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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: English/  
anglais/  
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY  
LAWS AND REGULATIONS NOTIFIED UNDER  
ARTICLE 63.2 OF THE AGREEMENT**

ARMENIA

The present document reproduces the text<sup>1</sup> of the Law on Patents, adopted on 8 December 2004, as notified by Armenia under Article 63.2 of the Agreement (see document IP/N/1/ARM2).

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**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA  
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

ARMÉNIE

Le présent document contient le texte<sup>1</sup> de la Loi sur les brevets adoptée le 8 décembre 2004, notifiée par l'Arménie au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/ARM/2).

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**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

ARMENIA

En el presente documento se reproduce el texto<sup>1</sup> de la Ley de Patentes, adoptada el 8 de diciembre de 2004, que Armenia ha notificado en virtud del párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/ARM/2).

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<sup>1</sup> In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

## **Law on Patents**

[Chapter 1 - General Provisions](#)

[Chapter 2 - Conditions for Patentability for Industrial Property Objects](#)

[Chapter 3 - Inventor and Patent Owner of Industrial Property Object](#)

[Chapter 4 - The Exclusive Right to the Invention, Utility Model or Industrial Design](#)

[Chapter 5 - Patenting of Industrial Property Objects](#)

[Chapter 6 - Termination of Validity of Patents](#)

[Chapter 7 - Protection of Rights of Inventors and Patent Owners](#)

[Chapter 8 - Final Provisions](#)

### **Chapter 1: General Provisions**

#### **Article 1. Objectives of the Law**

This Law regulates the property and non-property personal relationships connected with the creation, legal protection and utilization of invention, utility model and industrial design (hereinafter referred to as “industrial property object”).

#### **Article 2. Industrial Property Legislation**

(1) Industrial Property Legislation consists of the Constitution of the Republic of Armenia, the Civil Code of the Republic of Armenia, this Law and other legal acts.

(2) If the international agreements of the Republic of Armenia state norms other than those stated by this Law then the international agreements norms shall apply.

#### **Article 3. State Authorized Body**

(1) State Authorized Body (hereinafter “Authorized Body”) which is determined by the Government of the Republic of Armenia shall, according to this Law, accept applications for the protection of industrial property object, carry out examination of those applications, grant patents, realize publishing activities concerning the implementation of this Law and public information and other functions set by its statutes.

(2) The Authorized Body shall have a Board of Appeal, which gives resolution to disputes concerning the legal protection of industrial property objects.

(3) The Board of Appeal shall act in accordance with the adopted Statutes of the Authorized Body.

#### **Article 4. Legal Protection of Industrial Property Object**

(1) The rights in invention, utility model and industrial design shall be protected by the Law and shall be certified by invention patent, utility model patent and industrial design patent.

(2) The patent shall certify the priority date of the invention, utility model or industrial design and the authorship and the exclusive right to the invention, utility model or industrial design.

(3) The term of a patent on an invention shall be valid before the expiration of 20 years from the day on which the application is filed, if it is granted on the basis of a substantive examination of the invention (basic patent), or 10 years, if it is granted without a substantive examination of the invention (provisional patent), a patent on an industrial design - before the expiration of 15 years, and a patent on a utility model - before the expiration of 10 years.

(4) A supplementary legal protection may be granted to preparation of pharmaceutical compositions or components, which are considered to be subject matter of patented invention and have features of preventive or medicinal effect on people or animals, to chemical or biological substances for plants protection, to the processes of their extraction, as well as to the substances necessary for production of those products, compositions or compounds, substances or ingredients and the processes of their extraction, for a period of time between the date of filing of the application and the date of granting authorization from the appropriate competent body for putting that subject matter into circulation in the Republic of Armenia market, but no longer than for 5 years.

The request for supplementary legal protection, which is accompanied with the authorization granted by the competent body under part 1 of this paragraph, shall be submitted to the Authorized Body within a period of six months from the date of granting of the authorization or before expiry of six months from the date of granting of the basic patent, if the above authorization was granted sooner than the basic patent.

(5) The scope of legal protection conferred by a patent on an invention patent and a utility model patent shall be determined by claims, and the scope of legal protection conferred by an industrial design patent shall be determined by the sum of its essential features as shown on the representations of the article (model or design) and listed in the list of the industrial design's essential features.

(6) The determination of the degree of secretness of, the use and publication of information on inventions, utility models and industrial designs containing information that represents state and official secret shall be implemented in the order established by the Government of the Republic of Armenia.

(7) No legal protection shall be afforded to inventions, utility models and industrial designs, the exploitation of which would be contrary to "order public", humane principles or morality.

## **Chapter 2: Conditions for Patentability for Industrial Property Objects**

### **Article 5. Conditions for Patentability for Invention**

(1) For the purpose of this Law a technical solution in any field, relating to a product (particularly, a device, substance, biotechnological product) or process (process of affecting a material object using material means), shall be protected as an invention. An invention shall be granted legal protection if it is new, involves an inventive step and is industrially applicable (conditions of patentability of invention).

(2) An invention shall be considered to be new, if it does not form separate part of the state of the art.

(3) An invention shall be considered as involving an inventive step, if having regard to the state of the art, it is not obvious to a person skilled in the art.

(4) The state of the art shall be held to comprise any kind of information on technical solutions (separate parts) made available to the public anywhere in the world before the day, month and year (hereinafter "the date") of priority of the invention concerned. Additionally, the state of the art shall be held to comprise the content of inventions and utility models, with the earlier priority, and disclosed applications filed with the Authorized Body, provided that the Authorized Body subsequently publishes those applications or the patents granted on the basis thereof.

(5) Such disclosure of information, relating to the invention, by the inventor (applicant) or any person having obtained the information directly or indirectly from them, that made information on the essence of the invention public, shall not be deemed as rendering the invention unpatentable, if the application on an invention were filed with the Authorized Body within 12 months after the said

disclosure of information or, where an earlier priority date is claimed, no earlier than 12 months prior to that date (the burden of proof of the foregoing shall be on the applicant).

(6) An invention shall be deemed industrially applicable, if it can be used in industry, agriculture, public health and in other fields.

(7) According to this Law the following are not subject to legal protection:

- a) discoveries, scientific theories and mathematical methods,
- b) methods of economic organization and management,
- c) symbols, schedules and rules,
- d) rules of playing games, rules and methods of doing business or performing purely mental acts,
- e) algorithms for calculating machines,
- f) projects and plans for structures, buildings and for land development,
- g) solutions concerning the outward appearance of manufactured articles having exclusively aesthetic requirements.

(8) For the purpose of this Law the following shall not constitute patentable inventions:

- a) plant and animal varieties, as well as the essentially biological processes for the production of plants or animals,
- b) processes for cloning of human beings,
- c) uses of human embryos for industrial or commercial purposes,
- d) processes for modifying the genetic identity of human beings,
- e) processes for modifying the genetic identity of animals, as well as animals resulting from such processes,
- f) topographies of integrated circuits.

#### **Article 6. Condition for Patentability of Utility Model**

(1) Any new and industrially applicable solution that concerns the technical construction of means of production and consumer articles as well as compound parts thereof (condition for patentability of utility model) shall be protected as a utility model in the order established by the Law.

(2) A utility model shall be considered to be new, if it does not form separate part of the state of the art.

(3) The state of the art shall be held to comprise any kind of information on technical solutions made available to the public anywhere in the world before the date of priority of the utility model concerned. Additionally, the state of the art shall be held to comprise the content of inventions and utility models, with the earlier priority, and disclosed applications filed with the Authorized Body, provided that the Authorized Body subsequently publishes those applications or the patents granted on the basis thereof.

(4) Such disclosure of information, relating to the utility model, by the inventor (applicant) or any person having obtained the information directly or indirectly from them, that made information on the essence of the invention public, shall not be deemed as rendering the invention unpatentable, if the application for the invention were filed with the Authorized Body within 12 months after said disclosure of information or, where an earlier priority date is claimed, no earlier than 12 months prior to that date (the burden of proof of the foregoing shall be on the applicant).

(5) A utility model shall be deemed industrially applicable, if it can be used in industry, agriculture, public health and in other fields.

(6) Processes, substances, strains of microorganisms, biotechnological results, their use for a new purpose as well as the subject matters set out in Article 5(8) of this Law shall not be protected as utility models.

#### **Article 7. Conditions for Patentability of Industrial Design**

(1) Any artistic and technical solution defining the outward appearance of an article shall enjoy protection as an industrial design under this Law, if it is novel, original and industrially applicable (condition for patentability of industrial design).

(2) An industrial design shall be deemed new, if the sum of its essential features, determining the special aesthetic and/or ergonomic characteristics of the article in which it is embodied, was not known from information generally available in the world before the priority date of the design.

(3) Public disclosure of the essence of an industrial design by the inventor, applicant or by any other person who has obtained such information directly or indirectly from the latter shall not affect patentability, provided that the disclosure took place no earlier than six months preceding the filing date of the application on an industrial design or, where an earlier priority date is claimed, no earlier than six months preceding that date (the burden of proof of the foregoing shall be on the applicant).

(4) An industrial design shall be deemed original, if its essential features determine the creative nature of the special aesthetic and/or ergonomic characteristics of the article in which it is embodied.

(5) An industrial design shall be deemed industrially applicable, if it can be reproduced in multiple quantities by the manufacture of the corresponding article.

(6) The following shall not be recognized as patentable industrial designs:

- a) solutions that are determined exclusively by the technical function of the article,
- b) solutions that relate to architectural works (with the exception of small-scale architectural forms) and industrial, hydro technical and other stationary structures,
- c) solutions of printed products as such;
- d) solutions that relate to subject matter of unstable form such as liquids, gaseous and dry substances or the like.

### **Chapter 3: Inventor and Patent Owner of Industrial Property Object**

#### **Article 8. Inventor of Industrial Property Object**

(1) A natural person whose creative work resulted in the invention, utility model or industrial design shall be recognized as the author of the invention, utility model or industrial design.

(2) Where the industrial property object is the result of the joint creative work of more than one natural person, those persons shall be recognized as the joint inventors. Relations between the joint inventors shall be determined by a contract concluded between them.

(3) Natural persons shall not be recognized as joint authors where they have not made a personal creative contribution to the creation of an invention, utility model or industrial design, but have simply given the inventor (or inventors) technical, organizational or material assistance or helped him (or them) in securing the legal rights in the industrial property object or in using it.

(4) The authorship right shall be an inalienable and non-transferable personal non-property right and shall be protected interminably.

(5) An inventor shall have the right not to be mentioned as such in any information published with respect to the patent.

(6) An inventor shall be entitled to name the industrial property object he has created by his name or by a special name if it is without prejudice to third person's rights protected by the legislation of the Republic of Armenia.

#### **Article 9. Patent Owner of Industrial Property Object**

(1) A patent on an invention, utility model or industrial design shall be granted to:

the inventor (or joint inventors);

the employer in the cases provided for by item 2 of this Article;

the successors of the mentioned persons, if the right to be granted a patent is transferred to the formers by the order of comprehensive succession or according to an agreement

(2) A patent on an invention, utility model or industrial design (service invention, utility model or industrial design), created by an employee as part of his professional duties or tasks set by the employer, shall be granted to the employer if appropriate provision is made by the contract concluded between them.

(3) The level, conditions and procedure for payment of remuneration to the inventor of a service invention, utility model or industrial design shall be determined by agreement between the inventor and the employer and, in the absence of such an agreement, by court decision.

(4) The employee shall be required to inform the employer in writing, within one month of the date of the invention, of any invention made or any utility model or industrial design created in relation to the employee's duties.

(5) If, within a period of three months of the date on which the employee has informed the employer of the invention that has been made, or of the utility model or industrial design that has been created, the employer or his successor in title has not filed an application for a patent with the Authorized Body, the right to file an application and to grant a patent shall belong to the inventor.

(6) In this case, the employer shall enjoy the pre-emptive right to receive a ordinary (nonexclusive) license for using the object in question.

#### **Article 10. Transfer by Succession of the Rights of the Inventor and Patent Owner of Industrial Property Object**

The right to file an application and to obtain a patent, the exclusive right to use an invention, utility model or industrial design, and the right to remuneration for such use shall be transferred by succession as stipulated by law.

### **Chapter 4: The Exclusive Right to the Invention, Utility Model or Industrial Design**

#### **Article 11. Rights and Obligations of the Patent Owner**

(1) The patent owner shall have an exclusive right to the invention, utility model or industrial design. The patent owner shall have an exclusive right to prohibit third parties to use industrial property object protected by the patent without his permission as well as to use it at his discretion, if this is without prejudice to the rights of other patent owners.

(2) The exclusive right of the patent owner shall take effect from the day of official publication of information on the grant of the patent.

(3) Where there are two or more joint owners, the relations concerning use of the industrial property object shall be governed by a contract concluded between those persons. In the absence of such a contract, each of the owners may use the protected object as he wishes, but shall not be entitled to assign the patent to other persons nor to authorize (grant a license) to use the protected subject matter without the consent of the remaining owners.

(4) Infringement of the exclusive right of the patent owner shall mean commitment of the following actions without the authorization of the patent owner:

manufacture, application, import, offer for sale and other ways of putting of the subject matter protected by a patent into civil circulation or its storage for these purposes,

use of a process protected by patent or the proposal on its use,

use, import, offer for sale, sale of a product directly obtained by a patented process and other ways of its putting into civil circulation.

#### **Article 12. Use of Industrial Property Object**

(1) Use of industrial property object shall be considered to include the manufacture, application, offer for sale, sale, storage, import and other actions relating to the introduction into the economy of products containing the object, as well as the use of the process protected by the patent.

(2) The product shall be considered to contain the patented invention or utility model, if it comprises each feature of the invention or utility model stated in an independent claim of the invention or utility model, or a feature equivalent to it.

(3) The process protected by the patent shall be considered to have been used, provided that each feature of the independent claim of the invention or industrial model, or feature equivalent thereto, is used in the process.

(4) An article shall be considered to contain a patented industrial design, if all the essential features of the design are used in the article.

(5) The validity of the patent on the process of obtaining the products shall also extend to the products obtained directly by this process. In that regard, the products shall be considered to have been obtained by the patented process, if it is not shown that they are obtained by a different method. In this case, the burden of proof shall be placed on the applicant if the products obtained by the patented process are novel.

#### **Article 13. Acts Not Recognized as Infringements on the Exclusive Right of the Patent Owner**

(1) The performance of the following acts shall not constitute an infringement of the exclusive rights of the patent owner:

a) scientific research on a product or process, incorporating a patented invention or utility model, or scientific experiments with such product or process,

b) occasional preparation in pharmacies, based on physicians' prescriptions, of medicaments using a patented invention

c) on any vehicle belonging to another State and inadvertently or temporarily located on the territory of the Republic of Armenia, if it is determined exclusively by the needs of the vehicle and the latter belongs to the citizens and/or legal persons of a State providing the same rights to citizens and legal persons of the Republic of Armenia,

d) use of a patented invention, utility model or industrial design for personal needs, not related to business activities, if the purpose of such use is not to make profit (revenue),

e) if the products obtained by using the process containing industrial property object protected by a patent, or a process protected by a patent has been introduced into the Republic of Armenia according to the law by the patent owner himself or with his consent.

(2) Nor shall the import onto the territory of the Republic of Armenia of products obtained by using the process containing the industrial property object, or the process, protected by the patent be considered to infringe the patent owner's exclusive right, if the products are made available in another country by means of sale, according to the law, and by the patent owner or with his consent.

#### Article 14. **Right of Prior Use**

(1) Any person who, before the priority date of an invention, utility model, industrial design, has used an identical solution created independently of the inventor and has used it bona fide in the territory of the Republic of Armenia or who has made the necessary preparatory works for it, shall retain the right to further non-compensated use, provided that the scope of such a use is not extended (right of prior use).

(2) The right of prior use shall be permitted to be transferred to another natural person or legal entity only together with the production unit in which the use of the identical solution has taken place or the necessary preparations for such a use have been made.

#### Article 15. **Grant of the Right to Use the Industrial Property Object and Assignment of Patent**

(1) Use of patented industrial property object by any other person shall be lawful only with the authorization of the patent owner, on the basis of a license contract.

(2) Under a license contract, the patent owner (the licensor) shall grant, within the limits specified in the contract, the right to use the patented subject matter to another person (the licensee) who shall undertake to pay to the licensor the amounts and to perform the other acts stipulated in the contract.

(3) An exclusive license shall afford the licensee the exclusive right to use the industrial property object within the limits specified in the contract, beyond which the licensor shall retain his right to use the part of the object not assigned to the licensee.

(4) A non-exclusive license shall allow the licensor, while granting the licensee the right to use the industrial property object, to retain all the rights deriving from the patent, including the right to grant licenses to third parties.

(5) The patent owner may request the Authorized Body to publish a notice to the effect that he is willing to grant other persons the right to use the industrial property object (open license). Where within two years after publication of an announcement on signing a license agreement the patent owner does not receive any written proposal the latter may apply to the authorized body with a request on withdrawal. In this case the state fees for keeping the patent in force shall, for the period between the date of the publication of the announcement and the date of withdrawal, be subject to additional



payment, and for further period it shall be paid by total rate. The Authorized body shall publish information on the withdrawal of the request in its Official Gazette.

(6) The owner of the patent on industrial property object may assign the patent to a third person.

(7) The agreement on assignment of the license contract shall be subject to registration in the Authorized Body in the order established by it.

(8) The agreement on assignment of the license contract or the license contract not registered in the Authorized Body is invalid.

(9) The decision related to the registration of the license contract and contract on assignment may be disputed in the Board of Appeal of the Authorized Body or be heard by the court.

#### **Article 16. Compulsory Licenses**

(1) In the interests of the national security of the Republic of Armenia and society, in exceptional circumstances and also for the non-commercial use by the State of an invention, utility model or industrial design, the Government of the Republic of Armenia may use, or authorize third parties to use, the invention, model or design, without the consent of the patent owner (compulsory license), and shall inform the patent owner accordingly within 10 days and shall pay him appropriate financial compensation, taking into account the circumstances of each case and the economic value of such authorization.

(2) If, during the four years following the filing date of an application, or three years of the grant of the patent (the latest deadline shall apply), an invention, utility model or industrial design are not used or are insufficiently used, any person who, on the expiry of such a term, wishes to use the invention, utility model or industrial design, that has not succeeded in concluding a license contract with the patent owner, may request the Government of the Republic of Armenia to grant a compulsory non-exclusive license. A license shall be granted if the patent owner cannot give good reasons for the insufficient use or lack of use of the invention, utility model or industrial design.

(3) If an invention, utility model or industrial design protected by a patent is of great economic value, they may not be used without infringing the rights of the patent owner to another invention, utility model or industrial design protected by a patent (“first patent”), the patent owner in question (“second patent”) may, where an agreement is not reached regarding the conclusion of a license contract, request the Government of the Republic of Armenia to grant him a compulsory license. Where the request made by the patent owner of the “first patent” is satisfied, he shall have the right to receive in return a compulsory license for use of the subject matter protected by the “second patent.” The patent owner may assign in return the right acquired according to the compulsory license to another person only together with the rights deriving from his patent.

(4) A compulsory license may only be non-exclusive and shall be granted, depending on its purpose, for a specific period and subject to particular conditions, basically to satisfy domestic market demand.

(5) In the case of semiconductor technologies, a compulsory license may be granted only by the State—for non-commercial use and also judicial or administrative authorities—for correcting anti-competitive practices.

(6) A person who has obtained a compulsory license may assign the right to use industrial property object only together with the part of the organization in which use of the subject matter in question takes place.

(7) A compulsory license shall be recognized as being no longer in force if, at the time it is concluded by the competent authority, the circumstances which gave rise to the license are considered to have lapsed and the probability that they will recur is small. In that regard, the legal interests of the persons who have obtained the compulsory license shall be taken into account and shall be protected. In the case of substantiated requests, the authority in question may examine the issue of whether the relevant circumstances continue to exist.

(8) Disputes relating to the grant of a compulsory license, as well as the relevant levels, procedure and periods of payment shall be settled by the courts.

(9) The conditions for the provision of a compulsory license shall be regulated according to the procedure established by the Government of the Republic of Armenia.

#### **Article 17. Infringement of a Patent**

(1) Any person, who shall use the patented invention, utility model or industrial design with the infringement of this Law (in a manner contrary to this Law) is deemed to be the patent infringer

(2) The patent owner shall have the right to demand:

cessation of patent infringement,

in the order established by the Law, compensation for losses by the patent infringer

publication of the court ruling to protect his business reputation,

implementation other remedies as provided under legislation of the Republic of Armenia.

(3) Requirements can be submitted to the infringer also by the person who has received exclusive license unless otherwise provided by the license contract or by the request of a person who has obtained a non-exclusive license if it is provided for in the license contract.

### **Chapter 5: Patenting of Industrial Property Objects**

#### **Article 18. Patent Application Documents**

(1) Patent application documents (the application) shall be filed with the Authorized body by the inventor, employer or their successor in title (the applicant).

(2) The request for the grant of a patent shall be filed in Armenian.

(3) Other documents of the application the applicants from the Republic of Armenia are obliged to file in Armenian; foreign applicants may be presented in another language. In such a case, they are obliged to file with the Authorized body its Armenian translation within two months of the filing date.

The request shall be signed by the applicant and in the event of application filing through a patent attorney or other representative - by the applicant, patent attorney, or other representative.

(4) The clerical work with the Authorized body can be performed by the patent owner, other interested person personally, or through the patent attorney registered with the Authorized body or other representative.

Foreign legal entities and natural persons domiciled outside the Republic of Armenia shall perform the clerical work with the Authorized body by the patent attorneys registered with the Authorized body.

In the cases, stipulated under international treaties of the Republic of Armenia foreign legal entities or natural persons domiciled outside the Republic of Armenia can file an application personally, pay patent fees and make other actions according to the international treaty. In the case according to this paragraph the applicant, other interested person perform the clerical work with the Authorized body personally or with other representative who is not a patent attorney registered with the Authorized body, the Authorized body may request to mention the address to in the territory of the Republic of Armenia. The patent attorney's or other representative's authorization to act shall be attested to by a power of attorney granted to him by the applicant, patent attorney, other interested person.

(5) If according to this article the applicant, patent owner, other interested person who wish to obtain a patent and to maintain it in force shall act personally or through other person who is not a patent attorney registered with the Authorized body in that case the Authorized body may request to mention the address to in the territory of the Republic of Armenia.

(6) The patent attorney's or other representative's authorization to act shall be attested to by a power of attorney granted to him by the applicant, other interested person which can be filed attached with the Authorized body or within two months of the filing date.

(7) The activities of patent agents shall be governed by an order of the Government of the Republic of Armenia.

(8) The procedure for registering patent agents shall be laid down by the Authorized Body.

#### **Article 19. Application on an Invention**

(1) An application on an invention shall relate to one invention or to a group of inventions so linked as to form a single general inventive concept (requirement of unity of invention).

(2) An application on an invention shall contain:

- a) a request for the grant of a patent, stating the title of the invention, the names of the applicant (or applicants) and the inventor (or inventors), and the their places of residences or places of business,
- b) the description, disclosing the claimed invention in sufficient detail for it to be carried out by a person skilled in the field from the prior art,
- c) the claims, stating the essential features of the invention and fully supported by the description,
- d) the drawings or other material, where indispensable for the understanding of the disclosure,
- e) a summary of the invention (an abstract).

(3) An application on an invention shall be accompanied by proof of payment of the prescribed fee.

(4) The requirements for invention application documents shall be determined by the Authorized Body.

(5) The date of filing an application on an invention shall be set by the Authorized body according to the application filing date if it includes at least:

- a) an indication to the effect that the elements are intended to be an application;
- b) indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office;
- c) a part which on the face of it appears to be a description.

The Authorized Body shall, within five days after receiving the application, examine its conformity to the mentioned requirements and in case of non-conformity notify the applicant immediately and invites the latter to submit the missing documents (information) within a two-month period after receiving the notification. If the applicant does not submit the requested documents within the mentioned period then the application shall be deemed not filed and the applicant shall be informed about.

If the mentioned documents are submitted to the Authorized Body at different times then the date of the application shall be the date of the last received document.

(6) The applicant may, instead of the element, which by its outward appearance reminds the description of the invention under item (5) paragraph c) of this Article, submit a request that in order to set the application date the description of the invention be replaced with a reference to the application earlier filed (initial or prior application). The request shall be submitted in Armenian and contain the number of the original application and the date of its filing. If the initial or prior application is filed by a third person then the document approving the succession shall be attached to the request.

Where such a request exists the applicant shall submit an attested copy of the earlier filed application during 4 months after filing the application with the Authorized Body

If the earlier filed application is filed in another language then the Armenian translation of it shall be submitted within the mentioned period.

(7) Where the Authorized Body, while setting the application filing date, considers that the part description of the invention or its diagram misses to which there is a reference, then it shall notify the applicant immediately about the necessity to submit the missing documents within a two-month period after receiving the notification.

If within the mentioned two-month period the applicant submits the documents mentioned in the notification then they shall be included in the file of the application. In that case, the date of the application filing shall be set as of the date of receiving the part of the description or the diagram. If the mentioned documents are submitted at different times then the date of the application shall be the date of the last received document. If the applicant does not submit the requested documents within the mentioned period the application shall be deemed not filed.

(8) An application on an invention and the documents attached may be submitted in electronic format in the order established by the Authorized Body.

## **Article 20. Application on a Utility Model**

(1) An application on a utility model shall relate to one utility model or to a group of utility models so linked as to form a single general inventive concept (requirement of unity of utility model).

(2) An application on a utility model shall contain:

- a) a request for the grant of a patent, stating the title of the utility model, the names of the applicant (or applicants) and the inventor (or inventors), and their places of residences or places of business;
- b) the description, disclosing the claimed utility model in sufficient detail for it to be carried out by a person skilled in the field from the prior art;
- c) the claims, stating the essential features of the invention and fully supported by the description;
- d) the drawings or other material, where indispensable for the understanding of the disclosure;
- e) a summary of the utility model (an abstract).

(3) An application on a utility model shall be accompanied by proof of payment of the prescribed fee.

(4) The requirements for utility model application documents shall be determined by the Authorized Body.

(5) The date of filing an application on a utility model shall be set by the Authorized body according to the application filing date if it includes at least:

- a) an indication to the effect that the elements are intended to be an application,
- b) indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office,
- c) a part which on the face of it appears to be a description.

The Authorized Body shall, within five days after receiving the application, examine its conformity to the mentioned requirements and in case of non-conformity notify the applicant immediately and invites the latter to submit the missing documents (information) within a two-month period after receiving the notification. If the applicant does not submit the requested documents within the mentioned period then the application shall be deemed not filed and the applicant shall be informed about.

If the mentioned documents are submitted to the Authorized Body at different times then the date of the application shall be the date of the last received document.

(6) The applicant may, instead of the element, which by its outward appearance reminds the description of the utility model under item (5) paragraph c) of this Article, submit a request that in order to set the application date the description of the utility model be replaced with a reference to the application earlier filed (initial or prior application). The request shall be submitted in Armenian and contain the number of the original application and the date of its filing. If the initial or prior application is filed by a third person then the document approving the succession shall be attached to the request.

Where such a request exists the applicant shall submit an attested copy of the earlier filed application during 4 months after filing the application with the Authorized Body.

If the earlier filed application is filed in another language then the Armenian translation of it shall be submitted within the mentioned period.

(7) Where the Authorized Body, while setting the application filing date, considers that the part of description of the utility model or its diagram, to which there is a reference, misses, then it shall notify the applicant immediately about the necessity to submit the missing documents within a two-month period after receiving the notification.

If within the mentioned two-month period the applicant submits the documents mentioned in the notification then they shall be included in the file of the application. In that case the date of the application filing shall be set as of the date of receiving the part of the description or the diagram. If the mentioned documents are submitted at different times then the date of the application shall be the date of the last received document. If the applicant does not submit the requested documents within the mentioned period the application shall be deemed not filed.

(8) An application on a utility model and the documents attached may be submitted in electronic format in the order established by the Authorized Body.

## Article 21. **Application on an Industrial Design**

(1) An application on an industrial design shall relate to one design and may include alternatives to the design (requirement of unity of industrial design).

(2) An application on an industrial design shall contain:

- a) a request for the grant of a patent, stating the title of the design, the names of the applicant (or applicants) and the inventor (or inventors), and the their places of residences or places of business,
- b) a description of the industrial design, including a list of its essential features,
- c) a set of photographs of the manufactured article, the model or the design, constituting a full and detailed representation of the outward appearance of the article,
- d) a representation of the series of components of the article, an assembly diagram or an overall view of the manufactured article, where necessary for the understanding of the subject matter of the industrial design.

(3) An application on an industrial design shall be accompanied by proof of payment of the prescribed fee.

(4) The requirements for industrial design application documents shall be determined by the Authorized Body.

(5) The date of filing an application on an industrial design shall be set by the Authorized body according to the application filing date if it includes at least:

- a) an indication to the effect that the elements are intended to be an application,
- b) indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office,
- c) a part which on the face of it appears to be a description.

The Authorized Body shall, within five days after receiving the application, examine its conformity to the mentioned requirements and in case of non-conformity notify the applicant immediately and invites the latter to submit the missing documents (information) within a two-month period after receiving the notification. If the applicant does not submit the requested documents within the mentioned period then the application shall be deemed not filed and the applicant shall be informed about.

If the mentioned documents are submitted to the Authorized Body at different times then the date of the application shall be the date of the last received document.

(6) The applicant may, instead of the element, which by its outward appearance reminds the description of the industrial design under item (5) paragraph c) of this Article, submit a request that in order to set the application date the description of the industrial design be replaced with a reference to the application earlier filed (initial or prior application). The request shall be submitted in Armenian and contain the number of the original application and the date of its filing. If the initial or prior application is filed by a third person then the document approving the succession shall be attached to the request.

Where such a request exists the applicant shall submit an attested copy of the earlier filed application during 4 months after filing the application with the Authorized Body.

If the earlier filed application is filed in another language then the Armenian translation of it shall be submitted within he mentioned period.

(7) Where the Authorized Body, while setting the application filing date, considers that the part of description of the industrial design or its diagram, to which there is a reference, misses, then it shall notify the applicant immediately about the necessity to submit the missing documents within a two-month period after receiving the notification.

If within the mentioned two-month period the applicant submits the documents mentioned in the notification then they shall be included in the file of the application. In that case the date of the application filing shall be set as of the date of receiving the part of the description or the diagram. If the mentioned documents are submitted at different times then the date of the application shall be the date of the last received document. If the applicant does not submit the requested documents within the mentioned period the application shall be deemed not filed.

(8) An application on an industrial design and the documents attached may be submitted in electronic format in the order established by the Authorized Body.

#### **Article 22. Priority of Industrial Property Object**

(1) Priority of an invention, utility model or industrial design shall be established as per the date of application filing with the Authorized Body.

(2) Priority may be established as per the date of the first application filing in a member state of the Paris Convention on Protection of Industrial Property (convention priority), if the Authorized Body receives the application for the invention (utility model) within a period of 12 months and, in the case of an industrial design, within six months, starting from that date. An applicant, wishing to make use of the Convention Priority right in respect to a utility model or an industrial design application, shall be obliged to inform thereon the Authorized Body within 2 months from the date of filing of such application and present a certified copy of the first application within 3 months from the date of filing with the Authorized Body of the application, seeking Convention Priority.

(3) Priority of an invention, a utility model or an industrial design may be determined by the date of receipt by the Authorized Body of additional documents, if such a material is submitted as a new application and is filed within 3 months of the date on which the applicant received notification of the fact that the additional materials would not be taken into consideration, since they modified the subject matter of the solution described in the initial application materials, provided that the initial application is not deemed withdrawn by the date of filing the new application.

(4) Priority of an invention, a utility model or an industrial design may be determined in accordance with the date of receipt of an earlier application by the same applicant that discloses the essence of the same invention, utility model or industrial design, provided that it is not withdrawn as of the date of filing of the application claiming such a priority if the new application is filed with the Authorized body within a period of 12 months of the filing date of the earlier application. In such cases, the earlier application shall be deemed withdrawn.

(5) Priority may be determined on the basis of earlier applications if the procedure set out in paragraph (4) of this article is complied with in relation to each relevant application.

(6) The priority of an application may not be determined on the basis of the date of receipt of an application in which an earlier priority is already claimed.

(7) The priority of an invention, utility model or industrial design, the application for which has been filed following its division from the initial application (divisional application), shall be determined according to the date of receipt of the initial application, if the divisional application has been received prior to the decision not to grant a patent on the initial application and, where a decision is taken to grant a patent, not later than the State registration of the industrial property subject matter,

provided that the initial application is not withdrawn or is not deemed withdrawn as of the date of filing the divisional application.

(8) Where it is found during examination that identical inventions, utility models or industrial designs have the same priority date, a patent may be granted for the application that is proved to have been sent first to the Authorized Body. Where those dates coincide, a single patent shall be granted to the applicants with their consent. In the absence of agreement, the matter shall be settled by the courts.

### **Article 23. Preliminary Examination of Application on an Invention**

(1) The preliminary examination of an application on an invention shall be carried out by the Authorized Body within two months of the application filing date, in accordance with this article and in the order established by the Authorized Body.

(2) The preliminary examination shall include verification that the requisite application documents have been filed in accordance with the established requirements, and it shall be clarified whether the filed invention meets the requirements of Article 4(6), Article 5(7) and (8), and Article 19(1) of this Law, with no assessment of the economic effectiveness of the invention.

(3) If, as a result of the preliminary examination, it is ascertained that the application documents meet the established requirements, the Authorized Body shall decide whether to publish the application officially.

(4) If it is ascertained that the application does not meet the established requirements, a request shall be sent to the applicant to submit the corrected or missing documents within two months.

(5) If the application has been filed without respecting the requirement of unity, the applicant shall be invited to state, within two months, which of the inventions shall be examined and to make the necessary clarifications to the application documents.

(6) If, within the period indicated, the applicant does not respond to the notification that he has infringed the requirement of unity, the invention cited first in the claims shall be examined. In this case the applicant shall be submitted an enquiry with an invitation to make the necessary corrections in the application documents within two months from receiving the enquiry.

(7) During the preliminary examination an applicant may, at his own initiative or if invited to do so, make corrections or clarifications to the application by submitting additional elements, provided such elements do not modify the subject matter of the invention as claimed, if at the time the application is filed he has not renounced this right. The additional elements shall be held to amend the subject matter of the invention if they contain features that were not contained in the application as originally filed but which should be included in the claims. Any additional elements that modify the subject matter of the invention as claimed shall not be taken into consideration for the purposes of the examination and the applicant may submit them as a separate application. In this case the period for the preliminary examination extends for no longer than 1 month.

(8) If the additional or revised elements are not submitted within two months, in accordance with the examination request, the application shall be deemed to be withdrawn.

(9) If, as a result of the preliminary examination, it is ascertained that the filed invention relates to Article 4(7) or Article 5 (7) (8) of this Law, a decision shall be taken to reject the grant of a patent.

(10) If the applicant does not agree with the examiner's decision not to grant a patent, he may submit to the Authorized Body a request for re-examination within two months of the date of receipt of the decision. The application shall be re-examined within one month of the date of receipt of the request.



(11) According to the results of the re-examination, the Authorized Body shall decide whether to refuse to grant a preliminary patent or to publish the application officially.

(12) If the applicant does not agree with the decision taken as a result of the re-examination, he may, within two months of receiving it, contest the decision before the Authorized Body Appeals Board. The Board of Appeal shall examine the appeal within two months of receiving it.

(13) If the applicant does not agree with the decision taken following re-examination or with that given by the Appeals Board, he may, in accordance with the requisite legal procedure, apply to the courts.

#### **Article 24. Official Publication and Laid Open for Public Inspection of Application on an Invention**

(1) The Authorized Body shall, on the basis of a decision regarding the official publication of an application on an invention, publish information on the application in its official journal.

(2) The full content of the published information shall be determined by the Authorized Body.

(3) An application together with attachments shall be submitted for laid open for public inspection for a period of four months following the date of official publication of information on the application on an invention.

#### **Article 25. Opposition**

(1) Any person may, in the course of laid open for public inspection of an application on an invention, lodge a proved opposition against the grant of a patent on the application in question.

(2) An opposition against the grant of a patent shall be lodged with the Authorized Body not later than the four-month period allotted for universal disclosure.

(3) The procedure for formulating, lodging and examining an opposition shall be determined by the Authorized Body.

(4) The Authorized Body shall, within 10 days of receiving the opposition, send the applicant a copy thereof and shall propose that the applicant submits any relevant comments within one month.

#### **Article 26. Examination of Opposition and Pending Provisional Patent Decision**

(1) During laid open for public inspection the Authorized Body shall, when receiving an opposition against the grant of a patent following expiry of the period of such laid open for public inspection, or within one month of the applicant submitting his comments in accordance with Article 25(4) of this Law, whichever is the later, and taking into account the information available to it testifying to the clear infringement of the patentability conditions for an invention, examine the oppositions lodged and shall decide whether to grant a provisional patent or to refuse it.

(2) The applicant shall be informed within 10 days of any decision taken by the Authorized Body.

(3) Where the applicant does not agree with a decision taken by the Authorized Body, he may, within two months of the date on which he receives the decision, request a re-examination to be carried out. The re-examination shall take place within one month of the date of receipt of the request.

(4) According to the results of the re-examination, the Authorized Body shall decide whether to grant, or to refuse to grant, a provisional patent.

(5) The applicant and the person lodging the opposition shall be informed of the Authorized Body's decision within 10 days.

(6) Where the applicant does not agree with the decision taken following re-examination, he may, within two months of receiving the decision, lodge an appeal with the Authorized Body Appeals Board. The Board of Appeal shall examine the appeal within two months of receiving it.

(7) Where the applicant does not agree with the decision taken following re-examination or with that given by the Appeals Board, he may, in accordance with the requisite legal procedure, apply to the courts within six months after receiving the decision.

(8) Where no appeal is lodged against the grant of a patent, upon expiry of the period of laid open for public inspection, the Authorized Body shall, in accordance with the established legal procedure and within 10 days, decide to grant a provisional patent.

(9) A provisional patent shall be granted subject to the applicant's responsibility and with no guarantee of its validity.

#### **Article 27. Substantive Examination of Invention**

(1) On the basis of a request by an applicant or in case a provisional patent is granted, upon the request of the patent owner, which may be submitted up to seven years from the date the application was filed, until the expiry of validity of the patent, the Authorized Body shall carry out a substantive examination of the patent on whether or not compliance with the patentability conditions established by Article 5 (2), (3) and (7) of this Law and, issuing from the substance of the invention, requirement of unity of invention has been achieved according to item 1 of Article 19.

The request may also be submitted within 12 months of the expiry of the period in question, provided that the request be accompanied by a document proving the payment of the additional state fee.

(2) During the substantive examination of a patent the Authorized body on the basis of their enquiry may request the applicant or the patent owner to submit additional documents, which make the examination possible. The applicant shall be submitted additional documents within two months from the date of the receipt of such invitation.

Where the request about the additional documents is not submitted within the prescribed time, the application shall be deemed recalled.

(3) According to the results of the substantive examination, the Authorized Body shall decide whether to grant, or to refuse to grant, a basic patent.

(4) If the applicant does not agree with the examiner's decision not to grant a basic patent, he may submit to the Authorized Body a request for re-examination within two months of the date of receipt of the decision. The application shall be re-examined within one month of the date of receipt of the request.

(5) Where the applicant does not agree with the decision of re-examination, he may, within two months of the date of its receipt, lodge an appeal with the Authorized body Appeals Board. The Board of Appeal shall examine the appeal within two months of receiving it.

(6) Where the applicant does not agree with any decision of examination or the Appeals Board, he may, within two months of the date of its receipt, apply to the courts in accordance with the requisite legal procedure.

(7) The procedure for carrying out the substantive examination of the invention shall be determined by the Authorized body.

#### **Article 28. Temporary Legal Protection for Invention**

(1) Temporary legal protection shall be granted for an invention, from the day of official publication of the application on an invention until the day of official publication of information on the granted patent, to cover the scope of the claims filed for laid open for public inspection.

(2) Temporary legal protection shall be considered not to have been granted, if the possibilities for appeal against a decision of the Authorized Body to refuse to grant a patent have been exhausted.

(3) Third parties that have used an invention for the period indicated in paragraph (1) of this article shall pay the patent owner appropriate monetary compensation for such use. The level of compensation shall be determined by agreement between the parties. Where such an agreement does not exist, the matter shall be settled by the courts.

(4) The period indicated in paragraph (1) of this article may begin from the day on which the applicant informs the persons using the claimed invention accordingly, if this day precedes the day of official publication of the application for the invention.

#### **Article 29. Examination of Application on a Utility Model**

(1) A utility model application shall be examined by the Authorized Body within two months of the date of its receipt, in accordance with this article and the procedure established thereby.

(2) The examination shall include verification that the requisite application documents have been filed in accordance with the established requirements, and it shall be clarified whether the filed utility model meets the requirements of Article 4(6), Article 6(6), and Article 20(1) of this Law, with no assessment of the economic effectiveness of the utility model.

(3) If, as a result of the examination, the Authorized Body ascertains that the application meets the established requirements, a decision shall be taken to grant a utility model patent.

(4) If it is ascertained that the application does not meet the established requirements, a request shall be sent to the applicant to submit the corrected or missing documents within two months.

(5) If the application has been filed without respecting the requirement of unity, the applicant shall be invited to state, within two months, which of the utility models shall be examined and to make the necessary clarifications to the application documents.

(6) If, within the period indicated, the applicant does not respond to the notification that he has infringed the requirement of unity, the utility model cited first in the claims shall be examined.

(7) During the examination an applicant may, at his own initiative or if invited to do so, make corrections or clarifications to the application by submitting additional elements, provided such elements do not modify the subject matter of the utility model as claimed, if at the time the application is filed he has not renounced this right. The additional elements shall be held to amend the subject matter of the utility model if they contain features that were not contained in the application as originally filed but which should be included in the claims. Any additional elements that modify the

subject matter of the utility model as claimed shall not be taken into consideration for the purposes of the examination and the applicant may submit them as a separate application.

(8) If the additional or revised elements are not submitted within two months, in accordance with the examiner's request, the application shall be deemed to have been withdrawn.

(9) If, as a result of the examination, it is ascertained that the filed utility model relates to Article 4(6) or Article 6(6) of this Law, a decision shall be taken to reject the grant of a patent.

(10) If the applicant does not agree with the examiner's decision, he may submit to the Authorized Body a request for re-examination within two months of the date of receipt of the decision. The application shall be re-examined within one month of the date of receipt of the request.

(11) According to the results of the re-examination, the Authorized Body shall decide whether to grant a utility model patent or to refuse to grant such a patent.

(12) The patent shall be granted subject to the applicant's responsibility with no guarantee of its validity.

(13) If the applicant does not agree with the decision taken following re-examination, he may, within two months of receiving the decision, appeal to the Authorized Body Appeals Board. The Board of Appeal shall examine the appeal within two months of receiving it.

(14) Where the applicant does not agree with the decision taken following re-examination or that given by the Appeals Board, he may apply to the courts in accordance with the requisite legal procedure.

### **Article 30. Examination of Application on an Industrial Design**

(1) A preliminary examination of application on an industrial design by the Authorized Body within two months after setting the filing date of the application in accordance with this article and the procedure established thereby.

(2) The examination shall include verification that the requisite application documents have been filed in accordance with the established requirements, and it shall be clarified whether the filed industrial design meets the requirements of Article 4(7), Article 7(6), and Article 21(1) of this Law, with no assessment of the economic viability of the industrial design.

(3) If, as a result of the examination, the Authorized body ascertains that the application meets the established requirements, a decision shall be taken to grant an industrial design patent.

(4) If it is ascertained that the application does not meet the established requirements, a request shall be sent to the applicant to submit the corrected or missing documents within two months.

(5) If the application has been filed without respecting the requirement of unity, the applicant shall be invited to state, within two months, which of the industrial designs shall be examined and to make the necessary clarifications to the application documents.

(6) If, within the period indicated, the applicant does not respond to the notification that he has infringed the requirement of unity, the industrial design cited first in the description shall be examined. In this case an enquiry shall be submitted to the applicant inviting him to make corrections in the application documents within a period of two months.

(7) During the examination an applicant may, at his own initiative or if invited to do so, make corrections or clarifications to the application by submitting additional elements, provided such elements do not modify the subject matter of the industrial design as claimed, if at the time the application is filed he has not renounced this right. The additional elements shall be held to amend the subject matter of the industrial design if they contain features that were not contained in the application as originally filed but which should be included in the description. Any additional elements that modify the subject matter of the industrial design as claimed shall not be taken into consideration for the purposes of the examination and the applicant may submit them as a separate application.

(8) If the additional or revised elements are not submitted within two months, in accordance with the examiner's request, the application shall be deemed to have been withdrawn.

(9) If, as a result of the examination, it is ascertained that the filed industrial design relates to Article 4(7) or Article 7(6) of this Law, a decision shall be taken to reject the grant of a patent.

(10) If the applicant does not agree with the examiner's decision, he may submit to the Authorized body a request for re-examination within two months of the date of receipt of the decision. The application shall be re-examined within one month of the date of receipt of the request.

(11) According to the results of the re-examination, the Authorized body shall decide whether to grant an industrial design patent or to refuse to grant such a patent.

(12) The patent shall be granted subject to the applicant's responsibility with no guarantee of its validity.

(13) If the applicant does not agree with the decision taken following re-examination, he may, within two months of receiving the decision, appeal to the Authorized body Appeals Board. The Board of Appeal shall examine the appeal within two months of receiving it.

(14) Where the applicant does not agree with any decision of examination or that of the Appeals Board, he may, within a period of six months after the date of its appeal to the court in accordance with the requisite legal procedure.

#### **Article 31. Conversion of Application**

(1) The applicant may, before the date of the decision taken by the Authorized Body on granting a patent on invention, submit a request to the Authorized Body on converting the invention application into a utility model application. In case the Authorized Body makes a decision on declination of granting a patent on the grounds of lack of inventive step the applicant may, within two months after receiving the declination, submit a request on converting the invention application into a utility model application.

(2) The Authorized Body shall, on the basis of the applicant's request, convert the invention application into a utility model application provided that it complies with the requirements set by Article 6 (6) of this Law.

(3) A utility model application may be converted into an invention application before the decision of the Authorized Body on granting a patent to the utility model.

(4) The priority date set by the application and the date of filing shall be retained during the conversion under items 2 and 3 of this Article.

(5) The bases for submitting the request and the order of conversion shall be established by the Authorized Body.

#### **Article 32. Grant of a Patent and Publication of Information Thereon**

(1) The Authorized Body shall, on the basis of a decision to grant a patent and provided that the fee for granting the patent has been paid, register an invention, utility model or industrial design in the corresponding State register of the Republic of Armenia (hereinafter “the Register”) and, irrespective of the number of patent owners, shall grant them only one patent.

(2) The form of the patent and the content of the information stated therein shall be determined by the Authorized Body.

(3) The obvious errors made in the patent shall be corrected by the Authorized Body at the patent owner’s request.

(4) Together with publishing the industrial property object in the Register, the Authorized Body shall publish information on the grant of the patent in its Official Bulletin, together with full descriptions of the inventions and utility models.

(5) The list of the information published in the Official Bulletin shall be determined by the Authorized Body.

#### **Article 33. Withdrawal of Application, Assign to Right to Granting a Patent and Refusal of Patent**

(1) An applicant has the right to:

- a) withdraw the filed application, refuse a patent or assign to right to granting a patent before the state registration of the invention, utility model, industrial design,
- b) refuse a patent after the state registration of the invention, utility model, industrial design.

(2) Information on the refuse of the patent shall be published in the Official Bulletin of the Authorized Body.

(3) From the time information about refuse of the patent is published, the temporary protection provided by Article 28 of this Law shall be considered not to be granted.

#### **Chapter 6: Termination of Validity of Patents**

#### **Article 34. Invalidation of Patent on Invention, Utility Model or Industrial Design**

(1) A patent on an invention, utility model or industrial design may, at any time during the whole period of its validity, be recognized as fully or partially invalid, on the basis of an appeal against the grant of an appropriate patent, if:

- a) the patentability conditions established for an invention, utility model or industrial design by this Law have not been met,
- b) the claims for an invention or utility model contain features, which are missing as of the date of filing the application in the description of the invention or utility model and in the claims of the invention or utility model, provided that the application contains claims on the date of filing,
- c) features are engaged in the sum of essential features of industrial design, which, as of the date of filing the application, have not been included in the graphic representations of the industrial design,
- d) one patent has been granted to identical inventions, utility models or industrial designs, in contravention of the requirements established by Article 22 (8) of this Law,
- e) the patent granted indicates the name of a person as the author or the patent owner, who in accordance with the requirements established by this Law, is not deemed as such, or the patent does

not indicate the name of the person who in accordance with the requirements established by this Law, is deemed as such.

(2) The person submitting an appeal shall provide reasons for the appeal and shall submit a document confirming payment of the appropriate fee.

(3) An appeal based on paragraph (1) “a” to “c” of this Article shall be examined by the Authorized Body Board of Appeal within six months from the date of receiving the appeal, informing the patent owner of the appeal. The examination shall not go beyond the grounds contained in the appeal.

(4) Where the applicant does not agree with the Appeal Board decision, he may, within six months after receiving it, refer the matter to the courts in the established order.

(5) A provisional patent on an invention shall be entirely recognized invalid if in the result of the examination carried out in accordance with Article 27 granting of a basic patent on invention is refused on the basis of nonconformity to the patentability condition.

(6) A patent on an invention, utility model or industrial design shall be invalidated entirely or in part by virtue of the appeal, referred to in subparagraph 1(b) of this Article, based on the decision taken by the Board of Appeal, or of a effective court decision.

#### **Article 35. Premature Termination of the Validity of Patent**

(1) The validity of a patent shall be terminated prematurely: A patent shall lapse prematurely:

a) on a declaration by the patent owner. Where the patent is granted on the group of inventions, utility models or industrial designs, and the applicant’s request does not refer to all the solutions included in the group, the validity of the patent shall be terminated only to the invention, utility model or industrial design mentioned in the request,

b) in the event of failure to pay, within the prescribed time limit, the annual maintenance fee for the patent within the prescribed time limit.

(2) The validity of a provisional patent shall be terminated prematurely if a substantive examination has been carried out in accordance with Article 27 of this Law.

(3) The Authorized Body shall publish information on the termination of the validity of a patent in its Official Bulletin.

#### **Article 36. Reinstatement of Validity of Patent on Invention, Utility Model, Industrial Design; Right on Subsequent Use**

(1) The validity of a patent on an invention, utility model or industrial design, which has been terminated on the basis established by subparagraph “b” of paragraph 1, Article 35 of this Law, may be reinstated based on the request from the patent owner. The request shall be submitted to the Authorized Body within three years after the expiration of the time limit of payment of annual maintenance fee for the patent, but no later than before the expiration of the time limit of patent validity established by this Law. The request shall be accompanied with the document approving the payment of the state fee and the payment of due for the annual maintenance fee.

(2) The Authorized Body shall publish the information on reinstatement of the validity of a patent on invention, utility model or industrial design in its Official Bulletin.

(3) Any person, who, within the time period between the date of termination of the validity of patent on invention, utility model or industrial design and the date of publication of information on

reinstatement of the validity of patent in the Official Bulletin of the Authorized Body, has started utilization of the patented invention, utility model or industrial design or has, within the mentioned period, started preparations necessary for utilization thereof shall retain the right to proceed with its use free of charge, provided that the scope of such a use is not increased (right on subsequent use).

(4) The right on subsequent use may only be transferred to a third person together with the production unit in which the identical solution has been used or the necessary preparations for its use have been made.

## **Chapter 7: Protection of Rights of Inventors and Patent Owners**

### **Article 37. Settlement of Disputes Concerning Rights Emanating From Patent in Court Procedure**

In the court procedure are discussed those disputes, which relate to:

the authorship of an invention, utility model or industrial design,

the identification of the patent owner,

the infringement of exclusive right to a patent on an invention, on a utility model, on an industrial design,

the assignment of exclusive right, conclusion and performance of the assignment contracts,

the right of prior use,

the right on subsequent use,

the size, term and order of payment of compensation provided by this Law,

other vexed questions concerning the protection of rights certified by patent.

### **Article 38. Liabilities for Infringement of this Law**

Infringement of this Law causes liability in the order established by Law.

## **Chapter 8: Final Provisions**

### **Article 39. Extension of Time Limits and Restoration of Missed Time Limits**

(1) The Authorized Body may extend the time limits for submission of the answer to the enquiry on examination established by Articles 23 (4-6), 25 (4), 27 (2), 29 (4-6), 30 (4-6) of this Law once for two months.

The request on extension shall be submitted before the expiration of the established time limits accompanied with a document confirming the payment of the state fee.

(2) The Authorized Body may restore the time limits established by Articles 23, 26, 27, 29 and 30 of this Law, which have been missed by the applicant, except the time limits established by Articles 23 (13), 26 (7), 27 (6), 29 (14) and 30 (14) for applying to the court.



The request on restoration of missed time limits may be submitted within six months after the expiration of the established time limits accompanied with a document confirming the payment of the state fee.

#### **Article 40. Patenting of Invention, Utility Model, Industrial Design in Foreign Countries**

(1) An invention, a utility model or industrial design created in the Republic of Armenia may be patented in foreign countries.

(2) Before filing an application on invention, utility model or industrial design created in the Republic of Armenia with a foreign country, among them within the frameworks of the international treaties of the Republic of Armenia, the applicant shall file the application on that object of industrial property with the Authorized Body also communicating his intention to patent it in a foreign country.

If the process of granting of a patent by the international treaties of the Republic of Armenia is fully or partially carried out by the International Authority, the application on invention, utility model or industrial design created in the Republic of Armenia shall be submitted to the mentioned International Authority only through the Authorized Body in case of its conformity to the requirements of national security.

(3) Where within 3 months after receiving the communication about the intention to patent an invention, utility model or industrial design in a foreign country according to paragraph 2 of this Article, the Authorized Body does not prohibit the patenting in foreign countries on the grounds provided by Article 4(6) of this Law, then the applicant may act at his discretion.

(4) Infringement of the requirements of paragraph (2) of this Article shall cause liability under the legislation in force in the Republic of Armenia.

(5) The Authorized Body which receives international applications filed by the Patent Cooperation Treaty (hereinafter referred to as “PCT”) procedure with the International Bureau of the World Intellectual Property Organization (hereinafter referred to as “the International Bureau”) and Eurasian applications filed by the Eurasian Patent Convention procedure with the Eurasian Patent Office shall be the receiving Office only for the citizens and legal entities of the Republic of Armenia as well as natural persons having permanent residence in the Republic of Armenia.

An international application shall be submitted in the English and a Eurasian application in the Russian language.

The Authorized Body verifies the presence of requisite application documents and their conformity to the established requirements, by the results of which it establishes the date of filing the international or Eurasian applications and within one month after that date delivers it accordingly to the International Bureau or the Eurasian Patent Office.

#### **Article 41. Rights of Foreign Natural Persons and Legal Entities**

Under the international treaties to which the Republic of Armenia is a party or on the basis of the principle of reciprocity, foreign natural persons and legal entities shall enjoy the rights conferred by this Law and shall incur liability in the same way as natural persons and legal entities of the Republic of Armenia.

**Article 42. International and Eurasian Applications Having the Effect of Applications Regulated by this Law**

(1) An international application on invention or utility model filed by the PCT procedure with the International Bureau may be entry into national phase in the Republic of Armenia, if it is submitted to the Authorized Body within 31 months after the date of priority sought, provided that the Republic of Armenia is mentioned in the international application as a receiving State.

(2) The date of entry of an international application into the national phase shall be established by the Authorized Body if it is submitted to the Authorized Body at least:

a request on being granted a patent in accordance with Articles 18 (2) and 19 (2) of this Law which includes the number and the filing date of the international application,

the first page of the publication of the international application by the International Bureau.

(3) If the documents mentioned in paragraph 2 of this Article are not submitted to the Authorized Body within 31 months the validity of the international application by the PCT procedure to the Republic of Armenia shall be terminated.

(4) The other documents of the international application shall be submitted in accordance with Articles 18-20 of this Law.

(5) The Authorized Body shall, on the bases of the refused Eurasian application, according to the Eurasian Patent Convention, discuss the application on granting a patent in the order established by this Law from the date of receiving the ratified copy of that application from the Eurasian Patent Office. The applicant shall submit the requisite materials of the application established Articles 18 and 19 of this Law within two months after the mentioned date.

**Article 43. Eurasian Patent and Patent of the Republic of the Armenia for Identical Inventions**

Where the Eurasian patent granted to the identical inventions or identical invention and utility model and that of the Republic of Armenia have the same date of priority and belong to different patent owners then such inventions or invention and utility model may be utilized only provided that the rights of all the patent owners thereof are protected.

Where the Eurasian patent granted to the identical inventions or identical invention and utility model and that of the Republic of Armenia have the same date of priority and belong to the same person the right on utilization of such inventions or invention and utility model may be transferred to any person according to the license agreement concluded on the bases of those patents.

**Article 44. Patent Fees**

The filing of a patent application, the grant of a patent and the maintenance in force thereof, as well as the performance of other legal acts relating to a patent shall be subject to the payment of state fees. The types of fees, amounts and time limits thereof, reduction and refund of the state fees, the bases and order of exemption from state fees shall be established by the Law of the Republic of Armenia on State Fees.

**Article 45. Transitional Provisions**

(1) Exclusive rights deriving from the patents, which have been granted and are valid before the entry into force of this Law shall continue to be valid according to the provisions of this Law.

(2) Examination on applications filed before entry into force of this Law shall be carried out in accordance with the requirements established by this Law if the decision on granting patent on the bases thereof has not yet made.

(3) Appeal of decisions on granting a patent made before the entry into force of this Law shall be made in the order established by this Law.

(4) The Republic of Armenia Law on Patents of October 26 1999 adopted by the National Assembly shall cease to be in force.

**Article 46. Entry into Force of the Law**

(1) This Law shall enter into force the tenth day after its official publication.

(2) Paragraphs 8 of Articles 19-21 of this Law shall enter into force since July 1, 2005.

**President of the Republic of Armenia    R. Kocharyan**

Yerevan  
December 29, 2004

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