

## **Executive regulation of Patent, Industrial Designs and Trademarks**

### **Registration Law**

#### **Part 1: generality**

##### **Article 1:**

The terms applied in this regulation have the following meanings:

- 1- **Law:** means Patent, Industrial Designs and Trademarks Registration Law which was enacted by Judicial and Legal Commission of Islamic Constitutive Assembly on 29 Oct. 2007 in accordance with Constitutional Law of Islamic Republic of Iran and its probational execution has been agreed by the Assembly for 5 years on 23 Jan. 2009.
- 2- **Regulation:** means the present executive regulation subject of Article 64 of the law.
- 3- **Organization:** means State Organization for Registration of Deeds and Properties.
- 4- **Registration Authority:** means Industrial Property General Office of State Organization for Registration of Deeds and Properties.
- 5- **International Bureau:** means international bureau of the World Intellectual Property Organization.
- 6- **International Classification:** means common international classifications, as the case may be, in order to register inventions, industrial designs and trademarks on the basis of the most recent versions.
- 7- **Paris Convention:** means Paris Convention for protection of industrial property dated 1883 with the later corrections which has been enacted by

National Constitutive Assembly on 5 March 1959 and its later corrections have been accepted by Islamic Consultative Assembly on 8 Nov. 1998.

8- **Patent Cooperation Treaty:** means Patent Cooperation Treaty dated 1970 with the later corrections which has been enacted by Islamic Consultative Assembly on 16 Oct. 2007.

9- **Regulation of Patent Cooperation Treaty:** means regulation of Patent Cooperation Treaty enforceable since 2002.

10- **Madrid Agreement:** means Madrid agreement for international registration of marks dated 1891 with the later corrections which has been enacted by Islamic Consultative Assembly on 19 Aug. 2003.

11- **Madrid Protocol:** means protocol relating to Madrid agreement for international registration of marks dated 1989 which has been enacted by Islamic Consultative Assembly on 19 Aug. 2003.

12- **Common regulation:** means common regulation of Madrid agreement for international registration of marks and protocol relating to the mentioned agreement enforceable since 2000 which has been enacted by Islamic Consultative Assembly on 19 Aug. 2003.

13- **International registration:** means patent, industrial design and trademarks registration through bureau of the World Intellectual Property Organization.

## **Part 2: patent**

### **Chapter 1: submission of declaration**

#### **Article 2:**

Patent requires submission of declaration to registration authority.

**Article 3:**

Patent declaration shall be drawn up in three copies and in special form (A-1) and in Persian language and signed by the applicant or his/her legal representative after mentioning date.

Note – in case that deeds attached to the declaration and other related documents are drawn up in another language but Persian language, it is obligatory to submit the original documents with their unofficial translation. However, if perfect translation of these documents is not possible, one can attach their summary in Persian language. If necessary, Registration authority can request for official translation of the said documents while studying the declaration. In case that technical and scientific terms applied in the documents don't have Persian equivalent, it is sufficient to mention the same terms.

**Article 4:**

The applicant shall submit, personally or by registered mail or on the basis of Article 167 of this regulation, patent declaration to the registration authority. Date of collection of the declaration or date of giving message is regarded as date of declaration.

**Article 5:**

Patent declaration shall contain the following points:

- 1- it is necessary to mention Name, national code Number, address, postal code, nationality, position of the applicant and in case that the applicant is legal

entity , it is necessary to mention name , type of activity , domicile , registration place and number , nationality , principal office and if necessary , any other identification number.

- 2- Name, national number, address and postal code of legal representative of the applicant, if available.
- 3- Name , domicile and postal code of the person or persons who are qualified for receiving notices in Iran in case that the applicant is not resident of Iran.
- 4- Name, address, and position of the inventor, in case that the applicant is not inventor.
- 5- Title of invention in such a manner that invention specified a claim and doesn't include some words such as better and so on and is between three and ten words preferably.
- 6- Date , place and number of declaration or invention certificate abroad at request of the right of priority ,
- 7- Information relating to original declaration in case that the invention is complementary.
- 8- Number of pages for description, claims, brief description of invention and plans.
- 9- Determination of invention class on the basis of international classification of inventions
- 10- Determination of appendices,

Note 1- in case of submission of the appendices and other related documents by the legal entities; they shall be signed by the authorized signatories.

Note 2- name and address of the applicant abroad shall be Latin in addition to Persian language and shall be registered and published with the same letters.

**Article 6:**

The following documents shall be attached to the declaration:

- 1- description of invention ,
- 2- claim or claims of invention
- 3- brief description of invention
- 4- design or designs , if necessary
- 5- evidences affirming identity of the applicant and inventor
- 6- Written request for non mentioning name of the inventor, in case that the inventor doesn't want to mention his/her name.
- 7- Documents relating to right of priority which shall be submitted simultaneously with submission of declaration or within 15 days of that date.
- 8- Receipt relating to payment of legal expenses.
- 9- Representation documents, in case that the legal representative applies.

Note 1 : in case that the declaration is not qualified for conditions stipulated in Article 11 at time of request , the registration authority will invite the applicant to perform the necessary corrections till date of notification within 30 days and date of application will be the same as date of receiving the necessary corrections. If no correction is done at due date, the declaration will be null and void. This grace period is 60 days for persons residing abroad.

Note 2- if some designs are referred to this declaration which have not been included or attached, the registration authority will invite the applicant to present

the designs within 30 days. In case of submission, date of receiving the designs will be regarded as date of request. Otherwise, the registration authority will mention date of request as date of receiving the declaration and will regard reference to designs as null and void. This grace period is 60 days for those persons residing abroad.

**Article 7-** any page of description, claim, brief description and invention design shall be signed by the applicant or his/her legal representative.

**Article 8-** the declaration shall only relate to an invention or a group of the related inventions which comprises a general invention, otherwise, the applicant can divide his/her invention declaration into two or more separate and independent declarations.

**Article 9-** the divided declaration shall have requirements of the original declaration and the following points shall be observed at time of its submission:

- 1- number and date of the primary declaration
- 2- At request of the applicant for right of priority, it is necessary to mention number and date of the primary declaration with place of right of priority.
- 3- Correcting description, claim, design and brief description mentioned in the original declaration.
- 4- Documents relating to payment of cost of the divided declarations.

Note – in case of claim for different rights of priority for the original declaration, the applicant for divided declaration can enjoy right of priority or rights of priority which are related to that divided declaration.

**Article 10-** description of invention shall be express and contain perfect details and the following points:

- 1- title of the invention as mentioned in the declaration,
- 2- technical field of the related invention ,
- 3- technical problem and mentioning goals of the invention
- 4- Describing the previous knowledge and record of progresses which are claimed for the invention so that it is sufficient for understanding and investigating newness of the invention.
- 5- Presenting solution for the technical problem with accurate and sufficient description of the invention.
- 6- Explaining figures, plans, diagrams if available, in such a manner that an expert can understand and find relation of its components in that field. Referring to the numbers which have been used for mentioning specifications of invention in the design is compulsory.
- 7- Mentioning advantages of the claimed invention expressly and accurately so that it clarifies newness of the invention and its technical effect.
- 8- Explaining at least one executive method for application of the invention.
- 9- Mentioning industrial application of the invention in case that nature of the invention doesn't specify this case.

**Article 11-**

Claim for invention shall determine elements of invention which shall be supported on the basis of technical specifications. Any invention can include one or more claims. Claim or claims shall be express and definite and have the following conditions:

- 1- They should be reasonable in number with regard to nature of invention and they should be numbered in case of plurality.
- 2- They shall not exceed the information disclosed in description of the invention and should be proved and documented in description.
- 3- They shall express technical specifications which can be supported with use of positive sentences.
- 4- Except for inevitable cases, the designs or description shall not be referred and some expressions such as "as mentioned in the description " or "as shown in the designs " shall not be used.
- 5- In case that it is necessary to refer to the design for understanding the claim , after mentioning the claim, page number of the design and its mark shall be mentioned in the parenthesis.
- 6- They shall not include method of execution and advantages of invention.

#### **Article 12-**

Claim or claims may supervise the product, process, process of access to a product or combination of the process and product provided that it is related to an inventive concept.

Article 13- brief description of the invention shall directly determine technical field to which the invention relates to be used in search of the claimed invention records. In summary of the invention, the following points shall be considered:

- 1- it shall start with title of invention and include 70 to 200 words,
- 2- It shall clarify technical problem, basis of the solution presented for it and application or main applications of the invention.
- 3- If necessary, it shall include chemical formulas or mathematical equations so that specifications of the invention can be mentioned in the best way on the basis of them.
- 4- In case that it is necessary to refer to the design for explaining the invention, symbols referring to each one of the designs shall be mentioned inside parenthesis after brief description of each part.
- 5- Non mentioning value and advantages of invention.

**Article 14-**

Brief description is used only for mentioning information about invention and can not be basis for interpretation for determining limits of claim.

**Article 15-**

In case that plans, diagrams and tables are parts of the invention declaration, the following points shall be considered for drawing them:

- 1- They shall be drawn on a durable paper in size of A4 with black and colorless bold lines and technical tools for drawing shall be used for this purpose. The maximum margin of the papers shall be 2.5 cm from the top and 1.5 cm from the left, 2.5 cm from the right and 1 cm from the bottom.
- 2- Designs shall be so clear that they can be copied and pictured.

- 3- All elements of the design or diagram shall have equal scale unless it is necessary to make bold some special part of the design or diagram for understanding the invention.
- 4- It shall be placed vertically in the page if possible.
- 5- Numbers, letters and symbols shall be mentioned clearly and legibly.
- 6- They shall include some symbols which can be referred in description.
- 7- Pages shall be numbered in ordinal numbers and shall indicate number of that page out of total pages.
- 8- No remarks shall be available on the design unless for tables and diagrams.
- 9- In case that each one of the plans, diagrams and tables are included in more than one page , total pages shall include symbols independent of pages number without eliminating some of them so that they clarify relation and integrity of the parts with each other.

**Article 16-**

In case that measurement units for weight, and heat, energy, light, sound, magnetism, and the like have been referred in declaration, description, brief description, claim or claims and plans, common rules shall be applied.

**Article 17-**

Other appendices of the declaration except for plan, diagram, and table shall be included on the paper in size of A4 and the following points shall be considered:

- 1- Their texts shall be typed for presentation and distance between lines shall not exceed 1.5 cm.
- 2- Chemical and mathematical formulas may be written manually.

- 3- Pages shall have margin of 3 cm on the top and the right hand and 2 cm on the bottom and the left hand.
- 4- Pages shall be numbered in Persian so that invention description section starts with number one and shall be numbered up to the end of claims and summary of invention and in case that the declaration has plan, diagram and table , they shall be numbered with new numbers.
- 5- The papers shall not be folded and torn and only one paper is used.

**Article 18-**

In case that the applicant requests for right of priority in accordance with Article 9 of the law , he/she shall submit his/her request to the registration authority on the basis of special form and with documents indicating such right . This request shall include:

- 1- date and number of original declaration
- 2- international classification relating to the original declaration
- 3- Country or countries in which the original declaration has been submitted and in case that the regional or international declaration is basis of right of priority by mentioning its source.

**Article 19-**

In case that the applicant claims two or more previous declarations, term of right of priority is calculated on the basis of the foremost priority.

**Article 20-**

Term of right of priority in patent is 12 months as date of submission of the original declaration. In this case, day of submission of will not be regarded as

term and if the last day coincides with holiday, this term will be calculated till the last hour of the first working day after holiday.

## **Chapter 2: transfer, correction, restitution and registration of the declaration**

### **Article 21:**

Transfer of property right resulting from submission of the declaration or grant of any exploitation license shall be announced to the registration authority at written request of transferee or invention owner and included in the related file. This change is subject to payment of the related cost.

### **Article 22:**

In case that the applicant wants to do corrections in description, brief description of invention or plans, he/she shall retype pages of the appendices to which these corrections relate so that all of them comprise a document.

Addition between lines, affixing, annotation, or correction as footnote and some actions like this are prohibited.

### **Article 23:**

The applicant shall correct his/her declaration before patent provided that it doesn't exceed limits of the first declaration. Request for correction is done by paying the cost stipulated in the costs table.

### **Article 24:**

Invention declaration may be returned at written request of the applicant. In case of numerous applicants, this request shall be signed by all of them and imply title of invention, number and date of declaration. In case of returning the declaration, the payable costs will not be returned.

Note – in case that the returned declaration is basis of another divided declaration, the later declaration will be deemed to be returned.

**Article 25:**

Development or improvement of an invention can be subject of the complementary declaration provided that it complements and indicates the invention which has been claimed in the original declaration. In this case,

- 1- Number and date of the original declaration are mentioned in complementary declaration.
- 2- The invention being complementary is mentioned in description part after title.
- 3- Grant of patent certificate to the complementary declaration is conditional upon grant of patent certificate to the original declaration.
- 4- In case of registration of the original patent, complementary patent notice implies number and date of registration of the original declaration.

Note 1- in case of rejection of the complementary declaration in grace period for objection to rejection, the applicant can present his/her declaration independently provided that its inventive concept is not the same as that of the original declaration . In this case, a new number is given to the independent declaration and it will have right of priority as date of the complementary declaration.

Note 2- issuance of complementary invention certificate will be subject to the regulations which have been determined for the original certificate but validity

term of the complementary declaration can not exceed validity term of the original certificate.

**Article 26-**

Use of the grace period stipulated in paragraph H of Article 4 of the law includes:

- 1- Disclosure due to or as a result of misuse of the third parties or the previous entitled person of the applicant.
- 2- Disclosure may be as result of participation in a formal exhibit with this assumption that the applicant shall submit certificate of participation in this exhibit which has been confirmed by the concerned authorities by mentioning this fact that invention has been shown in the said exhibit within 30 days of date of submission of the declaration to the registration authority.

Note – formal exhibit means the exhibit which is held by the government or the local competent department or held by the government or the competent persons in a member state of Paris Convention and in international level. In the latter assumption, certificate of the concerned authorities of the formal exhibit shall be confirmed by agencies of Islamic Republic of Iran.

**Article 27-**

Registration authority having received declaration and the related appendices and fulfilled the conditions stipulated in Article 11 of the law shall enter it in the register and mention date of receiving the declaration and its number on each one of the copies of declaration and return its second copy with the same specifications of the original copy after signing and sealing and mentioning the date (hour, day, month, year) and collecting it with all letters as the receipt to the applicant.

Note – for declarations which are sent by registered mail, their second copy will be returned with the appendices to the applicant by and at expense of the registration authority by registered mail as receipt in case of registration of the declarations. In case of failure to register the declarations, the applicants will be notified as well. . Response of the received declarations will be electronic on the basis of Article 167 of this regulation.

### **Chapter 3: investigation of declaration and patent**

#### **Article 28**

Registration authority having received the declaration and the related appendices investigates them within 6 months in terms of conformity with procedural and substantial conditions inserted in the law and this regulation.

Note 1- registration authority enquires the concerned authority whether private or governmental or the specialists and experts for fulfilling substantial conditions of invention and asks them about their views. Grace period for answering the enquiry will be not later than 3 months.

Note 2- the declaration of authorities and mentioned persons is advisory and failure to answer the enquiry and receive the opinion will not prevent from investigation and decision making by the registration authority.

Note 3- enquiring and asking the said authorities and persons about their opinions can be based on contracts concluded with them.

**Article 29-** in case that it is necessary to correct or complete the declaration and its appendices after investigation of the declaration and its appendices , the registration authority asks the applicant in writing to take action regarding correction or completion of the document within 30 days of date of notification ,

otherwise, the declaration will be null and void . The grace period determined in this article for the persons residing abroad is 60 days.

**Article 30-**

The applicant will be notified of the decision of the registration authority regarding grant of patent certificate within 30 days of notification and the applicant shall take action regarding registration of invention and publication of notice included in Article 32 of this regulation for payment of the related expenses. In case of failure to pay the expenses at due date, the declaration will be regarded null and void. This grace period for the applicants residing abroad will be 60 days.

**Article 31-**

Invention is registered by mentioning the following information on the basis of form (A-2) in patent register:

- 1- Number and date of declaration by mentioning hour, day , month and year ,
- 2- Number and date of patent
- 3- Name and address and nationality of inventor
- 4- Name and address and nationality of the inventor in case that the applicant is not the inventor unless the inventor requests in writing not to mention his/her name in patent certificate.
- 5- Name and address of the legal representative of the inventor, if patent is requested by him/her.
- 6- Title of invention
- 7- International classification of invention by mentioning scientific field in which the invention is included.

8- In case of claim for right of priority and accepting it , date , number and place of submission of the prior declaration,

9- Term of support

Note 1- two pages are allocated to each invention in patent register and any change and correction as well as transfers which are done partially or wholly regarding subject of the invention are mentioned in the said pages.

Note 2- insertion of the said information shall be signed by the inventor or his/her legal representative as well as head of Patent Office after completion.

**Article 32-**

After registration, the notice of registration is published in official gazette within 30 days by mentioning the information mentioned in Article 31 of this regulation.

The said notice is signed by head of Patent Office and is submitted to the official gazette for publication.

**Article 33-**

After publication of patent notice and delivery of three copies published and reflected in site of the official gazette to the registration authority, the patent certificate will be issued and submitted to the applicant or his/her representative.

Patent certificate shall be prepared with use of updated technology and include a copy of description –claim –brief description and design and shall be punched and sealed and signed by head of the Patent Office. Patent certificate shall contain the following points on the basis of form (A-3):

1- Number and date of declaration,

2-Number and date of patent

3- Name and address and nationality of inventor

- 4- Name and address and nationality of the inventor unless the inventor requests in writing not to mention his/her name in patent certificate.
- 5- Title of invention
- 6- International classification of invention
- 7- in case of claim for right of priority and accepting it , date , number and place of submission of the prior declaration,
- 8- Term of support

**Article 34-**

In case of numerous applicants for patent, rate of share of each one of them will be mentioned in patent certificate at their request; otherwise, rights resulting from invention will be equally determined.

**Article 35-**

In case of request of the inventor for issuance of exploitation license, the registration authority will inform body or bodies which relate to subject of invention within 1 week of date of request plus records of invention and will take action regarding issuance of the said license after receiving their opinions. In case that the mentioned authority doesn't respond or gives negative response within grace period mentioned in Article 19 of the law, the registration authority will not be responsible for issuance of exploitation license.

Note – in case that view of the concerned authorities legally requires payment of expense, the applicant for exploitation license shall pay this expense.

**Chapter 4: issuance of compulsory exploitation license**

**Article 36-**

Request for issuance of compulsory exploitation license shall be submitted by the Minister or the highest authority of the governmental body or their authorized persons to secretariat of the commission. This request shall be issued with reason and document proving that the governmental body or its authorized person asks the owner for exploitation but he/she couldn't have received permission for exploitation with reasonable conditions and within common time period. Compliance with the above notes will not be necessary in case of emergency resulting from national interests in the country at discretion of the commission subject to Article 17 of the law and decision of the commission in this regard is executed immediately provided that inventor is informed of the commission's decision in the first instance in such cases.

**Article 37-**

The secretariat having received request for compulsory exploitation license will notify the inventor within 10 days. The inventor is obliged to inform the persons who are authorized for exploitation of invention. The persons who are authorized for exploitation of invention shall give their views to the secretariat within 30 days in documented and proved way which will be registered in the special register and submitted to the commission for decision making.

**Article 38-**

The secretariat shall inform the applicant of the compulsory license and inventor and the beneficiary about its time at least 10 days before holding session of the commission. The mentioned persons can attend the session. The commission will make appropriate decision and give information after hearing their comments.

**Article 39-**

In case of grant of compulsory license, the commission shall specify conditions of exploitation, name of the governmental organization of the exploiting party or his/her authorized person, term of exploitation, price mentioned in paragraph B of Article 17 of the law at discretion of the official expert, executive actions, term required for performing executive actions by the exploiting party, geographical limit and authorizations for use of the invention.

Note –payment of expert's fee for determining the mentioned price will be responsibility of the exploiting party.

**Article 40-**

Decision of the commission regarding grant of the compulsory exploitation license shall be mentioned in patent register and published at expense of the applicant in the official gazette and announced to the inventor and other beneficiaries.

**Article 41-**

In case that the commission having investigated the documents and heard comments of the parties finds that the presented request doesn't conform to conditions inserted in Article 17 , it will reject the request and notify the applicant and the beneficiaries of the result through the secretariat.

**Article 42-**

The invention owner or the governmental organization as well as the third party for whom compulsory exploitation license has been issued can request for reinvestigation of the commission's decision within 20 days of receiving the notice subject to Article 40 of this regulation. In case that the commission finds that the request for revision is final and binding , it will hold a session not later

than 30 days after collection of the request for investigating remarks of the applicant for revision and make decision about conditions and term of compulsory exploitation license. Otherwise, the above request will be rejected. The way in which the commission is held, grace periods and notice of commission's decisions will be based on this regulation.

**Article 43-**

The invention owner can submit request for revocation of compulsory exploitation license by the commission for some reasons which are given in paragraph c of Article 17 of the law with the related documents to the commission secretariat.

The secretariat is obliged to inform the exploiting party of the necessary information with reasons within 30 days in case of giving any answer. The said authority sends the commission comments of the parties plus documents presented for making decision. The commission will make appropriate decision after investigation of comments of the inventor, minister or the highest authority of the concerned body and exploiting party. In case that the commission's decision is about revocation of the exploitation license, permission for exploitation will be issued to the owner or the exploiting party, as the case may be. In case that protection of legal rights of the persons who have received permission requires retaining the decision, the commission takes action regarding retaining it.

Decision of commission regarding revocation or retaining of the compulsory exploitation license with term and conditions will be notified by the secretariat to the parties.

**Article 44-**

Any decision of the commission regarding grant of the compulsory exploitation license or its rejection by the applicant or the inventor can be objected in the competent court as stipulated in Article 59 of the law. This objection shall be done within 60 days of notification of the commission's decision to the beneficiary.

**Article 45-**

In order to perform all administrative duties of the commission subject to paragraph A of Article 17 of the law, a secretariat is managed by Director General of Industrial Property General Office in registration authority.

**Article 46-**

The registration authority having received request for issuance of compulsory exploitation license subject of paragraph H of Article 17 of the law shall enter it in the register and notify the holder of the prior and later invention right within 10 days with reasons and documents. Prior or later invention right holder shall submit his/her views and documents to the registration authority within 30 days of notification. Registration authority will submit documents of the parties to the commission mentioned in Article 170 of this regulation for making decisions. The commission will make decision about grant of the compulsory exploitation license and conditions, limits and payable price at discretion of the official expert or rejection of the request. In case of rejection of the commission's decision before finalization of the court's decision in this regard, the compulsory exploitation license issued by the committee will be suspended.

Note – in case that holder of the prior or later invention right doesn't reside in Iran, the mentioned due dates in this Articles will be doubled.

### **Chapter 5: changes, transfers and waiver of the patent**

#### **Article 47-**

The invention owner is obliged to notify the registration authority of any change in name, address, nationality, domicile or grant of exploitation license or transfer and waiver of the patent in writing and with the related documents for registration in the records. Such changes will be made in compliance with regulations of the law and this regulation.

Note- in case that there are some changes in international classification of the patent, the inventor can request the registration authority to make the said changes in the patent certificate.

#### **Article 48-**

Request of the invention owner regarding changes in contents and designs of invention shall be submitted to the registration authority in writing and by mentioning number and date of invention. Such changes are made on the condition that the information inserted in this patent certificate doesn't exceed limit of the information mentioned in the primary declaration as result of these changes.

#### **Article 49-**

Any transfer of patent certificate shall be registered in the Patent Office. Written request for registration of transfer shall be submitted to the authority with the following documents:

- 1- the original patent certificate

- 2- legal document proving transfer
- 3- Legal representation documents, if available.
- 4- Receipt relating to payment of expenses.

**Article 50-**

The following cases shall be mentioned in notice of property change:

- 1- title of invention by mentioning the related classification,
- 2- date of registration of transfer
- 3- patent number in Iran
- 4- name, domicile, and nationality of old and new owners
- 5- Name and address of the legal representative of the new owner in Iran if available.

**Article 51-**

The invention owner can transfer exploitation of his/her invention in part or whole to others for all or part of the supported geographical regions in any legal form in compliance with Article 17 of the law. Permission for exploitation can be exclusive or nonexclusive. Exploitation license shall be registered by registration authority. Any exploitation license which is registered is regarded nonexclusive unless evidence of its exclusivity is presented. Request for registration of the exploitation license shall include the following documents:

- 1- A copy of exploitation license which contains the certified signature of the parties.
- 2- The original patent certificate

3- Legal representation documents, if available.

4- Receipt relating to payment of expenses

Note –information about premature cancelation or termination of the exploitation license can be registered by virtue of regulations of this article with the necessary changes in case that it is based on text of the contract in accordance with the related laws and regulations.

#### **Article 52-**

In the following cases, the registration authority refuses to register exploitation license and notifies the applicant:

- 1- Request relates to the invention for which exclusive exploitation license has been registered beforehand.
- 2- Invention has been objected and its validity is being investigated by the judicial authorities.
- 3- Annual cost of the invention certificate has not been paid.

#### **Article 53-**

In case of no barrier to registration of the invention exploitation license, the registration authority keeps the related license confidential and publishes the information in the official gazette. This notice contains the following cases:

- 1- names of the owner and exploiting party
- 2- title of invention
- 3- date and number of patent
- 4- term of exploitation
- 5- its exclusivity and non-exclusivity

#### **Article 54-**

In case of death of the patent certificate's owner and survival of the validity of the invention, the registration authority will mention name of the heir/heirs as owner overleaf at their request and will record the information by mentioning rate of their share in the register. Request for registration shall be in writing and submitted to the registration authority with the following documents:

- 1- The original probate judgment or its true certified copy.
- 2- The original patent certificate
- 3- Documents evidencing payment of the expenses
- 4- Legal representation documents

**Article 55-**

The invention owner can take action regarding waiver of his/her rights relating to the valid patent by submitting written request to the registration authority. The following documents shall be attached to the request for waiver:

- 1- Official affidavit regarding wavier which has been signed by the invention owner.
- 2- The original patent certificate
- 3- Legal representation documents, if available.
- 4- Receipt relating to payment of changes registration fee

Note 1 –the invention owner waiving his/her rights regarding the patent is conditional on the fact that exploitation of invention has not been transferred to others when its registration holds valid.

Note 2- in case of waiver, registration fee and other payable expenses to the registration authority will not be returned.

**Article 56-**

In case that transfer, grant of exploitation permission, premature cancelation and termination of the exploitation license or the owner waiving the patent occur out of Iran, the original or true certified copy of the related document in which patent number and date in Iran are mentioned and confirmed by the agencies of Islamic Republic of Iran, reason for transfer, grant of exploitation permission, premature cancelation or termination of the exploitation license or waiver of the invention owner will be valid inside Iran for its registration.

**Article 57-**

All changes and transfers or cancelation and termination or waiver of the patent are recorded in page of patent and inserted overleaf the patent certificate and will be published in official gazette within 30 days of date of registration except for address change.

The said cases will not be provable before the third parties until they have been registered. Their registration is subject to payment of expenses stipulated in table of costs and payment of cost of publication of the related notice if necessary.

**Chapter 6: protest of rejection and request of registration and claim of patent certificate annulation**

**Article 58-**

Decision of the registration authority regarding rejection of the declaration is objectionable by the applicant. The objection shall be submitted in writing to the commission subject to Article 170 of this regulation in two copies and with the related evidences and documents and receipt for payment of investigation cost within 30 days of notification of the decision through the registration authority.

After registration of the notice of protest, its second copy will be returned to the protestor with collection date and number. The said grace period for the applicant abroad is 60 days.

Note – in case of rejection of protest in the commission, cost for handling protest of the registration will not be returned.

**Article 59-**

Any person who protests against the patent request shall submit his/her protest in two copies to the registration authority. After registration of protest notice, its second copy with date and number of collection will be returned to the protestor. Notice of protest shall be submitted with evidences and documents and receipt relating to payment of protest handling cost. In case that it is necessary to complete documents attached to the notice of protest after investigating notice of protest and the documents, the registration authority will ask the applicant in writing to take action regarding removal of defects within 30 days of notification , otherwise, the notice of protest will be regarded null and void.

Note – the grace period inserted in this article for the persons who reside abroad is 60 days.

**Article 60-**

In case that the protest relates to claim for the invention property right of which registration declaration has been submitted to the registration authority and that the invention has not been registered in his/her name before, he/she shall ask for registration of his/her invention in accordance with the law and this regulation and pay registration fee of this declaration and registration fee of invention and all expenses relating to it. The registration authority is obliged to notify the

registration applicant of a copy of notice of protest plus copy of documents within 10 days of receipt of the protest. The applicant is obliged to submit his/her written response to the registration authority within 20 days. The applicant's failure to respond the notice at due date is regarded as his/her compliance. In case that the applicant agrees on the protest in writing, his/her request for patent will be deemed to have been returned and the protestor will be notified in writing to take action regarding registration on the basis of declaration which he/she has submitted simultaneously with protest in case that his/her invention has not been registered. In case of disagreement of the applicant, the registration authority will notify the protestor within 10 days and he/she will be granted respite for 20 days to submit his/her protest to the commission subject to Article 170 of this regulation through the registration authority. This shall be observed when the protest regarding having rights other than property right relates to the invention of which registration declaration has been submitted to the authority but has not been registered in Iran yet unless the invention can not be legally registered. In such case, there is no need for submission of patent declaration to the registration authority. Decision of commission is objectionable in the competent court stipulated in Article 59 of the law in accordance with Article 172 of this regulation.

Note 1- in case that the submitted declaration doesn't result in invention patent, the payable prices will not be restituted for this purpose.

Note 2- in case of rejection of protest in the commission, protest handling cost will not be restituted.

Note 3- in case that the protestor doesn't reside in Iran, the grace periods stipulated in this article will be doubled.

#### **Article 61-**

In case of request for annulling of patent certificate, the beneficiary can submit his/her petition to the competent court stipulated in Article 59 of the law by proving one of the cases mentioned in Article 18 of the law.

- 1- Original or true certified copy of all documents proving the claim for annulling
- 2- Receipt relating to payment of deposit for submission of annulling petition to the court as described in table of costs,
- 3- Power of attorney, if the petition is submitted by the attorney.

#### **Article 62-**

In case that patent is cancelled, it will be null and void since date of registration. Final verdict of the court will be announced to the registration authority and the mentioned authority will register it and publish its notice in the official gazette in the first instance at expense of the judgment creditor. The judgment creditor can claim against the judgment debtor for the above expenses as damage. The said notice includes title of invention and summery of provisions of the court's final verdict in this regard.

### **Chapter 7- international declaration in accordance with patent cooperation convention**

#### **Article 63-**

The international declaration is submitted to the registration authority by the Iranian nationals or residents of Iran in accordance with Patent Cooperation Treaty and the registration authority will act as origin department.

**Article 64-**

In case that Iran is introduced as "the appointed country" or "the selected country" in the international declarations for international registration, the registration authority will investigate invention patent request in accordance with law and this regulation while observing the formalities stipulated in the treaty and the related regulation.

**Article 65-**

In addition to the costs which are paid for international registration in accordance with the treaty and regulation, a cost will be received on the basis of table of costs for investigating international declaration and its documents. In case of confirmation of the declaration, the way it is sent to the international bureau and the related expenses will be assumed by the applicant.

**Chapter 8: expenses**

**Article 66-**

With regard to Article 16 of the law, validity of patent certificate is 20 years as date of submission of the declaration. For keeping validity of the certificate, annual cost shall be paid within 2 months before expiry of a year as date of submission of the declaration and every year afterward till validity of the certificate in accordance with the table of costs; otherwise, invention patent will be null and void.

If the invention owner or his/her legal representative pays fine equivalent to half of the annual cost of the invention within 6 months after expiry of the due date in addition to the annual cost, the invention patent will remain in force.

### **Part 3: registration of industrial designs**

#### **Chapter 1: submission. Correction, restitution, transfer and registration of the declaration**

##### **Article 67-**

Registration of industrial design requires submission of declaration to the registration authority.

##### **Article 68-**

Industrial design registration declaration shall be drawn up in two copies and in special form (1-T) and in Persian language and signed by the applicant or his/her legal representative after mentioning date.

Note – in case that documents attached to the declaration and other related documents are in other languages but Persian, it is compulsory to present the original documents with their perfect unofficial translation. However, if perfect translation of these documents is not possible, one can attach their summary in Persian language. If necessary, Registration authority can request for official translation of the said documents while studying the declaration. In case that technical and scientific terms applied in the documents don't have Persian equivalent, it is sufficient to mention the same terms.

##### **Article 69:**

The applicant shall submit, personally or by registered mail or on the basis of Article 167 of this regulation, industrial design registration declaration to the

registration authority. Date of collection of the declaration or date of giving message is regarded as date of declaration.

**Article 70:**

Industrial design registration declaration shall contain the following points:

- 1- it is necessary to mention Name, address , postal code, national code Number, nationality, position of the applicant or his/her legal representative , and in case that the applicant is legal entity , it is necessary to mention name , type of activity , domicile , registration place and number , nationality , principal office and if necessary , any other identification number.
- 2- Name, domicile and postal code of the person or persons who are qualified for receiving notices in Iran in case that the applicant is not resident of Iran.
- 3- Name and domicile of the designer in case that the applicant is not the designer.
- 4- Mentioning goods and classes for which the applicants request to register plan.
- 5- Date , place and number of declaration or industrial design certificate abroad at request of the right of priority ,
- 6- Determination of appendices,

Note 1- in case of submission of the declaration and other related documents by the legal entities; they shall be signed by the authorized signatories.

Note 2- name and address of the applicant abroad shall be Latin in addition to Persian language and shall be registered and published with the same letters.

**Article 71-**

Two or more industrial designs relating to a class of international classification or to a set or a combination of parts though relating to different classes used together can be mentioned in a declaration and submitted to the registration authority.

**Article 72-**

In case that the applicant submits two declarations with similar industrial designs at the same date, the registration authority can accept one of the declarations as the principal industrial design and another one as complementary industrial design.

**Article 73-**

The following documents shall be attached to the declaration:

- 1- documents proving identity of the applicant and designer
- 2- representation documents in case that the request is done by the legal representative
- 3- if the industrial design is two-dimensional , five samples of graphical form or five samples of the drawn plan,
- 4- if the industrial design is three-dimensional , five samples of graphical form or five samples of the drawn design of all aspects of the design,
- 5- In three-dimensional plan, the registration authority can request for its model with the declaration. Size of the model which the applicant presents shall be at most 20×20×20 cm and its weight shall be at most 2 kg and made from durable and nonperishable material. Graphical forms shall be at most in dimensions of 10×20 cm and can be installed on four cardboards in size of A4 and in black ink.

- 6- Written request for delay in publication of industrial design registration notice and determination of its term
- 7- Written request for not mentioning name of the designer, in case that the designer doesn't tend to have his/her name mentioned.
- 8- Receipt relating to payment of cost of declaration and in case that the declaration includes two or more industrial designs , receipt relating to payment of additional expenses
- 9- Documents relating to right of priority which should be submitted concurrently with submission of declaration or within 15 days as its date.

Note 1- the printed design of the graphical figures and pictures subject to paragraphs 3&4 above shall be at most in dimensions of 20×20 cm and colorfulness or colorlessness of the figures and pictures shall be mentioned therein.

Note 2- in case of submission of a design model, the registration authority can seal and date the mentioned model and return to the applicant.

Note 3- if the declaration contains different industrial designs, figures or pictures or models are presented separately and separated with number from each other.

#### **Article 74-**

In case that the applicant requests for right of priority in accordance with Article 9 of the law, he/she submit his/her request including this right to the registration authority at time of application of industrial design registration. This request shall include the following points:

- 1- date and number of the original declaration

- 2- international classification relating to the original declaration
- 3- Country or countries in which the original declaration has been submitted and in case that the regional or international deceleration is basis of right of priority, mentioning its origin.

**Article 75-**

In case that the applicant claims two or more previous declarations, term of right of priority is calculated on the basis of the foremost priority.

**Article 76-** term of right of priority in industrial design registration is 6 months as date of submission of the original declaration. In this case, day of submission will not be regarded as term and if the last day coincides with holiday, this term will be calculated till the last hour of the first working day after holiday.

**Article 77-**

Use of compassionate term stipulated in paragraph H of Article 4 of the law for registration of industrial design will be subjected to regulations of Article 26 of this regulation by making necessary changes.

**Article 78-**

The applicant can correct his/her declaration before registration of industrial design provided that it doesn't exceed limits of the first declaration. Request for correction is done by paying the cost stipulated in the costs table.

**Article 79-**

The applicant or his/her legal representative can return his/her declaration before registration of the industrial design while submitting written request to the registration authority.

In case of restitution of the declaration, the payable costs will not be restituted.

**Article 80-**

Transfer of property right resulting from submission of the declaration or grant of any exploitation license shall be announced to the registration authority at written request of any beneficiary and inserted in the related file. Such change is subject to payment of the cost stipulated in table of costs.

**Article 81-**

The registration authority verifies authenticity of the declaration in terms of identification of the applicant and graphical representation of the industrial design and will return the second copy with appendices with the same specification as that of the original copy to the applicant after signature and sealing and mentioning date of its receipt (hour, day, month and year) with all letters as receipt.

Note – for declarations which are sent by registered mail, their second copy will be returned with the appendices to the applicant by and at expense of the registration authority by registered mail as receipt in case of registration of the declarations. In case of failure to register the declarations, the applicants will be notified as well. . Response of the received declarations will be electronic on the basis of Article 167 of this regulation.

**Chapter 2: investigation of declaration and registration of industrial design****Article 82-**

Registration authority investigates the declaration and the related appendices within 60 days of date of receipt in terms of conformity with procedural and substantial aspects and other conditions inserted in the law and this regulation as

well as conformity of the announced class or the classes with the international classification.

**Article 83-**

In case that the registration authority finds any defects in the declaration and its appendices after investigation, it will notify the applicant in writing mentioning details to take action regarding removal of any defect within the term determined in this regulation.

In case that the applicant can not remove the announced defects at legal due date for any reason, the registration authority will reject the declaration and notify the applicant in writing mentioning reason or reasons for rejection.

Note – grace period for removal of defect is calculated to be 30 days for the Iranian applicants and 60 days as date of notification for the applicants abroad.

**Article 84-**

The following industrial designs can not be supported:

- 1- The designs which are not new or original.
- 2- The designs which are created as result of technical performance of the product.
- 3- The designs containing formal symbols or signs.
- 4- The designs in contrary to public order or good morals.

The new industrial design complying with provisions of article 21 of the law is the design which has not been presented to the public before submission of the declaration or before date of claim for right of priority.

Industrial design is regarded original when it has been designed by the designer independently and there is no copy or imitation of the designs available in such a

manner that it is different from the designs which have been given to the public beforehand in view of an aware user.

**Article 85-**

In case that request for registration of the industrial design is accepted by the registration authority, the applicant shall be informed in writing and he/she shall take action regarding payment of costs of industrial design registration and publication of notice subject to Article 86 of this regulation within 30 days of notification. In case of failure to pay costs at due date mentioned above, the above declaration will be null and void. This term for the applicants residing abroad will be 60 days.

**Article 86-**

The registration authority will publish the information in the official gazette within 30 days for public information after registration of the industrial design.

The said notice includes the following matters:

- 1- Number and date of declaration
- 2- Number and date of registration of the industrial design
- 3- Name and address of the inventor unless the designer has requested not to mention his/her name
- 4- Name and address of the applicant or his/her representative
- 5- Mentioning goods and class to which the requested design relates
- 6- Determining date, place and number of right of priority if available.
- 7- Picture or pictures which introduce the design and expressing colorfulness or colorlessness of the picture ,
- 8- Referring to model of the design in case of presentation ,

#### 9- Validity term of the registration

Note – in case that a request has been presented in accordance with Article 25 of the law, sample of the design and provisions of the declaration are not published after registration of the industrial design. In this case, the registration authority publishes a notice containing delay in publication of the said industrial design and information relating to identity of the registered design's owner and date of preparation of declaration and term of delay to be requested and other necessary affairs. After expiry of term of delay to be requested, the registration authority issues notice of the registered industrial design and will submit it to the official gazette for publication. Cost of publication of the notices said in this note shall be paid by the applicant for registration of the industrial design.

#### **Article 87-**

Registration of the industrial design is done by mentioning the following information and on the basis of form (T-2) in register of the industrial design:

- 1- perfect date (hour, day, month and year ) and registration number of the declaration
- 2- date and registration number of the industrial design
- 3- Names of the goods and classes for which the industrial design has been designed.
- 4- Mentioning specifications of the design or industrial designs in brief by determining the components which the applicant wants to allocate its exclusive right of use to him/her.
- 5- In case of claim for right of priority and its acceptance , date , number and place of submission of the prior declaration

- 6- Name, domicile and nationality of the design owner and his/her representative in case that the declaration has been submitted by the legal representative.
- 7- Name and address and nationality of the designer in case that the applicant is not the designer unless the designer has requested in writing not to mention his/her name in the industrial design certificate.
- 8- Validity term for registration of the industrial design.

Note 1- two pages are allocated to each invention in industrial design register and any change and correction as well as transfers which are done partially or wholly regarding the industrial design are mentioned in the said pages.

Note 2- insertion of the said information shall be signed by the design owner or his/her legal representative as well as head of Industrial Design Registry after completion.

#### **Article 88-**

After registration of the industrial design and publication of the related notice and delivery of the copy published or reflected in site of the official gazette to the registration authority, a certificate based on the form (3T) which contains the following points is submitted to the design owner or his/her legal representative by affixing a perfect sample of the design and punching and sealing it :

- 1- Date of receipt of the declaration and its registration number in register of the declaration
- 2- Date and registration number of the design or designs
- 3- Name and domicile and nationality of the design owner
- 4- Name, address and nationality of the designer unless the designer has requested in writing not to mention his/her name.

- 5- Mentioning the goods to which the registered design relates and class or classes which have been confirmed.
- 6- Validity term of the design and date of its expiry
- 7- Mentioning date , number and place of submission of the prior declaration in case of claim for right of priority and its acceptance
- 8- Picture or pictures which the designer introduces and mentioning its colorfulness or colorlessness

This certificate is drawn up and signed by the head of Industrial Designs Registry with use of updated technology.

### **Chapter 3: extension of the industrial design registration**

#### **Article 89**

With regard to paragraph D of Article 28 of the law, owner of the industrial design can request for extension of validity term of the industrial design registration for two other consecutive five-year periods. Request for extension of registration will be done within 6 months before expiry of validity term of the industrial design registration in each period.

Note –in case of failure to request for extension of the grace period mentioned above, it can be requested within 60 months after expiry of validity term of the industrial design registration by payment of fine for delay in accordance with table of costs, otherwise, registration of the industrial design will be null and void.

#### **Article 90-**

Request for extension of the industrial design registration will be prepared by the design owner or his/her legal representative in two copies and submitted to the

registration authority after signing and affixing the sample of design and receipt for payment of the related cost.

The registration authority having received request for extension of the registration and appendices will enter it in the related register and mention date of receipt and its number on each one of the copies and return the second copy with the same specifications as that of the original copy to the applicant after signature and seal as receipt.

**Article 91-**

Request for extension of the industrial design registration shall contain the following points:

- 1- Registration number and date of the declaration and the industrial design of which extension is requested.
- 2- Class or classes of the goods subject to the industrial design
- 3- Name and the latest address of the industrial design owner or his/her legal representative at request of the representative.

The documents proving identity of the applicant , receipt of payment of extension cost , at least six samples of design and legal representation document at request of the representative shall be presented with the extension request.

**Article 92-**

Registration extension, original registration sequence will be done in the design register and registration extension certificate will be issued in accordance with the form (T-4) after publication of the related notice and submitted to the design owner or his/her legal representative. Extension certificate includes contents of

the original certificate with necessary changes and validity term of the industrial design and its expiry date.

Note 1- at time of registration extension, the registration authority is obliged to register the class of products in accordance with the recent version of international classification in the register and correct the registration extension certificate on its basis. Cost of change of classes resulting from new version of the international classification and cost of publication of the related notice in official gazette shall be assumed by the mark owner.

Note 2- extension of the industrial design registration cannot create any change in the latest form of its registration; otherwise, regulations for change of the industrial design subject to Article 93 of this regulation will be applicable.

#### **Chapter 4: changes, transfers and waiver of the registered industrial design**

##### **Article 93-**

Owner of the industrial design is obliged to notify the registration authority of any change in name, address, nationality, domicile or grant of exploitation license or transfer and waiver of the industrial design in writing and with the related documents for registration in the records. Such changes will be made in compliance with regulations of the law and this regulation.

Note- in case that there are some changes in international classification of the industrial design, Owner of the industrial design can request the registration authority to make the changes mentioned in the industrial design certificate.

##### **Article 94-**

In case that the design owner transfers exploitation license for the design to another person , documents and notarial deeds proving this permission shall be

presented to the registration authority for registration in the related register . In this case, the registration authority keeps provisions of the license confidential; however, it registers and notifies exploitation permission.

Note -Information about premature cancelation or termination of the exploitation license can be registered by virtue of regulations of this article with the necessary changes in case that it is based on text of the contract in accordance with the related laws and regulations.

#### **Article 95-**

Any transfer of the industrial design certificate shall be registered in the registration authority. Written request for registration of transfer shall be submitted to the authority with the following documents:

- 1- Latest valid certificate of industrial design
- 2- Notarial deed including the transfer
- 3- Legal representation documents.
- 4- Receipt relating to payment of expenses.

#### **Article 96-**

**The following cases shall be mentioned in notice of property change:**

- 1- title of the design
- 2- date of registration of transfer
- 3- Registration number of the design in Iran by mentioning goods to which the registered design relates.
- 4- name, domicile, and nationality of old and new owners
- 5- Name and address of the legal representative of the new owner in Iran, if available.

### **Article 97-**

The industrial design owner can waive his/her rights relating to the valid registered design by submitting written request to the registration authority. The following documents shall be attached to the request for waiver:

- 1- Official affidavit for waiver which has been signed by the industrial design owner.
- 2- The original industrial design certificate
- 3- Legal representation documents, if available.
- 4- Receipt relating to payment of changes registration fee

Note 1 –the industrial design owner waiving his/her rights regarding the registered industrial design is conditional on the fact that exploitation of invention has not been transferred to others when its registration holds valid.

Note 2- in case of waiver, registration fee and other payable expenses to the registration authority will not be returned.

### **Article 98-**

In case that transfer, grant of exploitation permission, premature cancelation and termination of the exploitation license or the owner waiving the industrial design property occur out of Iran, the original or true certified copy of the related document in which industrial design number and date are mentioned in Iran and confirmed by the agencies of Islamic Republic of Iran, reason for transfer, grant of exploitation permission, premature cancelation or termination of the

exploitation license or waiver of the invention owner will be valid inside Iran for its registration.

**Article 99-**

All changes and transfers or cancelation and termination or waiver of the registered industrial design are recorded in page of the industrial design and inserted overleaf the industrial design certificate and will be published in official gazette within 30 days of date of registration except for address change.

The said cases will not be provable before the third parties until they have been registered. Their registration is subject to payment of expenses stipulated in table of costs and payment of cost of publication of the related notice if necessary.

**Chapter 5: protest of rejection and request of registration and claim of annulling the industrial design certificate**

**Article 100-**

Decision of the registration authority regarding rejection of the declaration is objectionable by the applicant. The objection shall be submitted in writing to the commission subject to Article 170 of this regulation in two copies and with the related evidences and documents and receipt for payment of investigation cost within 30 days of notification of the decision through the registration authority. After registration of the notice of protest, its second copy will be returned to the protestor with collection date and number. The said grace period for the applicant abroad is 60 days.

Note – in case of rejection of protest in the commission, cost for handling protest of the registration will not be returned.

**Article 101-**

Any person who protests against the industrial design registration request shall submit his/her protest in two copies to the registration authority. After registration of protest notice, its second copy with date and number of collection will be returned to the protestor. Notice of protest shall be submitted with evidences and documents and receipt relating to payment of protest handling cost. In case that it is necessary to complete documents attached to the notice of protest after investigating notice of protest and the documents, the registration authority will ask the applicant in writing to take action regarding removal of defects within 30 days of notification , otherwise, the notice of protest will be regarded null and void.

Note – the grace period inserted in this article for the persons who reside abroad is 60 days.

**Article 102-**

In case that the protest relates to claim for the property right of which registration declaration has been submitted to the registration authority and that the industrial design has not been registered in his/her name before, he/she shall ask for registration of his/her industrial design in accordance with the law and this regulation and pay registration fee of this declaration and registration fee of the industrial design and all expenses relating to it. The registration authority is obliged to notify the registration applicant of a copy of notice of protest plus copy of documents within 10 days of receipt of the protest in compliance with Article 101 of this regulation. The applicant is obliged to submit his/her written response to the registration authority within 20 days. The applicant's failure to respond the notice at due date is regarded as his/her compliance. In case that the applicant

agrees on the protest in writing, his/her request for the industrial design will be deemed to have been returned and the protestor will be notified in writing to take action regarding registration on the basis of declaration which he/she has submitted simultaneously with protest in case that his/her invention has not been registered. In case of disagreement of the applicant, the registration authority will notify the protestor within 10 days and he/she will be granted respite for 20 days to submit his/her protest to the commission subject to Article 170 of this regulation through the registration authority. This shall be observed when the protest regarding having rights other than property right relates to the industrial design of which registration declaration has been submitted to the authority but has not been registered in Iran yet unless the industrial design cannot be legally registered. In such case, there is no need for submission of industrial design declaration to the registration authority. Decision of commission is objectionable in the competent court stipulated in Article 59 of the law in accordance with Article 172 of this regulation.

Note 1- in case that the submitted declaration doesn't result in registration of the industrial plan, the payable prices will not be restituted for this purpose.

Note 2- in case of rejection of protest in the commission, protest handling cost will not be restituted.

Note 3- in case that the protestor doesn't reside in Iran, the grace periods stipulated in this article will be doubled.

### **Article 103-**

Any beneficiary can request the competent court stipulated in Article 59 of the law for annulling of the industrial design registration. In this case, he/she shall

prove that through a petition that one of the conditions inserted in Articles 20 and 21 of the law has not been observed or the person for whom the industrial design has been registered is not real creator of that design or his/her legal representative.

Petition stipulated in this article shall have the following appendices:

- 1- Original or true certified copy of all documents proving the claim for annulling
- 2- Receipt relating to payment of deposit for submission of annulling petition to the court as described in table of costs,
- 3- Power of attorney, if the petition is submitted by the attorney.

#### **Article 104-**

In case that industrial design is cancelled, it will be null and void since date of registration. Final verdict of the court will be announced to the registration authority and the mentioned authority will register it and publish its notice in the official gazette in the first instance at expense of the judgment creditor. The judgment creditor can claim against the judgment debtor for the above expenses as damage. The said notice includes specifications of the industrial design and summary of provisions of the court's final verdict in this regard.

## **Part 4: registration of marks**

### **Chapter 1: submission, restitution, registration and rejection of the declaration**

#### **Article 105:**

Mark registration requires submission of declaration to registration authority.

#### **Article 106:**

Mark registration declaration shall be drawn up in two copies and in special form (E-1) and in Persian language and signed by the applicant or his/her legal representative after mentioning date.

Note – in case that deeds attached to the declaration and other related documents are drawn up in another language but Persian language, it is obligatory to submit the original documents with their unofficial translation. If necessary, Registration authority can request for official translation of the said documents while studying the declaration.

#### **Article 107:**

The applicant shall submit, personally or by registered mail or on the basis of Article 167 of this regulation, mark registration declaration to the registration authority.

#### **Article 108:**

Mark registration declaration shall contain the following points:

- 1- it is necessary to mention Name, national code Number, address, postal code and nationality of the applicant and in case that the applicant is a legal entity , it is necessary to mention name , type of activity , domicile , registration

place and number , nationality , principal office and if necessary , any other identification number.

- 2- Name, national number, address and postal code of legal representative of the applicant, if available.
- 3- Name , domicile and postal code of the person or persons who are qualified for receiving notices in Iran in case that the applicant is not resident of Iran.
- 4- Affixing a sample of that mark in the related cadre
- 5- Describing and determining components of the mark and determining mark and specified letters in case that the requested mark includes special letters.
- 6- Mentioning the goods and services for which the mark is used by determining class or classes requested in accordance with the international classification
- 7- Mentioning right of priority in case of request ,
- 8- Field of activity of the mark owner
- 9- Mentioning collective mark in case that its registration is requested ,
- 10- In case that the mark includes word or words other than Persian language , inserting transcription and its translation ,
- 11- Mentioning color in case that color is regarded as specification of the mark.
- 12- Mentioning that the mark is three-dimensional in case of request for its registration ,
- 13- Determination of appendices,

Note 1- in case of submission of the declaration and other related documents by the legal entities; they shall be signed by the authorized signatories.

Note 2- in case of the numerous applicants for registration, the person who has right to refer to and correspond with the registration authority and performs other

necessary administrative formalities as representative of others except for receipt of mark certificate shall be appointed by mentioning domicile.

Note 3-name and address of the applicant abroad shall be Latin in addition to Persian language and shall be registered and published with the same letters.

Note 4-in all affairs relating to registration and publication of the marks, the registration authority investigates classification of the goods and services on the basis of international classification. In case of pictures in the mark, it is compulsory for the registration authority to observe its classification.

**Article 109-**

A separate declaration shall be used for registration of each mark. Use of a declaration for registration of one mark for goods and services included in one or more classes is permissible.

**Article 110-**

A person who requests for registration of some marks simultaneously shall submit a separate declaration for each of them in accordance with this regulation. In this case, if the requests are done by the legal representative, original representation document shall be attached to one of the declarations and its true certified copy shall be attached to each one of the other declarations.

**Article 111-**

The following documents shall be attached to the declaration:

- 1- With regard to Article 110 of this regulation, original representation copy , in case that request has been submitted by the legal representative ,
- 2- Presentation of 10 samples of the mark in graphical form which is equal to the mark affixed on the declaration and of which dimensions are at most 10

×10 cm. if presentation of the mark is not graphical, 10 samples of the copy of mark will be presented in the same dimensions and at discretion of the registration authority. In case that the registration authority regards the mark sample as improper, it will request submission of the proper sample. In any way, the mark shall be used as it is requested and registered.

- 3- In case that the mark is three dimensional , it is necessary to present mark as graphical samples or two-dimensional picture on the paper in such a manner that it can be prepared from six different angles and a unit sample which forms the same three-dimensional mark.
- 4- Documents relating to right of priority which shall be submitted simultaneously with submission of the declaration or within 15 days of that date.
- 5- Presentation of documents including activity in the related field at discretion of the registration authority
- 6- A copy of conditions and terms for use of collective mark and presentation of the competent authority, union or the related body in case that registration of the collective mark is requested.
- 7- Documents proving identity of the applicant
- 8- Receipt relating to payment of the legal expenses
- 9- Legal representation documents in case that the request is issued by the legal representative.

**Article 112-**

In case that the applicant has requested for right of priority in accordance with Article 9 of the law, he/she shall submit his/her request with the documents including this priority to the registration authority. This request shall include:

- 1- Date and number of the original declaration
- 2- The country in which the original declaration has been submitted or in case that the declaration is regional or international, the department in which the declaration has been submitted.

Note 1- request for right of priority shall be submitted simultaneously with date of submission of the declaration.

Note 2- in case that right of priority of two or more original declarations is claimed, one can mention its information in a request and submit it in compliance with Note 1 above. In this case, basis of priority right is date of submission of the first declaration.

Note 3- in case that right of priority doesn't includes all goods and services included in the previous declaration, it is necessary to refer to goods or services which are claimed.

#### **Article 113-**

Term of right of priority in mark registration is 6 months as date of submission of the original declaration. In this case, day of submission of will not be regarded as term and if the last day coincides with holiday, this term will be calculated till the last hour of the first working day after holiday.

#### **Article 114-**

Date of declaration is the same date of receipt of declaration or date of giving message provided that it includes the following information at time of submission:

- 1- Name of the applicant
- 2- The address where the notices shall be issued.
- 3- Sample of mark
- 4- Goods or services for which mark is registered.
- 5- Payment of registration fee of the declaration.

**Article 115-**

The applicant can take action regarding correction of the address, change of legal representative and decrease of goods and services relating to the mark before publication of notice subject to Article 120 of this regulation while requesting for the registration authority. Such correction will be subject to payment of the cost stipulated in table of costs.

**Article 116-**

The applicant or his/her legal representative can return his/her declaration before registration of the mark while submitting written request to the registration authority.

In case of restitution of the declaration, the payable costs will not be restituted.

**Article 117-**

Registration authority having received declaration and the related appendices and fulfilled the conditions stipulated in Article 114 of the law shall enter it in the register and mention date of receiving the declaration and its number on each one of the copies of declaration and return its second copy with the same

specifications of the original copy after signing and sealing and mentioning the date (hour, day, month, year) and collecting it with all letters as the receipt to the applicant.

Note – for declarations which are sent by registered mail, their second copy will be returned with the appendices to the applicant by and at expense of the registration authority by registered mail as receipt in case of registration of the declarations. In case of failure to register the declarations, the applicants will be notified as well. . Response of the received declarations will be electronic on the basis of Article 167 of this regulation.

## **Chapter 2: investigation ad publication of declaration**

### **Article 118**

Registration authority having received the declaration and the related appendices investigates them within 30 days in terms of conformity with procedural and substantial conditions inserted in the law and this regulation and investigates conformity of the announced class or classes with the international classification.

### **Article 119-**

In case that the applicant cannot remove the announced defects at legal due date for any reason, the registration authority will reject the declaration and notify the applicant in writing mentioning reason or reasons for rejection.

Note – grace period for removal of defect is calculated to be 30 days for the Iranian applicants and 60 days as date of notification for the applicants abroad.

### **Article 120-**

The registration authority having accepted the mark registration declaration notifies the applicant and publishes the related notice for public information. The above notice shall include:

- 1- date and number of declaration
- 2- In case of claim for right of priority, date and number of declaration and the country where the request for the primary registration is issued.
- 3- Sample of mark
- 4- Implementing mark by mentioning color in case that the color regarded as specification of the mark.
- 5- List of goods and services for which mark is used with regard to class or classes in accordance with the international classification ,
- 6- Name and address of the applicant ,
- 7- Name and address of the legal representative in case that the declaration has been submitted by the representative.

**Article 121-**

In case of rejection of the declaration for mark registration by virtue of paragraphs A and B of Article 30 and Article 32 of the law, the registration authority is obliged to notify the applicant of the reason for rejection in writing .

On the basis of the referred cases, the mark is recognized to be exactly another mark or is the same as another mark and is rejected when the mentioned mark has been registered in another name or its similarity with another mark which has been registered before in terms of apparent form or pronunciation or writing and other specifications is so considerable that the ordinary consumers are confused by them.

The applicant can submit his/her protest for rejection of the declaration in two copies at due date and by paying registration rejection handling cost through the registration authority to the commission of Article 170 of this regulation. After registration of the protest notice, its second copy is returned by mentioning date and receipt number to the protestor.

Grace period of protest is 30 days for the persons residing in Iran and is 60 days as date of notification.

Note – in case of rejection in the commission, the registration rejection handling cost will not be returned.

### **Chapter 3- transfer, correction, and protest of the declaration**

#### **Article 122:**

Transfer of property right resulting from submission of the declaration or grant of any exploitation license shall be announced to the registration authority at written request of each beneficiary and included in the related file. This change is subject to payment of the related cost stipulated in table of costs.

Note – partial transfer of the property right resulting from submission of the declaration requires submission of a separate declaration by the transferee.

#### **Article 123-**

After publication of notice subject to Article 120 of this regulation, any correction which is done by the applicant in the mark or the goods and services relating to it requires submission of new declaration. Such declaration is investigated as stipulated in the law and this regulation. In case that the requested corrections are confirmed by the registration authority, the subject will be published in the notice.

**Article 124-**

Any person who protests against the mark registration request shall submit his/her protest in two copies to the registration authority within 30 days of date of the notice publication subject to Article 120 of this regulation for failure to comply with provisions of paragraphs A and B of Article 30 and Article 32 of the law.

After registration of protest notice, its second copy with date and number of collection will be returned to the protestor. Notice of protest shall be submitted with evidences and documents and receipt relating to payment of protest handling cost. In case that it is necessary to complete documents attached to the notice of protest after investigating notice of protest and the documents, the registration authority will ask the applicant in writing to take action regarding removal of defects within 30 days of notification , otherwise, the notice of protest will be regarded null and void.

Note – the grace period for removing the defect for the persons who reside abroad is 60 days.

**Article 125-**

In case that the protest relates to claim for the mark property right of which registration declaration has been submitted to the registration authority and that the mark has not been registered in his/her name before, he/she shall ask for registration of his/her mark in accordance with the law and this regulation and pay registration fee of this declaration and registration fee of mark in terms of classes and all expenses relating to it. The registration authority is obliged to notify the registration applicant of a copy of notice of protest plus copy of

documents within 10 days of receipt of the protest in compliance with Article 124 of this regulation. The applicant is obliged to submit his/her written response to the registration authority within 20 days. The applicant's failure to respond the notice at due date is regarded as his/her compliance and agreement.

In case that the applicant agrees on the protest in writing, his/her request for registration of the mark will be deemed to have been returned and the protestor will be notified in writing to take action regarding registration on the basis of declaration which he/she has submitted simultaneously with protest in case that his/her mark has not been registered. In case of disagreement of the applicant, the registration authority will notify the protestor within 10 days and he/she will be granted respite for 20 days to submit his/her protest to the commission subject to Article 170 of this regulation through the registration authority. This shall be observed when the protest regarding having rights other than property right relates to the mark of which registration declaration has been submitted to the authority but has not been registered in Iran yet unless the mark cannot be legally registered. In such case, there is no need for submission of mark declaration to the registration authority. Decision of commission if objectionable in the competent court stipulated in Article 59 of the law in accordance with Article 172 of this regulation.

Note 1- in case that the submitted declaration doesn't result in registration of the mark, the payable prices will not be restituted for this purpose.

Note 2- in case of rejection of protest in the commission, protest handling cost will not be restituted.

Note 3- in case that the protestor doesn't reside in Iran, the grace periods stipulated in this article will be doubled.

#### **Chapter 4: registration of the mark and extension of registration**

##### **Article 126-**

After publication of mark registration notice subject to Article 120 of this regulation and delivery of three copies published and reflected in site of the official gazette to the registration authority, the conditions inserted in the law and this regulation will be observed within 30 days of date of publication at discretion of the registration authority and the mark will be registered after payment of the related costs in the mark register.

Note -in case of failure to deliver the copy published or reflected in site of the official gazette to the registration authority at due date stipulated in this article , the declaration will be null and void.

##### **Article 127-**

The applicant shall take action regarding payment of costs of mark registration and publication of notice subject to Article 129 of this regulation within 30 days after written notification of the registration authority regarding final confirmation of the mark. In case of failure to pay the costs at due date above, the declaration will be null and void. This grace period is 60 days for persons residing abroad.

##### **Article 128-**

Registration of the mark in register will be done in accordance with form (E-2) by mentioning the following information:

- 1- Name and address and nationality of the mark owner
- 2- Name and address of his/her legal representative, if any.

- 3- Affixing a sample of the mark in a place which has been allocated to it.
- 4- Mentioning components of color in case that color is regarded as specification of the mark.
- 5- perfect date (hour, day, month and year ) and registration number of the declaration and mark registration date and number
- 6- List of goods and services for which mark is used with regard to class or classes in accordance with the international classification ,
- 7- In case of claim for right of priority and its acceptance , date , number and place of submission of the prior declaration
- 8- Validity term for registration of the mark.

Note 1-two pages are allocated to each mark in register and any change and correction as well as transfers which are done partially or wholly regarding the mark are mentioned in the said pages. In case of need for additional pages , the registration authority can use a complementary register for this purpose.

Note 2- insertion of the said information shall be signed by the mark owner or his/her legal representative as well as head of Trademarks Registry after completion.

#### **Article 129-**

The registration authority is obliged to publish notice containing all information inserted in Article 128 of this regulation for public information within 30 days of registration of the mark.

#### **Article 130-**

After registration of the mark and publication of its notice and delivery of copy published and reflected in site of the official gazette, a certificate based on the

form (E-3) which contains the points mentioned in paragraphs 1, 3, 4,5,6,7 of Article 128 of this regulation as well as validity term of the registered mark and date of its expiry is submitted to the mark owner or his/her legal representative after signing and sealing it by the head of Trademarks Registry:

Note –the mark certificate is prepared with use of the updated technology.

#### **Article 131-**

With regard to paragraph D of Article 40 of the law, owner of the mark can request for extension of validity term of the mark registration for consecutive 10-year period. Request for extension of registration will be done within 1 year before expiry of validity term of the mark registration in each period.

Note –in case of failure to request for extension of the grace period mentioned above, it can be requested within 60 months after expiry of validity term of the mark registration by payment of fine for delay which is half of the mark registration fee in accordance with table of costs, otherwise, registration of the mark will be null and void.

#### **Article 132-**

Request for extension of the industrial design registration will be prepared by the mark owner or his/her legal representative in two copies and submitted to the registration authority after signature.

The registration authority having received request for extension of the registration and appendices will enter it in the related register and mention date of receipt and its number on each one of the copies and return the second copy with the same specifications as that of the original copy to the applicant after signature and seal as receipt.

### **Article 133-**

Request for extension of the mark registration shall contain the following points:

- 1- Registration number and date of the declaration and the mark of which extension is requested.
- 2- Class or classes of the goods and services for which the mark has been registered.
- 3- Name and perfect address of the mark owner or his/her legal representative at request of the representative.

Note 1—request for extension of the registration is accepted when cost of extension has been paid.

Note 2- at time of registration extension, the registration authority is obliged to register the class of goods and services in accordance with the recent version of international classification of mark in the register and correct the registration extension certificate on its basis. Cost of change of classes resulting from new version of the international classification shall be assumed by the mark owner.

Note 3- the mark owner can submit a separate request for reduction of class or goods and services for which mark has been registered without payment of change registration fee to the registration authority while requesting for extension.

Note 4-in case of change of classes or goods, contents of this article are notified in official gazette at expense of the mark owner by making necessary changes.

### **Article 134-**

The following documents shall be attached to the extension request:

- 1- document proving identity of the applicant

- 2- at least 6 samples of the mark with regard to Article 108 of this regulation,
- 3- Receipt relating to payment of expenses
- 4- Legal representation documents, in case that the request is done by the representative.

#### **Article 135-**

Extension of the mark registration cannot create any change in the latest form of its registration; otherwise, regulations for change of the mark will be applicable in compliance with notes 2 and 3 of Article 133 of this regulation.

#### **Article 136-**

Registration extension, original registration sequence will be recorded in the register and registration extension certificate will be issued in accordance with the form (E-4) after publication of the related notice and submitted to the mark owner or his/her legal representative. Extension certificate includes contents of the original certificate with necessary changes and validity term and its expiry date.

### **Chapter 5- collective mark**

#### **Article 137-**

Regulations of Articles 105 to 136 of this regulation are applicable by making necessary changes and subject to compliance with the following cases regarding the collective marks:

- 1- Collective mark registration declaration will be accepted when is mention din the declaration that the mark is collective on the basis of Article 42 of the law and a copy of conditions and terms for its use is attached;

- 2- In conditions and terms for use of the collective mark, common characteristics or quality of goods and services in a given or confirmed geographical region under which persons can use the said mark as well as executive guarantee relating to failure to comply with the mentioned conditions and terms shall be determined.
- 3- Notice for registration of collective mark which will be done in accordance with Article 120 of this regulation shall include a summary of conditions and terms for use of that mark,
- 4- Any change in conditions and terms governing use of the collective mark shall be announced in writing by the mark owner to the registration authority. The mentioned notice shall be mentioned in the register. The mentioned changes are not effective before registration. A summary of changes shall be notified by the registration authorities.
- 5- In addition to the collective mark owner, other authorized persons can also use the mentioned mark in compliance with the related conditions and terms.

Note – the applicant for registration of collective mark is obliged to receive certificate of the qualified authority, union or the related body and submit it to the registration authority with regard to paragraphs 1 and 2 above.

## **Chapter 6-changes, transfers and waiver of the registered mark**

### **Article 138-**

The mark owner is obliged to notify the registration authority of any change in name, address, nationality, domicile or grant of exploitation license or transfer and waiver of the mark in writing and with the related documents for registration

in the records. Such changes will be made in compliance with regulations of the law and this regulation.

Note- in case that there are some changes in international classification of the international classification, the mark owner can request the registration authority to make the said changes in the mark certificate.

#### **Article 139-**

Any transfer of registered mark property shall be registered in the registration authority. The following points shall be mentioned expressly in written request for registration of the transfer:

- 1- Mark registration number and date in Iran
- 2- Name and address and nationality of the transferee (new owner ) or his/her legal representative if any.
- 3- In case of partial transfer, mentioning goods and services for which the mark has been transferred.

The latest original mark certificate, mark transfer deed which has been signed by the previous owner of the mark and the transferee, legal representation documents , if any, and receipt relating to payment of the costs shall be attached to the request.

Note 1– the registration authority will recognize only the person for whom the mark has been transferred as the owner until the transfer is registered in the related register.

Note 2- non-contractual transfer is registered in compliance with regulations of this article by the heirs and after presentation of a true certified copy of the probate certificate by determining share of inheritance.

#### **Article 140-**

If transfer relates to some part of the goods or services regarding the registered mark , its transfer from the first owner of the mark will be registered after the mark registered in the trademarks registration register and in case of the said transfer of the class or classes from the registered mark , that class or classes will be given number or sub numbers from 1 and in case that the transfer relates only to goods or services without general transfer of the class , it is numbered as said above and inserted after the registered mark.

Note 1- in case that transfers of this article are mentioned in the complementary register, main registration number of the registered mark and page and register shall be referred.

Note 2- in case of partial transfer of the goods and services relating to the mark, validity term of the transferred part cannot exceed the remaining validity term of the registered mark in its registration certificate.

Note 3-in case of partial transfer of the goods and services relating to the mark, the transferee can request for issuance of mark certificate for the remaining validity term of the registered mark.

Note 4- in case that the registered mark is not extended at due date, it will not prevent from extension of the mark for that class of the goods and services which have been transferred partially before extension.

Note 5- partial transfers of the goods and services shall be mentioned overleaf the last valid mark certificate.

#### **Article 141-**

The mark owner can grant exploitation license for his/her registered mark in any legal form to another person.

In exploitation license, it shall be expressly mentioned that whether the license is issued exclusively or not and whether the present licensed person has right to grant the later permissions or not. If exclusivity and non-exclusivity of the mark exploitation is not mentioned in the license, each exploitation license which is registered is regarded nonexclusive.

**Article 142-**

The registration authority is obliged to fulfill the conditions in the field of the licensor's control on quality of the goods or services regarding the mark by the licensed in the exploitation license, otherwise, the exploitation license will not be registered.

**Article 143-**

Request for registration of the exploitation license shall be submitted by the mark owner with regard to the following cases:

- 1- Name and address and nationality of the licensee and his/her legal representative if any.
- 2- Mentioning the goods or services for which the exploitation license has been granted to them in case that the permission relates to some part of the goods and services.

The following documents shall be attached to the request for registration of the exploitation license:

- 1- Legal document regarding grant of the exploitation license which has been signed by the licensor and licensee.

- 2- The last original valid mark certificate
- 3- Legal representation documents, if available.
- 4- Receipt relating to payment of the costs.

Note 1- the registration authority having registered the exploitation license and published the notice subject to Article 146 of this regulation will issue exploitation license registration certificate for the licensee.

Note 2- information about premature cancelation or termination of the exploitation license can be registered by virtue of regulations of this article with the necessary changes in case that it is based on text of the contract in accordance with the related laws and regulations.

#### **Article 144-**

The mark owner can waive his/her rights relating to the valid registered mark by submitting written request to the registration authority. The following documents shall be attached to the request for waiver:

- 1- Official affidavit regarding waiver which has been signed by the mark owner.
- 2- The latest valid original mark certificate
- 3- Legal representation documents, if available.
- 4- Receipt relating to payment of changes registration fee

Note 1 –the mark owner waiving his/her rights regarding the registered mark is conditional on the fact that exploitation of the mark has not been transferred to others when its registration holds valid.

Note 2- in case of waiver, registration fee and other payable expenses to the registration authority will not be returned.

#### **Article 145-**

In case that transfer, grant of exploitation permission, premature cancelation and termination of the exploitation license or the owner waiving the mark property occur out of Iran, the original or true certified copy of the related document in which mark number and date are mentioned in Iran and confirmed by the agencies of Islamic Republic of Iran, reason for transfer, grant of exploitation permission, premature cancelation or termination of the exploitation license or waiver of the mark owner will be valid inside Iran for its registration.

#### **Article 146-**

All changes and transfers or cancelation and termination or waiver of the registered mark are recorded in page of the mark registration and inserted overleaf the patent certificate and will be published in official gazette within 30 days of date of registration except for address change.

The said cases will not be provable before the third parties until they have been registered. Their registration is subject to payment of expenses stipulated in table of costs and payment of cost of publication of the related notice if necessary.

### **Chapter 7- annulling of the mark registration**

#### **Article 147-**

The mark registration is annulled in accordance with Articles 41 and 43 of Law in the competent court stipulated in Article 59 of the law and submission of the petition.

Petition for annulling shall have the following appendices:

- 1- Original or true certified copy of all documents proving the claim for annulling
- 2- Receipt relating to payment of deposit for submission of annulling petition to the court as described in table of costs,
- 3- Power of attorney, if the petition is submitted by the attorney.

Note –annulling of some part of the mark or annulling of mark registration relating to some goods and services are based on regulations of this chapter.

**Article 148-**

In case that the court issues the final verdict for annulling of the registered mark, it will notify the registration authority and the said authority will annul some part of the mark or the mark registration completely or only regarding some goods and services ordered in the related register and publish its notice in the official gazette.

**Article 149-**

The notice regarding annulling will be published on the basis of verdict of the court by inserting the following cases:

- 1- Mentioning mark and number and its registration date
- 2- Referring to annulations of some part of the mark or the fact that the mark has been annulled completely or only for some goods and services.
- 3- Announcing invalidity of the certificate which has been annulled by virtue of the final verdict of the court.

Note – cost of the said notice shall be paid by the judgment creditor. He/she can claim for the said cost as damage.

## **Chapter 8- international registration of the mark on the basis of agreement and Madrid protocol**

### **Article 150-**

International registration of the mark requires submission of the declaration to the registration authority.

### **Article 151-**

Iranian nationals or the persons who reside in Iran or have an industrial and commercial actual and effective headquarter can request for international registration as the case may be by reliance on the declaration or mark registered in the registration authority.

### **Article 152-**

The international mark registration declaration will be prepared in formal form and in the determined languages, as the case may be, in three copies and submitted to the registration authority.

Note – international registration declaration is signed by the registration authority and applicant.

### **Article 153-**

International registration declaration is accepted when the following documents are attached to it:

- 1- documents proving identity of the applicant ,
- 2- declaration or certificate of mark registration in Iran ,
- 3- Power of attorney, if the request is submitted by the attorney
- 4- Receipt relating to payment of primary investigation cost

### **Article 154-**

The registration authority is obliged to adjust specifications of the international registration declaration to specifications of mark or the declaration registered in Iran.

In case of fulfilling conformity of the specifications and after payment of the costs stipulated on the basis of Madrid agreement and protocol by the applicant, the registration authority enters the international registration declaration in the declaration register and mention date of receipt and its number on each one of the copies of the declaration and submits the first copy of the declaration which contains notice stipulated in the common regulation to the applicant for submission to the international office. The said declaration which has the same specifications as those of the first copy is archived as record in the registration authority. The third copy is returned to the applicant as receipt.

In case of nonconformity of the specifications, the applicant shall correct it; otherwise, the international declaration will not be accepted.

#### **Article 155-**

In case that the original declaration, its resulting registration or the main registration become invalid within 5 years of date of international registration in Iran, the registration authority will notify the international bureau through a notice in which it will mention goods and services which are subject to decision of revocation and request the international bureau to revoke the international registration if necessary.

In case that the legal action relating to revocation of the said validity after expiry of 5 years is applicable and doesn't result in a final decision, the registration authority shall the international bureau. In case of final decision, the registration

authority shall inform the international bureau while mentioning goods or services which are subject to the related decision and ask it to revoke the international registration if necessary.

**Article 156-**

In case that Iran is one of the countries determined in the international registration declaration, the registration authority investigates the said declaration on the basis of law and this regulation substantially while complying with formalities stipulated in Madrid agreement and protocol. Investigation of the later changes of the accepted mark is subject to such arrangements.

**Article 157-**

The registration authority having published notice of the international registration declaration in the official gazette and expiry of 30-day grace period is obliged to accept the mark in absence of the protestor and in this case, registration number and date of the declaration in international bureau will be regarded as registration number as date of the mark in Iran.

**Article 158-**

The applicant for international registration can submit his/her protest to the commission subject to Article 170 of this regulation on the basis of Articles 121,124 and 125 of this regulation in case of rejection of the declaration or protest against registration request.

**Article 159-**

The applicant for international registration of the mark doesn't reside in Iran, he/she introduces an attorney who resides in Iran to the registration authority for submission of protest or any reply or the notice.

#### **Article 160-**

In case that owner of the registered mark in Iran receives international registration of the same mark in Iran which is supported, international registration of that mark replaces registration in Iran at the applicant's request and by his/her waiver of the registered mark property in Iran provided that all goods and services regarding the registered mark in Iran are included in list of goods and services subject to international registration.

Replacement of the international registration will not damage acquired rights of the previous mark.

At request of the owner, the replacement cases will be entered in the register and notified in the official gazette.

### **Part 5: general regulations**

#### **Chapter 1: costs**

#### **Article 161-**

Costs stipulated in law and the present regulation will be paid on the basis of table of costs which is attached to this regulation in a special account opened in the name of Industrial Property General Office.

#### **Article 162-**

Costs stipulated in table of costs shall be paid for performance of necessary actions on the basis of regulations of the law and this regulation; otherwise, the registration authority will refuse to perform the related actions.

Note – payment of the predicted costs will be made directly or on the basis of Article 167 of this regulation electronically.

#### **Article 163-**

Translation fee and cost of true certified copy of the documents submitted to the registration authority will be paid by the beneficiary in accordance with regulation relating to the translators and this regulation.

**Article 164-**

All costs of investigation and international patent registration, industrial designs and marks based on the international treaties which Islamic Republic of Iran has joined as well as cost of publication of the related notice in official gazette during process of registration will be predicted in the annual budget of the organization and given to the registration authority for this purpose.

**Article 165-**

Annual cost of the inventions which have been registered before effective date of the law and this regulation will be paid for the remaining term of support on the basis of this regulation. For the registered trademarks which are extended after the above date, cost of extension will be calculated in accordance with table of costs.

Other affairs relating to the inventions and the registered marks will be performed on the basis of regulations of the law and this regulation.

**Article 166-**

The organization shall predict at most 50% of Rial revenue resulting from execution of provisions of conventions relating to international registration of industrial property in general budget of the country in separate cost rows and recommend it to the vice-presidency of planning and strategic supervision.

The said funds will be spent for promotion and mobilization of Industrial Property General Office and its quality promotion such as holding training

workshops, use of specialized consultations , information and promotion of general awareness in the field of industrial property rights and publication of books and other necessary actions and mobilization of Industrial Property General Office in his regard at discretion of Director general of Industrial Property General Office.

## **Chapter 2: electronic registration and access to the information**

### **Article 167-**

The registration authority is obliged to take appropriate actions regarding making all stages electronic such as internal or international patent , industrial design and mark registration such as submission , investigation , correction and registration of declaration , publication of notice and registration of these property s and extension of its validity or making any change and transfers as well as payments.

Note –exchange of information relating to registration of patent, industrial designs and marks with the concerned organizations and institutes will be done electronically at discretion of the registration authority.

### **Article 168-**

The primary information relating to inventions, industrial designs and the registered marks will be directly or electronically accessible to the public. In order to facilitate searching for records and obtaining required information, the registration authority can electronically present the records relating to inventions, industrial designs and the registered marks through the contracting institutes. In this case, the applicants shall pay costs stipulated in these contracts for receiving the required services.

### **Article 169-**

Three years after expiry of support term or in case of annulling, the files relating to registration of patents, industrial designs and mark will be spoiled as the case may be and only their electronic copy will be kept.

### **Chapter 3: commission**

Article 170-+

In execution of paragraph H of Article 17 and Article 58 of the law, a commission comprised of the following members will be held:

- 1- Head of Patent Office, Registry of Industrial designs or Registry of Trademarks as the case may be.
- 2- A representative on behalf of Director General of Industrial Property General Office .
- 3- An expert or specialist who can be out of the organization if necessary.

Note 1- representative of Director General of Industrial Property General Office will chair the commission.

Note 2- decision will be made in the commission by majority of votes. These decisions will be binding for the registration authority.

Note 3- the investigating expert cannot participate in the commission regarding the same subject.

Note 4- the commission has an alternate member who will be appointed among the experts and by the Director General of Industrial Property General Office.

Note 5- in case that presence of the commission members requires payment of fee, it will be financed and paid out of credits of the organization after confirmation by the Director General of Industrial Property General Office.

#### **Article 171-**

Head of commission subject to Article above, date of holding session, hour and place will be announced to the registration applicant or the dispute parties or their legal representative as the case may be. These persons can attend the session at least 10 days before holding session of the commission.

#### **Article 172-**

The commission will announce its decision in documented manner after investigation. Decision of the commission will be announced to the registration applicant or the dispute parties and objectionable within 60 days of date of notification in the competent court stipulated in Article 59 of the law. In this case, the protestor against decision of the commission shall deposit money as described in table of costs as pledge in fund of the Justice Administration and attach its receipt to his/her petition. In case that the protestor is ordered not to have right , damage of the party will be paid and in case that the party incurs damage more than the above price , it will refer to the said court for the surplus.

#### **Chapter 4: information and issuance of the original and duplicate certificate**

#### **Article 173-**

The registration authority is obliged to publish a periodical in order to publish summery of the registered patens, industrial designs and mark by mentioning particulars of their owners and give any information in the field of industrial property s and issues relating to it Industrial Property General Office in execution of Article 12 of Paris Conventions and other conventions of industrial property relating to it such as Madrid Agreement and its protocol as well as

Patent Cooperation Treaty. Income resulting from publication said above will be spent on the basis of Article 166 of this regulation.

**Article 174-**

The registration authority is obliged to issue patent, industrial design and mark with use of the newest technological methods in order to prevent from forgery.

**Article 175-**

In case that the patent, industrial design and mark certificate is lost, the owner can request the duplicate by paying cost stipulated in table of costs. For this purpose, he/she shall notify in writing the registration authority of the fact that the certificate has been lost and attach an affidavit for witnessing and informing at least 3 persons whose identities and signatures have been certified by one of the said witnesses whose identity and signature have been certified by one of the Notary Public Offices. Information about lack of the patent, industrial design and mark certificates is published in the official gazette in one turn at expense of the applicant. In case that the protest has not been sent or the original certificate has not been presented by the protestor, Department of Industrial Property takes action regarding issuance of the duplicate certificate. Handling the received protests is responsibility of the competent court.

Note – issuance of the duplicate for the lost certificates which belong to the persons residing out of the country requires submission of the notice which has been issued by the Notary Public Office and confirmed by the agencies of Islamic Republic of Iran and formalities stipulated above have been observed.

**Chapter 5: correction of mistakes, extension of grace period and arrangements of transfer**

**Article 176-**

The administrative mistakes including typing, spelling mistakes and omission of the letters and numbers and the like are corrected by this authority at request of the applicant or at discretion of the registration authority. Request for correction of the administrative mistakes by the persons shall be done by presenting a copy of the document in which mistake has been specified. Corrected administrative mistakes are published in the official gazette at discretion of the registration authority.

**Article 177-**

Any request for extension of the grace period regarding stages of patent, industrial design and mark registration shall be submitted in writing by the applicant to the registration authority in addition to due date determined in the law and this regulation. The said authority can extend the grace periods determined in this regulation after investigating the conditions only for one time. Extension of the grace period by this authority is announced to the beneficiary.

**Article 178-**

Transfer of property right resulting from submission of the declaration or the registered patent, industrial design and mark or grant of any exploitation license or waiver of right of invention, industrial design and mark are performed by virtue of the notarial deed. Notary Public Office enquires the registration authority regarding the last deceleration or the registered patent, industrial design and mark in terms of extension, change, transfer, issuance of exploitation license and other necessary cases. Reply to the said enquiry requires payment of cost stipulated in table of costs.

**Article 179-**

With regard to Article 59 of the law, handling legal and penal claims relating to the law and this regulation shall be done by the special branch or branches of public court of Tehran which are determined by the head of the judiciary and are established in Industrial Property General Office if possible. For penal claims, in case that offence is committed or detected out of Tehran or the accused has been arrested out of Tehran, the primary investigation is done in place the offence is committed or the offence is detected or the accused is arrested and file for handling the said courts is referred.

**Article 180-**

In case that the accused raises subject of invention, industrial design and trademarks property for defending him/her at time of penal investigation, the competent court shall investigate this subject as stipulated in Article 59 of the law.

**Article 181-**

For the damages which are claimed whether through legal channel or penal channel in claims relating to the inventions, industrial designs and marks and trade names, damage will include the incurred losses.

**Article 182-**

Owner of each invention, industrial design and trade name or his/her legal representative can list the goods which he/she is claimed to be contrary with right of invention or industrial design or trademarks. The said case will be executed in case that the goods remain in the customs office by the customs officials or the execution official.

The said goods will be attached when order of the court confirms it expressly. The court's order is issued in each one of the two cases above on the basis of petition of the invention, industrial design and mark and trade name owner or his/her legal representative. True certified copy of the patent, industrial design and mark certificate shall be attached to the said petition. If the invention, industrial design and mark and trade name owner requests for attachment of the said goods, he/she guarantees that all incurred damages are compensated when appropriate.

**Article 183-**

In legal and penal claims regarding rights of patent, industrial design, mark and trade name registration, the protestor can request for issuance of writ of securing of evidence and writ of attachment of the products violating the claimed rights and request for issuance of provisional order for prevention from production, sale or import of such products. The judicial authorities are obliged to agree on acceptance of the said request and can ask the applicant to have sufficient guarantee before issuance of the said orders. The above order will be executed by the customs officials in case that the products in customs office or by the bailiffs.

Note 1-the court can issue order of attachment of the goods with the forged mark whether they have been entered commercial cycle or not.

Note 2- issuance of provisional order and writ of evidence preservation will be based on regulations of the procedure.

**Article 184-**

If the claimant doesn't make claim within 30 days of the order mentioned in Article 182 of this regulation through legal channel or penal channel in the

competent court stipulated in Article 59 of the law, the attachment will be regarded null and void and he/she will be responsible for the inured damages on the basis of the said article.

**Article 185-**

The registration authority is obliged to execute the final verdicts issued by the court in that section which relates to the respective departments. In case that there is ambiguity in execution of the verdict, the court which has issued verdict disambiguates it.

Note – the final verdict means the verdict in which the action is regarded as one of the adjudicated action due to legal stages and to expiry of term of protest, review and appeal.

**Article 186-**

The way in which notices mentioned in the law and this regulation are given is stipulated in regulations of the civil procedure.

**Article 187-**

Way of protesting against the patent, industrial design and trademarks registration declaration and handling it will be based on the law and this regulation.

**Article 188-**

Handling the protests against request for patent, industrial design and trademarks registration belonging to the persons residing abroad requires introduction of the legal representative in Iran.

**Article 189-**

Review of verdicts of the courts and manner of handling will be subject to regulations of procedure of the public and revolutionary courts in civil or penal affairs.

**Article 190-**

In execution of Article 52 of the law that agency of Islamic Republic of Iran assumes responsibility in World Intellectual Property Organization and the unions relating to the concerned conventions and inside the country, affairs of industrial property are assumed by the State Organization for Registration of Deeds and Properties, head of the organization can issue necessary instructions in execution of the relates regulations and this regulation.

**Article 191-**

Appendices of this regulation are regarded as its integral part.

**Article 192-**

This regulation has been drawn up in 192 Articles and 104 notes and three appendices including table of costs, international classification and forms of declaration, certificate, extension certificate and contents of patent, industrial designs and marks registers which has been executed by State Organization for Registration of Deeds and Properties and is approved on 21 Jan. 2009 and since effective date of this regulation, the regulation amending execution of trademarks and patent law enacted in 1958 is revoked.

## Appendices

### Appendix 1

#### Table of costs

(in Rial )

#### 1- Invention

Cost items	Natural person	Legal entity
1- Registration fee of the declaration and divided declaration	10,000	100,000
2- Annual registration fee	First to fifth year , each year equivalent to Rls. 100000 Sixth to tenth year , each year equivalent to Rls. 200000 Eleventh to fifteenth year , each year equivalent to Rls. 300000 Sixteenth to twentieth year , each year equivalent to Rls. 400000	10 times as much as price determined for the natural persons
3- Fine for	Equivalent to half of the annual installment in the	

delay in payment of the annual cost	related five-year periods	
4- Cost of enquiry for transfer , exploitation license or waiver	50,000	500,000
5- Registration fee for contractual transfer and non-contractual transfer	300,000	3000,000

<b>Cost items</b>	<b>Natural person</b>	
6- Registration fee of the exploitation license or its cancellation or termination	Half of cost of contractual transfer and non-contractual transfer	
7- Cost of each correction of the declaration and its appendices	Equivalent to registration fee of the deceleration	
8- Registration fee for transfer of the declaration or its exploitation license	50,000	500,000
9- Registration fee for changes(other than transfer of property and exploitation license)	50,000	500,000
10- Cost of issuance of the duplicate certificate	100,000	1000,000

11-	Cost of the true certified copy	5000	50,000
12-	Cost for receiving confirmation of declaration submission or issuance of patent certificate	15,000	150,000
13-	Cost of handling protest against registration rejection	500,000	750,000
14-	Cost of handling protest against registration request	1,500,000	3,000,000
15-	Deposit for submission of the annulling petition to the court	3,000,000	4,500,000
16-	Cost of investigating international registration declaration as the source department	50,000	500,000

Remark: for the foreign applicants who have submitted their request directly to the registration authority in execution of Paris Convention (Patent Office of Industrial Property General Office ), they should pay foreign currency equivalent of Rls. Price determined in table of costs on the basis of formal rate.

## 2- Industrial design

Cost items	Natural person	Legal entity
1- Registration fee of the declaration for each class	50,000	150,000
Cost of each additional class in declaration	20,000	60,000
2- registration fee for a class for the first five years	450,000	1,350,000
Registration fee of each additional class for the first five years	100,000	300,000
3- registration fee for extension for each class for the second five year	900,000	2,700,000
registration fee for extension of each additional class for the second five eras	200,000	600,000
4- registration fee for extension for one class for the third five years	450,000	1,350,000
registration fee for extension of each additional class for the third five years	100,000	300,000
5- fine for delay in extension of registration of the second five years	200,000	600,000
6- fine for	100,000	300,000

delay in extension of registration of the third five years		
7- cost of enquiry for transfer , exploitation license or waiver	50,000	150,000

<b>Cost items</b>	<b>Natural person</b>	<b>Legal entity</b>
8- Registration fee for contractual transfer and non-contractual transfer	300,000	900,000
9- Registration fee of the exploitation license or its cancellation or termination	Half of cost of contractual transfer and non-contractual transfer	
10- Cost of each correction of the declaration and its appendices	25,000	75,000
11- Registration fee for transfer of the declaration or its exploitation license	50,000	150,000
12- Registration fee for changes(other than transfer of property and exploitation license)	50,000	150,000
13- Cost of	100,000	300,000

	issuance of the duplicate certificate		
14-	Cost of the true certified copy	5,000	15,000
15-	Cost for receiving confirmation of declaration submission or issuance of industrial design certificate	15,000	45,000
16-	Cost of handling protest against registration rejection	500,000	750,000
17-	Cost of handling protest against registration request	1,500,000	3,000,000
18-	Deposit for submission of the annulling petition to the court	3,000,000	4,500,000
19-	Cost of investigating international registration declaration as the source department	50,000	150,000

Remark: for the foreign applicants who have submitted their request directly to the registration authority in execution of Paris Convention (Industrial Design Registry of Industrial Property General Office ), they should pay foreign currency equivalent of Rls. Price determined in table of costs on the basis of formal rate.

### 3- Trademarks

Cost items	Natural person	Legal entity
1- Registration fee of the declaration for one class	200,000	400,000
each additional class	20,000	40,000
2- Mark registration fee for a class	1,200,000	2,400,000
Registration fee of each additional class	100,000	200,000
3- registration fee for extension for ten-year periods	Equivalent to mark registration fee	
4- fine for delay in extension of registration	Equivalent to half of mark registration fee	
5- cost of enquiry for transfer , exploitation license or waiver	50,000	100,000
6- Registration fee for contractual transfer and non-contractual transfer for each class(with any number of goods and services )	100,000	200,000
Registration fee of transfer for each additional class	50,000	100,000

7-	Registration fee of the exploitation license or its cancellation or termination for one class (with any number of goods and services )	100,000	200,000
	Registration fee of the exploitation license or its cancellation or termination for each additional class	50,000	100,000

<b>Cost items</b>	<b>Natural person</b>	<b>Legal entity</b>
8- Cost of each correction of the declaration and its appendices	50,000	100,000
9- Registration fee of the declaration and its exploitation license	50,000	100,000
10- Registration fee for changes(other than transfer of property and exploitation license)	50,000	100,000
11- Cost of issuance of the duplicate certificate	100,000	200,000
12- Cost of the true certified copy	5000	10,000

13-	Cost for receiving confirmation of declaration submission or issuance of certificate	15,000	30,000
14-	Cost of handling protest against registration rejection	500,000	750,000
15-	Cost of handling protest against registration request	1,500,000	3,000,000
16-	Deposit for submission of the annulling petition to the court	3,000,000	4,500,000
17-	Cost of investigating international registration declaration as the source department	200,000	400,000

Remark: for the foreign applicants who have submitted their request directly to the registration authority in execution of Paris Convention (Mark Registry of Industrial Property General Office ), they should pay foreign currency equivalent of Rls. Price determined in table of costs on the basis of formal rate.

## **Appendix 2**

### **International classifications for industrial property s registration**

#### **1- International classification of inventions**

##### **Section A: human needs**

Subsection: agriculture

Subsection: foodstuff –tobacco

Subsection: personal or house items

Subsection: health and hygiene, amusement and recreations

##### **Section B: performing different operations: transportation**

Subsection: separation, mixing

Subsection: different operations of forming

Subsection: publication

Subsection: transportation

Subsection: technology of microscopic structures, nanotechnology

##### **Section C: chemistry-metallurgy**

Subsection: chemistry

Subsection: metallurgy

##### **Section D: textiles, paper**

Subsection: textiles or other flexible materials which are not presented in another form.

Subsection: paper

**Section E: fixed buildings and monuments**

Subsection: building

Subsection land and cliff excavation, mine extraction

**Section F: mechanical engineering, light, heating and weapons and explosion**

Subsection: all motors or pumps

Subsection: engineering in its general sense

Subsection: light, heating

Subsection: types of weapon, explosion

**Section G: physics**

Subsection: tools

Subsection: nuclear industry

**Section H: electricity**

## 2- International classification of industrial design

Class 1	Foodstuff
Class 2	Clothes and tools and variety tools
Class 3	Travel goods, baggage, parasol, and personal tools which have not been mentioned in another place.
Class 4	All types of brush and paintbrush
Class 5	Items made from textiles , natural or artificial laminates
Class 6	House appliances and tools
Class 7	House items which have not been mentioned in another place.
Class 8	Tools and instruments
Class 9	Packaging and special containers for transportation of goods
Class 10	Wristwatch and wall watch and other measurement , control and alarm tools
Class 11	Decorative items and jewelry
Class 12	Transportation or lifting tools
Class 13	Electricity production, distribution or conversion equipment
Class 14	Recording , communication or information retrieval equipment
Class 15	Machinery which have not been mentioned in another place
Class 16	Photography , cinematography and visual tools
Class 17	Musical instruments
Class 18	Printer and office machines
Class 19	Stationery and office tools , teaching and educational materials and materials used by the painters
Class 20	Sale and advertisement equipment , boards

Class 21	All types of game , toys, tent and sport items
Class 22	Weapons , firework and light emission items, hunting , fishing and pest control tools
Class 23	Liquid distribution equipment, hygienic tools , heating equipment , ventilator , air conditioner , solid fuel
Class 24	Medical and laboratory tools and equipment
Class 25	Construction units and construction elements
Class 26	Light tools
Class 27	Necessary tools for use of tobacco and necessary tools used by the smokers
Class 28	Pharmaceutical and cosmetic products , make up tools
Class 29	Fireproof equipment and tools for prevention from accidents and rescue
Class 30	Necessary items for taking care of animals and transporting them
Class 31	Machines and tools for cooking and making beverages which have not been mentioned in another place
Class 99	Different cases

### **3-International classification of industrial and trademarks**

Class 1- chemicals used in industries, sciences, photography as well as agriculture , gardening and forestry , unprocessed artificial resins , unprocessed plastics , plant fertilizers , fire extinguishing compounds, metal electroplating and welding material , metals , chemicals for preserving food , tanning material , industrial glues .

Class 2- paint, oil, polish, antirust material and material preventing from perishing wood, colorful material, paint fixer, resin or natural raw resins , metals in powder or laminate form for the building painters , printers and artists .

Class3- bleaching compounds and other materials for washing clothes, special material for cleaning , polishing , cleaning and abrading , soap , perfumes, essence oils , cosmetic material, lotions , toothbrush .

Class 4- industrial oils and greases, lubricants, dusting compounds, humidifying and humidity absorption, all types of fuel (including motor fuel ) and lighting material , types of candle and burner.

Class 5- pharmaceutical and veterinary material, hygienic material for medical consumption, dietary material for medical consumptions, baby food, all types of cast , bandaging tools, tooth filling material, prosthodontics wax, antiseptics , pestilential insects insecticides , fungicide, weeds control material.

Class 6- ordinary metals and their alloys, metal construction materials , portable metal structures, railways metals , nonelectric cables and wires of ordinary metals, ironware, metal small items , metal pipes and channels , lockbox, goods made from ordinary metals which have not been mentioned in other classes, metals ores.

Class 7- all types of machine and machine tools , all types of motor (except for motor and land vehicles) , mortise lock of clamping ring of the machines parts and battery transmission parts , agricultural tools (except for manual tools), incubator.

Class 8- all types of manual instruments and tools( which work with hand) , knife, spoon and fork service, pistol, blade.

Class 9- scientific , navigation , surveying , photography , cinematography , visual , weighing , measurement, signaling , control and monitoring, rescue and training tools , control , connection and disconnection , conversion , storage , current control, recording tools , audiovisual transmission or duplication, magnetic information storage tools, recordable disks, auto-sale machines and mechanism of the devices which operate with coin, receivable cash registers, calculators, data processing and computer systems , firefighting system.

Class 10- surgical, medical, dentistry and veterinary tools, prosthesis, false teeth, and artificial eye, orthopedic items, stitching material.

Class 11- lighting, heating devices , steam material, cooking , cooling, ventilation , hygienic water supply .

Class 12- vehicles, land, marine or air transportation means.

Class 13- firearms, munitions, and all types of projectiles (such as missile , mortar etc ), explosives, fireworks tools.

Class 14- precious metals and their alloys and the goods which are made with precious metals or coated with them and those which have not been mentioned in other classes , jewelry , gems , watchmaking and chronometry tools.

Class 15- musical instruments

Class 16- paper, cardboard , goods made from them which have not been mentioned in other classes, printed material, bookbinding photography , stationery , glue for writing or house consumptions, painting tools, paintbrush , typewriter and office supplies(except for furniture) , educational and teaching material (except for devices ), plastic material for packaging (which have not been mentioned in other classes) , letters and printing plate,

Class 17-rubber, caoutchouc , resin, asbestos , mica , and goods made from them which have not been mentioned in other classes , plastic with special shape and form for use in production of other goods, packaging material , coping , choking and insulation, nonmetal elastic pipes,

Class 18- leather and artificial leather and goods made from them which have not been mentioned in other classes, animal skin, baggage, sack and bags, umbrella and parasol, stick , whip, lace , saddlery.

Class 19- construction material (nonmetal), hard and inflexible pipes for use in construction, asphalt, pitch, nonmetal movable buildings, nonmetal monuments.

Class 20-furniture and fixtures , mirror , photo frame , goods made from wood, cork, reed, straw mat, horn, bone, ivory , whale jawbone, oyster, amber, nacre , seabed, and artificial material or material made from plastic (which have not been mentioned in other classes).

Class 21- house dishes and kitchen appliances (which have not been made precious metals or have not been coated ), brush, sponges, all types of brushes (except for paintbrush), brush material, cleaning tools , dishcloth , wrought or semi-wrought glass(except for glass used

in buildings), glassware , objects made from porcelain and tile which have not been mentioned in other classes.

Class 22- rope , cord, net, tent , canopy, tarpaulin, sail, and sack and gunny which have not been mentioned in other classes , padding material and chafery(except for rubber and plastic ) , spongy raw material for textile .

Class 23- all types of thread and string for use in cloth-weaving and textile.

Class 24-textile and cloth products which have not been mentioned in other classes, all types of bed cloth and tablecloth.

Class 25- all types of clothes, slippers and head cover.

Class 26- all types of lace and crocheting, ribbon, band, rim and cord, button, hook and eye, pin and artificial flowers.

Class 27- all types of carpet, rug, straw mat, and linen cloth, linoleum, and other slippers, wall pendants (non-cloth).

Class 28- all types of game and toys, sport and gymnastic tools which have not been mentioned in other classes, decorations of Christmas tree.

Class 29- meat, fish , poultry and hunting meat , meat, vegetables and fruits essence as canned , dried and cooked food , all types of jelly, jam and compote , egg, milk and dairy, oils , and edible fats.

Class 30- coffee, tea, cacao, sugar , rice , manioc starch , sago palm starch, coffee substitute , four and products made from cereals , bread, pastry, sweets , ice sweet , honey , molasses , yeast, bakery powder , salt, mustard, vinegar , all types of sauce , spices , ice.

Class 31-agricultral, gardening and forestry products and seeds which have not been mentioned in other classes, livestock, fresh fruits and vegetables, seed , natural plants and flowers , animal feed, malt.

Class 32- barley water, mineral and gassy waters and other non-alcoholic beverages, fruit juice and fruit nectar, nectar and special compounds for making soft drink.

Class 33: ---

Class 34: tobacco, smoking tools, light.

**Services:**

Class 35: advertisement, commercial management, administrative trade affairs, clerical and administrative works,

Class 36- insurance, financial affairs, monetary affairs, affairs relating to transactions of properties and real estates.

Class 37- construction, repair and renovation, installation services.

Class 38- telecommunication

Class 39- transportation, packaging, and maintaining goods, preparation of preliminaries and arranging travels.

Class 40- improvement and treatment of material.

Class 41- education, training and learning courses, recreation and amusement, sport and cultural activities.

Class 42- scientific and technological services and research and design in this field, analysis and industrial research services, design and development of computer software and hardware.

Class 43-food and soft drink supply services, house and temporary residential accommodation.

Class 44- medical services, veterinary services, health and beauty cares for the human beings and animals, agricultural, gardening and forestry services.

Class 45: personal or social services which are provided by others for fulfilling needs of the persons, security services for protecting people, properties and assets , legal services.

## **Appendix 3**

### **Forms**

#### **1-forms relating to patent**

#### **The Judiciary**

#### **State Organization for Registration of Deeds and Properties**

#### **Industrial Property General Office**

#### **Patent Declaration**

(to be completed by the department )

Declaration No. \_\_\_\_\_ date of receipt of the  
deceleration (hour, day, month and year )

Seal and signature of Patent Office

1- Invention title \_\_\_\_\_ 2- international classification  
of invention

3- Total number of pages of description, claims, brief description and plans

4- Particulars of applicant/applicants :

#### **Natural person**

Name, National Code No.

Address, postal code

Nationality

Country of residence

Tel No:

Fax No:

Email:

**Legal entity**

Name: ....., type of legal entity : ....., field of activity :.....registration place  
and No: .....

Nationality : .....domicile : .....head office : .....address: .....other  
information : ..

Tel No:

Fax No:

Email:

**5- Particulars of legal representative:**

Name, National Code No.

Address, postal code

Tel No:

Fax No:

Email:

**6- Particulars of notices receivers in Iran (in case that the applicant is not  
resident of Iran).**

Name, National Code No.

Address, postal code

7- Particulars of inventor:

**Complementary information about inventor in case that he/she is applicant**

Job and field of activity

**Particulars of inventor in case that that he/she is not applicant**

Name, National Code No.

Address, postal code

Job and field of activity

Position of the applicant

8- Divided or complementary declaration

Original declaration No:

Original declaration registration date:

9- acceptable exceptions for disclosure of invention

- Disclosure of invention in formal local or international exhibit
- the third party's abuse of the applicant or the previous owner's rights

10- Claim for right of priority (if any)

Name of country

Original declaration registration date

Original declaration No:

Invention international

classification:

In case that the prior declaration is an international or regional declaration, determination of the department in which and the countries for which declaration has been submitted.

11- This declaration includes the following appendices:

Documents relating to the invention with the applicant's signature

1- Description ..... Page

2- Claim (claims).....page

3- Summery ..... Page

4- Design or designs (if available) ..... Page

Total pages of appendices

Documents relating to contents of the declaration

Documents proving identity of the applicant

Legal representation documents

Document specifying position of the applicant

Document relating to disclosure of invention

Right of prior documents which have been confirmed by the source department

Request for not mentioning the inventor's name

Receipt of declaration registration fee payment

Other documents

Signature of the applicant or his/her legal representative date

Form A-2

### **Contents of Patent Register**

1- Patent No. and date :

2- Declaration registration No. and perfect date (hour, day, month and year ):

3- Particulars and share of owner/owners of invention :

Name:

Address:

Nationality:

4- Particulars of inventor(in case that he/she is not applicant )

Name:

Address:

Nationality:

5- Particulars of legal representative

Name:

Address:

Nationality:

6-invention title

7- International classification of invention (mentioning the related scientific field)

8- Declaration or right of priority certificate registration No, date and place (if available)

9- Term of support:

Signature (invention owner or his/her legal representative)

Signature (head of Patent Office)

**Form A-3**

**The Judiciary**

**State Organization for Registration of Deeds and Properties**

**Industrial Property General Office**

**Patent Certificate**

Declaration registration No. and date:

Patent No. and date:

Particulars and share of owner /owners of invention:

Name:

Address:

Nationality:

Particulars of inventor/inventors:

1- name

2- address

3- nationality

Invention title

International classification of invention

Use of right of priority

Original declaration No and date:

Original declaration registration country:

Term of support:

Attached herewith are description, claims, brief description and plans.

Signature (mentioning date)

Head of Patent Office

**Form T-1**

**Forms**

**1- Forms relating to registration of Industrial Designs**

**The Judiciary**

**State Organization for Registration of Deeds and Properties**

**Industrial Property General Office**

**Industrial Designs Registration Declaration**

(to be completed by the department )

Declaration No. \_\_\_\_\_ date of receipt of the  
deceleration (hour, day, month and year )

Seal and signature of Patent Office

1- Particulars of applicant/applicants :

**Natural person**

Name, National Code No.

Address, postal code

Nationality

Country of residence

Tel No:

Fax No:

Email:

**Legal entity**

Name: ....., type of legal entity: ....., field of activity:.....registration place  
and No: ....

Nationality : .....domicile : .....head office : .....address: .....other  
information : ..

Tel No:

Fax No:

Email:

**2- Particulars of legal representative:**

Name, National Code No.

Address, postal code

Tel No:

Fax No:

Email:

**3- Particulars of notices receiver in Iran (in case that the applicant is not  
resident of Iran).**

Name, National Code No.

Address, postal code

**4- Particulars of designer:**

**Complementary information about designer in case that he/she is applicant**

Job and field of activity

**Particulars of designer in case that that he/she is not applicant**

Name, National Code No.

Address, postal code

Job and field of activity

Position of the applicant

**5- Specifications of industrial design:**

Brief definition of the industrial design

International classification of the industrial design:

6-acceptable exceptions for disclosure of the industrial design

Disclosure of design in formal local or international exhibit

the third party's abuse of the applicant or the previous owner's rights

7- Claim for right of priority (if any)

Name of country

Original declaration registration date

Original declaration No:

Industrial design international

classification:

In case that the prior declaration is an international or regional declaration, determination of the department in which and the countries for which declaration has been submitted.

8- Request for delay in publication of registration notice

Does the applicant asks for delay in publication of notice                      yes

no

If yes, determination of term of delay in month

9-This declaration includes the following appendices:

Specifications of industrial design:

Five samples of graphical picture or

Five samples of the drawn design

Five samples of graphical picture or five samples of the drawn design in all aspects (three-dimensional plan)

Presentation of model (in case of request)

2- Documents relating to contents of the declaration:



Address:

6- Specifications of industrial design.

Brief definition of the industrial design determining components to be used exclusively

International classification No.

Name and qualities of goods and classes of the design

7- Declaration or right of priority certificate registration No, date and place (if available)

8- Validity term of registration:

Signature (industrial design owner or his/her legal representative)

Signature (head of Industrial Design Registry)

**Form T-3**

## **The Judiciary**

### **State Organization for Registration of Deeds and Properties**

#### **Industrial Property General Office**

#### **Industrial Design Registration Certificate**

Declaration registration No. and date:

Industrial design registration No. and date:

Particulars and share of owner /owners of the Industrial design:

1- Name:

2- Address:

3- Nationality:

Particulars of designer/designers:

- 1- name
- 2- address
- 3- nationality

**Specifications of the industrial design**

- 1- design title
- 2- international classification of the design
- 3- goods relating to the design

**Use of right of priority**

- 1- Original declaration No and date:
- 2- Original declaration registration country:

Validity term of registration of the industrial design is 5 years from ....to..... .

Attached herewith is figure of the design.

Signature (mentioning date)

Head of Industrial Design Registry

**Form T-4**

**The Judiciary**

**State Organization for Registration of Deeds and Properties**

**Industrial Property General Office**

**Industrial Design Registration Extension Certificate**

Declaration registration No. and date:

Industrial design registration No. and date:

Particulars and share of owner /owners of the Industrial design:

1- Name:

2- Address:

3- Nationality:

Particulars of designer/designers:

1- name

2- address

3- nationality

**Specifications of the industrial design**

1- design title

2- international classification of the design

3- goods relating to the design

Validity term of registration of the industrial design is 5 years from ....to..... .

Attached herewith is figure of the design.

Signature (mentioning date)

Head of Industrial Design Registry

**Forms relating to Marks Registration**

**The Judiciary**

**State Organization for Registration of Deeds and Properties**

**Industrial Property General Office**

**Marks Registration Declaration**

**Form E-1**

(to be completed by the department )

Declaration No. \_\_\_\_\_ date of receipt of the  
deceleration (hour, day, month and year )

Seal and signature of Patent Office

2- Particulars of applicant/applicants :

**Natural person**

Name, National Code No.

Address, postal code

Nationality

Country of residence

Tel No:

Fax No:

Email:

**Legal entity**

Name: ....., type of legal entity: ....., field of activity:.....registration place  
and No: ....

Nationality : .....domicile : .....head office : .....address: .....other  
information : ..

Tel No:

Fax No:

Email:

**2- Particulars of legal representative:**

Name, National Code No.

Address, postal code

Tel No:

Fax No:

Email:

**3- Field of activity of the applicant/applicants:**

**4- Particulars of notices receiver in Iran (in case that the applicant is not resident of Iran).**

Name, National Code No.

Address, postal code

5-collective mark

Brief description of the collective mark

5- sample of the mark

Description and determination of components of the mark and determination of specified letters which are regarded as specification of the mark.

<p>Place of affixing</p> <p>Sample of the mark</p>
--

In case that the mark includes non-Persian words

Insertion of transcription and its translation

Mentioning that the mark is three-dimensional

Mentioning the color as specification of the mark

7- Goods and services by mentioning the class or classes

8- Claim for right of priority

Name of country

Original declaration registration date

Original declaration No: international classification of goods and services relating to the mark:

In case that the prior declaration is an international or regional declaration, determination of the department in which and the countries for which declaration has been submitted.

9-This declaration includes the following appendices:

Documents proving identity

Ten graphical samples of the mark in dimensions of 10×10 cm

In case that the mark is three dimensional, presentation of the mark as graphical sample or two-dimensional picture in such a manner that it can be prepared from six angles

A copy of conditions and terms of the collective mark and confirmation of the competent authority

Legal representation documents

Documents indicating activity in the related field

Right of prior which has been confirmed by the source department

Receipt of declaration registration fee payment

Other documents

Signature of the applicant or his/her legal representative

date

**Form E-2**

**Contents of Mark Register**

1- mark registration No. and date :

2- Declaration registration No. and perfect date (hour, day, month and year ):

3- Particulars and share of owner/owners of mark :

Name:

Address:

Nationality:

4- Particulars of the legal representative

Name:

Address:

5- Specifications of mark

List of goods and services and their international classification

Sample of the mark

<p>Place of affixing</p> <p>Sample of the mark</p>
--

6- Declaration or right of priority certificate registration No, date and place (if available)

7- Validity term of registration:

Signature (mark owner or his/her legal representative)

Signature (head of Trademarks Registry)

**Form E-3**

**The Judiciary**

**State Organization for Registration of Deeds and Properties**

**Industrial Property General Office**

**Mark Registration Certificate**

Declaration registration No. and date:

Mark registration No. and date:

Particulars of mark owner /owners:

1- Name:

2- Address:

3- Nationality:

Particulars of mark

1- Determination of components of the mark:

2- List of goods and services and their international classification

<p>Place of affixing</p> <p>Sample of the mark</p>
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3- Sample of the mark

**Use of right of priority**

Original declaration No and date:

Original declaration registration country:

Validity term of registration of the industrial design is 10 years from ....to..... .

Signature (mentioning date)

Head of Trademarks Registry

**Form E-4**

**The Judiciary**

**State Organization for Registration of Deeds and Properties**

**Industrial Property General Office**

**Marks Registration Extension Certificate**

Declaration registration No. and date:

Mark registration No. and date:

Particulars of the mark owner:

1- Name:

2- Address:

3- Nationality:

**Specifications of the trademark:**

1- Components of the mark

2- List of goods and services and their international classification

3- Sample of the mark

<p>Place of affixing</p> <p>Sample of the mark</p>
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Validity term of registration of the industrial design is 10 years from ....to..... .

Signature (mentioning date)

Head of Trademarks Registry