author is a person whose name appears on the work or whose name is mentioned at the moment of making the work public, or in whose name the work is deposited in the relevant collective management organisation, or if it is certified by a notary or any other organisation having relevant authority by the law.

Armenian law does not define the term “work made for hire”. However, it regulates the relations between the employer and employee (author). Unless otherwise agreed by the parties in writing, the copyright to any work created by an employee (author), within the scope of their employment duties, or by employer’s orders (instructions), is transferred to (or owned by) the employer. In case of non-employment relations (eg, service contracts), the copyright belongs to the author of the work, unless otherwise agreed by the parties in writing. Armenian law is silent on whether someone may claim authorship of a work that was not created by a human (eg, by artificial intelligence software, an animal, etc). However, it is highly unlikely that the interpretation of the law would allow any human to be considered as an author of such work.

If a work is created by multiple authors, such authors are considered as co-authors of that work. In the absence of authorship agreement,



co-authors are considered as joint owners of such work and the royalty is shared equally.

### 3.4 Copyright Rights

According to the Armenian Law on Copyright and Related Rights, an author has the exclusive right to use their work, as well as authorise or exclude others from using their work. Such rights include but are not limited to the right of reproduction, distribution, rental, lending, translation, creation of derivative works (arrangement, rearrangement, adaptation and other transformations), communication to the public, public performance, public display, broadcasting, simultaneous broadcasting or re-broadcasting, transmission of a work by cable or by other means, as well as the use of a work in any other manner that does not contradict with the Armenian law.

Armenian law recognises moral non-economic rights – ie, the author’s intellectual and personal ties to the work, which includes the right to be recognised as an author of the work (authorship right); the right to use the work by their name, pseudonym or anonymously, and the right to authorise such use; the right of prohibiting of distortion or any modification to the work that may harm the author’s good will and/or reputation; the right to make the work publicly available for the first time, or to assign that right to a third party, etc. Authors’ moral rights are inalienable, non-transferable and are not subject to exhaustion with the exception of the right to withdrawal, which expires with the author’s death.

### 3.5 Term of Protection and Termination

The copyright is protected for the whole duration of the author’s life, plus 70 years after the author’s death. The copyright owner’s rights terminate after the expiration of the copyright

term or after the rights get transferred to another owner, within the copyright term.

Personal non-property rights are inalienable and non-transferable and are preserved indefinitely, except for the right of withdrawal, which is effective only during the author’s lifetime.

### 3.6 Collective Rights Management Systems

ArmAuthor NGO is the only collective rights management organisation in the field of music industry, established in accordance with the Copyright Law of Armenia, in 2001. The main function of ArmAuthor NGO is collection and distribution of authors’ royalties locally and internationally, through sister organisations. ArmAuthor is a member of CISAC.

### 3.7 Copyright Registration

As a member of the Bern Convention, Armenia does not require copyright registration and there is no state institution that registers copyright in Armenia. A work is considered created if it is expressed in an objective form that allows for perception and does not depend on the official certification, registration or performance of any other action.

### 3.8 Copyright Application Requirements

This is not applicable in Armenia.

### 3.9 Refusal of Registration

This is not applicable in Armenia.

### 3.10 Related Rights

Copyrightable works, such as artworks, designs, images, motion pictures, sounds, music and short audiovisual works may be protected by trade mark, as well. Some copyrightable objects of visual arts may be protected by industrial designs. However, there is a clear distinction

between copyright and related rights and each object is protected separately without any overlap.

## 4. Trade Mark Registrations and Applications

### 4.1 Trade Mark Registration

In order to acquire all exclusive rights prescribed by trade mark law, a trade mark must be registered. Unregistered trade marks are not protected, and owners of unregistered trade marks do not have the right to exclude others from using identical or confusingly similar trade marks. However, the Armenian IP Office may refuse registration of a trade mark (i) which is confusingly similar to a trade mark being in use in Armenia or outside of Armenia, and (ii) is likely to cause confusion among consumers in Armenia, and (iii) if the applicant acted in bad faith (ie, knew or could have known about the use of the earlier mark). All types of trade marks are registered by the same standards. However, trade marks that are not distinctive may become registrable, if they acquire distinctiveness (secondary meaning).

### 4.2 Trade Mark Register

Armenia has one principal trade mark register for the whole territory of the Republic of Armenia. All registered trade marks are publicly available and may be searched on the official website of the Armenian Intellectual Property Office.

Trade mark rights are acquired through registration, in Armenia. It is not advisable to use any trade mark without registration. Therefore, it is normal practice in Armenia to search for prior trade marks before applying to register a mark. It is advisable to use not only local, but also the WIPO international database of trade marks des-

ignating Armenia. It is also advisable to search for unregistered trade marks, since the Armenian IP Office may refuse registration of a mark, if an identical or confusingly similar mark is in use in or outside of Armenia.

### 4.3 Term of Registration

Trade marks are registered for a period of ten years in Armenia and may be renewed for another ten-year period perpetually.

Trade mark owners may also renew registrations within six months after the expiration date and with 50% additional state/official fee. There are no other requirements for renewing trade mark registrations.

### 4.4 Application Requirements

Armenia allows multi-class trade mark applications, but each application must relate to one trade mark and contain a description of the mark. The application must be filled in Armenian, and all accompanying foreign language documents should be translated into Armenian. The application must be accompanied with a receipt confirming the payment of official/state fees for filing and examination. The state registration fee is paid after the Armenian IP Office makes a decision on registration of the mark. Trade mark applications may be filed electronically.

The images/drawings of a trade mark must be attached to the application. The Armenian law does not require specimen of use, the date of first use in commerce or creation in commerce, or sworn declaration of accuracy.

The official/state trade mark filing fee for one trade mark in one class is AMD30,000. The official/state fee for each additional class is AMD15,000. The official/state examination fee, which is paid together with the filing fee is

AMD40,000. The official/state registration fee is AMD50,000 and is paid, after the Armenian IP Office makes a decision on registration of the trade mark.

Trade mark applications may be filed by both individuals and legal entities. Foreign applicants are not required to appoint and be represented by an attorney licensed to practice in Armenia. However, considering that all documents are filed and received in Armenian language, it is practically impossible for foreign applicants (non-Armenian speakers) to draft and file applications in Armenian.

#### 4.5 Use in Commerce Prior to Registration

Armenian law does not require that an applicant use its trade mark in commerce before the registration is issued.

#### 4.6 Consideration of Prior Rights in Registration

The Armenian IP Office does consider the existence of prior rights in the examination of an application for registration. Such prior rights may include pending or registered trade marks filed through national procedure or through international procedure designating Armenia. In addition, the Armenian IP Office may consider the actual use of trade marks in Armenia or outside of Armenia, if they are confusingly similar to the filed trade mark, are likely to confuse consumers and the applicant acted in bad faith (ie, knew or could have known about the existence of such prior rights). Copyright, designs, geographical indications and other prior rights may also be considered by the Armenian IP Office.

#### 4.7 Revocation, Change, Amendment or Correction of an Application

The trade mark application may be revoked and corrected. Changes and amendments in the application may be allowed, provided that they are not substantial (ie, are not material alterations from the initial application). Amendments with additional classes of goods and services will be rejected, but reduction of classes or specific goods and services is allowed. If allowed, the applicant must pay a state/official fee for making amendments, changes and corrections to the application. There is no state/official fee for revocation of a trade mark application.

#### 4.8 Dividing a Trade Mark Application

Armenian law allows division of a trade mark application into two or more applications, provided that the applicant pays the official/state fees and files a relevant application.

As a rule, applications get divided in the event of partial registration. If an applicant wishes to register the approved classes and appeal the rejected once, it normally divides the application into approved and rejected classes. Thereafter, applicants request to register applications with approved classes and appeal applications with rejected classes.

#### 4.9 Incorrect Information in an Application

The provision of false documents and/or information by the applicant, for the purposes of achieving trade mark registration, may lead to rejection of the trade mark application by the Armenian IP Office or invalidation of the trade mark registration by the Administrative Court.

In the event of typos or other incorrect information (mistakes, errors) the applicant may be

allowed to make changes in the application or in the trade mark registry.

## 4.10 Refusal of Registration

Based on absolute grounds, a trade mark may be refused if it:

- is not distinctive;
- is descriptive or generic;
- is contrary to the public policy or to the principles of humanism or morality, or undermines national or spiritual values;
- may deceive the public in regard to the geographical origin, quality, nature, or producer of the goods or services;
- reproduces or includes state emblems, flags or symbols, official state names or their abbreviations, full or abbreviated names of international and intergovernmental organisations, official symbols, as well as hallmarks denoting state control, guarantee and fineness, stamps, seals, awards, and other distinguishing signs (as stipulated by the Article 6ter of the Paris Convention), or is likely to create confusion with them;
- reproduces marks or emblems, which are not protected by Article 6ter of the Paris Convention, but represents particular public interest;
- includes symbols of great importance, in particular religious or cultural heritage, if it contains elements disgracing religious or moral values;
- reproduces or includes elements which are identical with or confusingly similar to the images or official names of a cultural heritage of the Republic of Armenia or an international cultural heritage, or is confusingly similar to images of cultural values kept in funds and collections, where the registration is claimed in the name of a person who is not the proprietor thereof and does not possess relevant authority;

- consists of or includes a geographical indication and has been filed for such goods, which are not originated from the area bearing this indication, if the use of that mark in the Republic of Armenia misleads the public as for the real origin of the goods; and
- consists of or contains a geographical indication ascertaining wines, for wines not originated from the area bearing the geographical indication specified or a geographical indication ascertaining spirits, for spirits not originated from the area bearing the geographical indication specified, even if the real origin of the product is specified or the geographical indication is used in a translated version or in conjunction with such expressions as “sort”, “type”, “style”, “imitation” and similar to them.

Registration of a trade mark may also be refused under other circumstances, prescribed by the law.

In the event of any office actions (notifications, objections or refusals), applicants have the right to submit responses to such actions and overcome such objections and/or refusals. The basis for overcoming such refusals would greatly depend on the legal grounds of such objections or refusals (absolute or relative). Applicants have two months to submit responses to office actions and/or request additional time of up to six months.

## 4.11 The Madrid System

Armenia is a member of Madrid Agreement and the Protocol. International applications may be filed either in parallel with national application or after completion of the national registration. Applications are submitted through the Armenian IP Office, after making the payments of relevant national and international official fees.

Applications may be filed by any person who has an industrial or commercial establishment in Armenia, or resides in Armenia, or is a citizen or national of Armenia.

## 5. Trade Mark Procedure for Inter Partes Proceedings

### 5.1 Timeframes for Filing an Opposition or Cancellation

Third parties having legal interest are allowed to file oppositions within two months after publication of the trade mark application in the Official Gazette of the Armenian IP Office.

The law does not allow extension of time for filing oppositions.

The general statutory limitation for challenging any trade mark registration is two months from the date of publication of information regarding trade mark registration. Non-use cancellation actions may be filed at any time, where the trade mark was not in use for a consecutive period of three years preceding the date of filing a non-use cancellation action. Copyright is not subject to registration in Armenia. Therefore, revocation/cancellation actions are not applicable.

In the event of non-use cancellation actions, the burden of proof is on the owner of the mark. Failure to submit relevant evidence will result in cancellation of registration.

### 5.2 Legal Grounds for Filing an Opposition or Cancellation

Trade mark oppositions may be filed in the event.

- the trade mark is identical or confusingly similar to an earlier trade mark registered for the same goods and/or services;
  - the trade mark is identical or similar to an earlier trade mark and is filed for goods and/or services that are not identical to those covered by the earlier trade mark, if the applicant may unfairly benefit from the distinctive characteristics or reputation of the earlier trade mark; or harm the distinctive characteristics or reputation of the earlier trade marks;
  - the trade mark is identical or confusingly similar to another person's trade name (company name);
  - the trade mark is identical or similar to a geographical indication or place of origin protected in the Republic of Armenia;
  - the trade mark reproduces or incorporates an earlier industrial design or any other object of industrial property with earlier priority rights in the Republic of Armenia;
  - the trade mark reproduces or incorporates literary, scientific, or artistic works protected by copyright, or their titles, quotations, excerpts, characters; and
  - the trade mark reproduces or incorporates the name, surname, pseudonym, or image of any famous person.
- Non-use cancellation actions may be filed in the event bad faith applicants registered similar or identical trade marks in Armenia with an objective to benefit from such registrations. Such action may be also filed to overcome a refusal based on a similar trade mark which has not been in use for a period of three years prior to filing the application or the non-use cancellation action.
- Re-examination is possible after receiving a notification of a potential refusal, a preliminary refusal or a partial registration. A re-examination is also possible after receiving a final refusal, by appealing the refusal to the board of appeals.

## 5.3 Ability to File an Opposition or Revocation/Cancellation

An opposition may be filed by the owner of an earlier trade mark, a well-known trade mark, or an owner of other prior rights, such as geographical indications, industrial design; as well as by famous persons or their heirs, authors, or other individuals or legal entities having legal interest. Opponents are not required to have representatives, but as a rule they are represented by IP attorneys or IP agents.

The official/state fee for filing a trade mark opposition is AMD10,000. Attorney fees for drafting various legal documents may vary from law firm to law firm. A professional IP attorney, with a partner level, may charge between EUR300–400 per hour. A blended hourly rate may be between EUR250–350.

A trade mark invalidation or cancellation may be initiated by any person who has a legally defined interest.

## 5.4 Opposition or Revocation/Cancellation Procedure

Within two months following the publication date of the application, any interested party may file an opposition to the Armenian IP Office against registration of a trade mark. Within three business days of receiving the opposition, the IP Office reviews it to ensure compliance with the submission requirements set by law and notifies the applicant. The applicant has one month to submit a response to the opposition. If the applicant does not submit a response, the IP Office completes the substantive examination and makes its decision. If a response to the opposition is submitted, the IP Office completes the substantive examination without sharing the response with the opposing party. Once the decision is made, the opposing party receives

the IP office's decision on registration or refusal of the trade mark application, together with the decision on upholding or rejecting the opposition.

All cancellation or invalidation actions are brought before the court. Only revocations of applications or registrations by the owner and/or applicants of such registrations/applications may be submitted to the Armenian IP Office.

Trade mark registration may be invalidated or cancelled partially, if the grounds for cancellation/invalidation apply to specific goods and/or services for which the trade mark is registered.

## 5.5 Legal Remedies Against the Decision of the Trade Mark Office

Applicants or opposing parties may appeal refusals or partial registrations within the IP office, or to the Board of Appeals, or to the Administrative Court. The timeframe for the appeals within the IP office is two months. The timeframe for the appeal to the Board of Appeals is three months. In addition to these terms, there is a possibility of requesting an extension of time (except for oppositions) for up to six months. Decisions on registration may be challenged in the Administrative Court. Non-use cancellation actions must be submitted to general jurisdiction courts (civil courts). Any decision of the IP office may be appealed to the administrative court directly, without going through all internal appeal procedures (including the Board of Appeals).

## 5.6 Amendment in Revocation/Cancellation Proceedings

Amendments during revocation or cancellation proceedings are restricted.

## 5.7 Combining Revocation/Cancellation and Infringement

As a rule, revocation/cancellation and infringement actions are heard separately. In the event a decision in one court may affect the decision in another court, the latter may postpone or suspend its proceedings until the decision of the other court enters into force.

## 5.8 Measures to Address Fraud

There are no special procedures to revoke or cancel trade marks that were filed fraudulently. However, the Trade Mark Law provides legal grounds for invalidation of such registrations.

## 6. Assignments and Licensing

### 6.1 Assignment Requirements and Restrictions

Trade mark and copyright assignment should be made in writing. A trade mark assignment application may be filed by either assignee or assignor. The official/state fee for registration of a trade mark assignment is AMD60,000 per trade mark. Registration of a trade mark assignment may be refused, if the use of assigned trade mark may cause confusion among consumers.

The rights to a trade mark or copyright may be transferred in full or partially and are transmissible upon the owner's death.

### 6.2 Licensing Requirements or Restrictions

Trade mark and copyright licences should be made in writing. In addition to the parties' information, the trade mark licence should contain the trade mark registration number, the list of goods/services being licensed, the licence term and territory and the type of licence.

Armenian law allows granting exclusive, non-exclusive and sole licences with no term limitation, provided that the trade mark registration is in force and the term of copyright protection has not expired. Archival rights may be regulated in the licence by the parties.

The copyright to software and mobile applications may be licensed.

### 6.3 Registration or Recording of an Assignment or Licence

Trade mark licence and assignment is subject to state registration with the Armenian IP Office and the application may be filed either by licensee or by licensor. An unregistered trade mark licence or assignment would be considered as a valid contract between the parties, but only registration of the licence or assignment will have legal effect on third parties. Copyright licence and assignment is not subject to state registration.

## 7. Initiating Trade Mark and Copyright Lawsuits

### 7.1 Timeframes for Filing Infringement Lawsuits

The Armenian Civil Code provides for a general statute of limitations of three years. The courts may make exceptions, if plaintiffs can demonstrate "excusable neglect" – ie, provide reasonable explanation for missing the deadline due to extraordinary circumstances beyond their control.

### 7.2 Legal Claims for Infringement Lawsuits and Their Standards

Generally speaking, owners of registered trade marks have the right to exclude others from using identical or confusingly similar trade marks, if such use is likely to confuse, mislead or deceive

consumers. Owners of well-known trade marks may exclude others from using similar trade marks, regardless of the classes of trade mark.

Copyright owners have the right to exclude others from using their works of authorship without their permission or any other works created based on their works (derivative works). The claims may be filed against direct, vicarious or contributory infringements. Trade mark and copyright infringements may also be accompanied with unfair competition claims.

Armenian law is silent on such specific claims as dilution by blurring or dilution by tarnishment. However, trade mark owners (especially the owners of well-known trade marks) may file more general arguments related to distinctiveness of their trade marks. They may claim that, if allowed, the use of trade marks that are likely to create associations with another trade mark (eg, by using similar imagery, colour schemes, or even language that subtly alludes to the other brand), especially by multiple businesses, may harm the distinctive characters of their trade marks. In addition, the Armenian law is silent on cyber-squatting. However, the trade mark law allows a trade mark owner to exclude others from using a registered trade mark in domain names.

### 7.3 Factors in Determining Infringement

Trade mark owners have the exclusive right to authorise and/or exclude others from using their trade marks. Therefore, any unauthorised use of the mark in a manner listed below may constitute a trade mark infringement:

- using an identical or a confusingly similar mark on goods or packaging;

- offering goods for sale, selling, or storing goods for the purpose of sale, or providing or offering services bearing the trade mark;
- importing or exporting goods bearing the trade mark;
- using the trade mark on documents or for advertising purposes; and
- using an identical or similar trade mark on websites, including in domain names, even if the website associated with the domain name is inactive or contains no content.

Copyright owners have the exclusive right to authorise and/or exclude others from using their works of authorship. Therefore, any unauthorised use of such work of authorship in a manner listed below may constitute a copyright infringement of the copyright owners' economic rights of:

- reproduction;
- distribution;
- rental;
- lending;
- translation or creation of other derivative works (such as arrangement, rearrangement, adaptation and other transformations);
- communication to the public;
- public performance;
- public display;
- broadcasting or, simultaneous broadcasting, or re-broadcasting; and
- transmission of a work by cable or by other means, etc.

Copyright may also be infringed by infringing an author's moral rights (non-economic rights) – eg, by making illegal/unauthorised alterations/changes in the work, failing to use the author's name on the work, etc.



## 7.4 Prerequisites and Restrictions to Filing a Lawsuit

Armenian law does not require any prerequisites for filing a trade mark or copyright lawsuit. However, before proceeding with a litigation, it is advisable to issue formal demand or warning letters to the alleged infringer. If the trade mark is not registered or the work of authorship is not properly deposited (for the purposes of proving authorship rights, if required), then it is advisable to do so before issuing a demand/warning letter or filing a litigation. Mediation and arbitration is available but is not widely utilised in Armenia.

Trade mark or copyright owners should be mindful of potential restrictions when asserting their rights. These include avoiding groundless threats of legal action, misuse or abuse of rights, and ensuring compliance with competition law. Additionally, both trade mark and copyright owners should be aware of exceptions to enforcement, such as fair use, and must not use their rights in a way that unjustly restricts competition or harms others without proper justification.

## 7.5 Lawsuit Procedure

Intellectual property disputes (including copyright and trade mark disputes) between private parties are heard by civil courts. IP disputes (including copyright and trade mark disputes) between a private party from one side and a state authority, from another side, are heard by the Administrative Court.

When initiating a lawsuit, the plaintiffs are generally required to pay state/official fees. The state fee for each non-monetary claim (such as a trade mark or copyright infringement lawsuit) is AMD20,000. This fee is typically paid when filing a complaint to a court. Attorney fees for drafting and issuing demand/warning letters and various other legal documents may vary from law firm

to law firm. A professional IP attorney, with a partner level, may charge between EUR300–400 per hour. A blended hourly rate may be between EUR250–350. Parties in trade mark or copyright disputes are not required to be represented by a lawyer, but it is highly recommended, since it would be nearly impossible to efficiently litigate without an IP attorney.

Foreign trade mark owners can bring infringement claims in Armenia, even if the mark is not registered in Armenia. In respect of bringing copyright infringement claims, there is no requirement and no state authority that registers copyright.

## 7.6 Declaratory Judgment Proceedings and Other Protections for Potential Defendants

Declaratory judgment proceedings are not common in IP disputes in Armenia.

## 7.7 Small Claims

Armenia provides alternative avenues to resolve small trade mark or copyright claims outside of the formal court system. These alternative mechanisms offer a more streamlined and cost-effective approach to resolving disputes. The key option available is mediation, which is recognised and supported by Armenian law.

## 7.8 Effect of Trade Mark and Copyright Office Decisions

Unless the decisions of the Armenian IP Office are challenged in the administrative court, they are generally binding legal documents for civil courts.

## 7.9 Counterfeiting and Bootlegging

Counterfeiting – ie, illegal/unauthorised use of the owner's trade mark on goods that are not produced or the production of which is not

authorised by the brand owner (owner of trade mark), is considered as or constitutes a trade mark infringement, and is regulated by the same trade mark laws and regulations. Piracy, on the other hand – ie, illegal/unauthorised reproductions of copyrightable works, is considered as or constitutes a copyright infringement and is regulated by the same copyright laws and regulations.

Armenia law imposes administrative penalties and criminal sanctions for the sale of counterfeit alcoholic beverages, baby food, biologically active supplements, drugs, medicinal substances, herbal raw materials, auxiliary substances, medical products or investigational pharmaceutical products.

## 8. Litigating Trade Mark and Copyright Claims

### 8.1 Special Procedural Provisions for Trade Mark or Copyright Proceedings

The Board of Appeals of the Armenian Intellectual Property Office is the only state authority that has special procedural provisions for trade mark appeals. The main function of the Board of Appeals is to make a final decision, as a state authority, on registration or refusal of trade mark applications, as well as declaring trade marks as well-known, in Armenia. Armenia does not have specialised IP courts, but has legal judges, who specialise in IP. There are no jury members in the Armenian court system and the law does not allow the parties to have influence on who the decision-maker should be.

### 8.2 Effect of Registration

A registered trade mark provides the owner of the mark the exclusive right to exclude others from using a confusingly similar or identical trade

mark for the same or similar goods/services. In some cases, the goods/services may be different, but there still may be a likelihood of consumer confusion. The availability of a registered trade mark allows the owner to attempt to stop similar uses of a trade mark, as well. The owners of unregistered trade marks do not receive any exclusive rights with respect to their unregistered trade marks. The courts may refuse to admit the complaints of unregistered trade mark owners, due to the absence of statutory exclusive rights. However, if the owner of a registered trade mark has knowingly tolerated the use of a later registered trade mark for five consecutive years, the later trade mark may become incontestable.

### 8.3 Costs of Litigating Infringement Actions

Attorney fees for drafting a complaint and representation of a rights-holder's interests before the court, up to the court decision, may vary from law firm to law firm. A professional IP attorney, with a partner level, may charge between EUR300–400 per hour. A blended hourly rate may be between EUR250–350. Depending on the complexity of the matter, law firms may spend up to 15 hours on drafting and submitting the complaint to the court and charge a fee for each hearing, regardless of the number of hours spent on each hearing.

## 9. Defences and Exceptions to Infringement

### 9.1 Defences to Trade Mark Infringement

Armenian law does not explicitly define or recognise the following as a defence; however, it does not prohibit the use of priority, objection for non-use, licence, bad faith, fair use, parody/satire, own-name, limitation, violation of compe-

tition laws, laches, estoppel, and acquiescence as a defence. Such defences are not total bars to liability.

## 9.2 Defences to Copyright Infringement (Fair Use/Fair Dealing)

The trade mark law provides a short list of fair use exceptions that could be summarised as follows: The exclusive right to a trade mark does not allow the trade mark owner to exclude others from using descriptive or non-distinctive (disclaimed or un-disclaimed) elements of a trade mark, provided that such use is not an act of bad faith and is not likely to create confusion among consumers. The copyright law provides a more extensive list of fair use exceptions, such as parody and satire (without defining these terms), criticism, commentary, news reporting, the use of works of authorship for scientific (including for research) and teaching purposes, etc.

Armenian law is silent on exception to trade mark or copyright infringement based on the right to free speech or information.

## 9.3 Exhaustion

The first sale of an item bearing a trade mark exhausts the owner's rights to that specific item, provided that such item was imported to Armenia and/or put into circulation legally (by the owner of the mark, or with the knowledge or permission of the trade mark owner).

Once a copyrighted work is sold with the copyright owner's authorisation, the copyright owner's control over that particular copy is "exhausted", except for lending.

## 10. Remedies

### 10.1 Injunctive Remedies

Both trade mark and copyright owners have access to injunctive relief to protect their intellectual property rights in the event of infringement. Injunctive relief can be granted by the court to prevent ongoing or imminent infringement, to preserve evidence, or to ensure that damages are not caused during the legal proceedings.

When seeking injunction (whether preliminary or interim) in trade mark or copyright infringement cases, the trade mark or copyright owner must establish that failure to take certain measures of security could lead to a variety of consequences. These consequences relate to the ability of the plaintiff to enforce a judicial act, preserve the status quo of the property involved, or avoid significant harm.

### 10.2 Monetary Remedies

Monetary damages for IP infringements are allowed and the law provides for actual damages, accounting and loss of profit, but the amount greatly depends on the judge's discretion. The field is not very well developed due to the lack of precedents. The judge has discretion in ordering remedies, based on various factors, including the amount of damage, wilfulness of the infringer, etc. In the event of copyright infringement, the copyright owner is allowed to double the amount of compensation requested.

### 10.3 Attorneys' Fees and Costs

The allocation of costs in trade mark and copyright litigation, including court fees, expenses, and attorneys' fees, is governed by the Civil Procedure Code and general principles of Armenian civil law. According to the Civil Code, the party against whom a final judicial decision has been rendered shall be responsible for reimbursing

the Republic of Armenia for any amounts paid to witnesses, experts, specialists and translators. Additionally, they shall reimburse the court costs incurred by the court and the parties involved in the case, to the extent that these costs were necessary for the effective exercise of the right to judicial protection.

## 10.4 Ex Parte Relief

The trade mark or copyright owner may seek relief without notice to the defendant. Under Armenian law, if a plaintiff files a motion to the court requesting a measure of security for the claim (such as a preliminary injunction or other interim relief), the motion itself is confidential at the time of filing. This means that the court is not obliged to notify the defendant of the motion prior to making a decision on the request.

However, the defendant is still entitled to be notified of the court's decision once it has been made, whether the motion is granted or rejected. This ensures that the defendant is aware of the court's ruling and has an opportunity to respond or take any further actions, such as filing an objection or challenging the decision.

## 10.5 Customs Seizures of Counterfeits or Parallel Imports

Armenian law provides for regional exhaustion of trade mark rights. The goods (including genuine) imported to Armenia from any country outside of the Eurasian Economic Union may be seized by the Armenian Customs Authorities, if the trade mark is recorded with the Customs Office. The Customs Office has ex officio rights to seize counterfeit goods.

The procedure of customs recordal is as follows. The rights-holder files a trade mark or copyright recordal application with the Customs Office, together with a liability insurance agreement. After formal examination, the Customs Office records the trade mark and/or copyright in its official registry and informs the rights-holder, once there is a detention of goods. The rights-holder has ten business days to take additional legal actions or request to release the goods.

## 11. Appeal

### 11.1 Appellate Procedure

Trade mark and copyright infringement decisions may be appealed to the Court of Appeals and then to the Court of Cassation (Supreme Court).

### 11.2 Timeframes for Appealing Trial Court Decisions

Normally, the appellant has 30 days to appeal the decision of the court to the appellate court or to the Court of Cassation (Supreme Court).

## 12. Additional Considerations

### 12.1 Emerging Issues

There are no emerging issues to discuss here.

### 12.2 Trade Mark and Copyright Use on the Internet

The trade mark law has one provision where it allows the rights-holder to prohibit the user of a domain name, website or a page on social media platform (not the service provider) to use a trade mark without rights-holder's permission.

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