TENTH SECTION

INTELLECTUAL PROPERTY

CHAPTER 62

GENERAL PROVISIONS

Article 1100 Objects of intellectual property

1. Objects of intellectual property shall be deemed to be the results of intellectual activity and the means of identification of the participants of civil circulation, goods, works or services.

2. The results of intellectual activity shall be as follows:

(1) scientific, literary and art works;

(2) performances, sound recordings (phonograms) and programmes of broadcasting organisations;

(3) inventions, utility models, industrial designs;

(4) selection achievements;

(5) integrated circuit topographies;

(6) undisclosed information including production secrets (know-how).

3. Means of identification of the participants of civil circulation, goods, works or services shall be as follows:

(1) trade names;

(2) trademarks (service marks);

(3) geographical indications, appellation of origin and traditional speciality guaranteed;

4. In the cases provided for by this Code and other laws, other results of intellectual activity and other means of identification of the participants of civil circulation, goods and services may also be considered as objects of intellectual property.

(Article 1100 edited by HO-413-N of 25 September 2002, HO-61-N of 29 April 2010)

Article 1101 Grounds for arising of the rights over the objects of intellectual property

1. Rights over the object of intellectual property shall arise by virtue of the creation thereof or as a result of granting legal protection to these objects by a state authorised body in the cases and under the procedure provided for by this Code or other laws.

2. The conditions for granting legal protection to undisclosed information shall be prescribed by law.

Article 1102 Personal non-property and property rights over the objects of intellectual property

1. Personal non-property and property rights over the results of intellectual activity shall be vested with the author of these results.

2. Personal non-property rights shall be vested with the author, regardless of the property rights thereof and shall be retained while his or her property rights over the results of intellectual activity are transferred to another person.

Article 1103. Right of authorship

1. The right of the author over the result of intellectual activity (right of authorship) shall be deemed to be a personal non-property right and may be vested only with the person through the creative work whereof the result of intellectual activity was created.

2. Right of authorship shall be unalienable and non-transferable and shall be effective for an unlimited term.

3. 3. Where the result has been created by joint creative work of two or more persons, they shall be considered as co-authors.

Article 1104. Exclusive rights over the objects of intellectual property

1. The possessor of property rights over the results of intellectual activity or means of identification of the participants of civil circulation, goods and services (hereinafter referred to as "the identification means") shall have the exclusive right to lawful use of that object of intellectual property in any form and manner at his or her discretion.

2. The use of such objects of intellectual property by other persons, the exclusive right to which is vested with the rightholder thereof, shall be permitted only with the consent of the latter, unless otherwise provided for by law.

3. The possessor of the exclusive right to the object of intellectual property shall have the right to pass this right to another person in whole or in part, to permit the latter to use or dispose of this object, where this does not contradict the rules of this Code and other laws.

4. Restrictions on exclusive rights, including by way of granting the right to use the object of intellectual property to other persons, declaration of these rights as invalid and the termination (or revocation) thereof shall be permitted in the cases, within limits and under the procedure provided for by this Code and other laws, provided

that they do not undermine the normal use of objects of intellectual property and do not entail unjustified infringement of the rights of authors, taking into account the legitimate interests of third persons.

(Article 1104 supplemented by HO-29 of 7 February 2000)

Article 1105 Transfer of the rights over the object of intellectual property to another person

1. The possessor of exclusive rights over the object of intellectual property may transfer property rights vested therewith to another person in whole or in part under a contract.

Property rights may be transferred to another person heritably by way of universal legal succession or as a result of reorganisation of the rightholder legal person, unless otherwise provided for by this Code or other laws.

2. The transfer of property rights under a contract or the transfer thereof by way of universal legal succession shall not result in the transfer of or restriction on the right of authorship and other inalienable and non-transferable personal non-property rights.

The terms of a contract on transfer of or restriction on such rights shall be null and void, except for the case provided for in this Code.

3. Exclusive rights transferred under a contract must be determined thereby.

The rights not indicated in the contract as alienated shall be considered as not transferred, unless otherwise proved.

(Title edited by HO-270 of 4 December 2001)

(Article 1105 amended, supplemented by HO-270 of 4 December 2001)

Article 1106. Licensing contract

1. Under a licensing contract, the party having an exclusive right to a result of intellectual activity or identification means (the licensor) shall permit the other party (the licensee) to use the respective object of intellectual property.

2. A licensing contract shall be considered as non-gratuitous.

The amount of remuneration and/or the procedure for determining it and the terms for the payment thereof must be prescribed in the licensing contract.

3. The licensing contract must define the rights to be granted, the extent and terms for the use thereof.

4. Under the licensing contract, the licensee may be granted:

(1) the right to use the object of intellectual property by retaining the right of the licensor to use it and to grant permission to other persons (a simple, non-exclusive licence);

(2) the right to use the object of intellectual property by retaining the right of the licensor to use it, but without the right of granting permission to other persons (a single licence);

(3) the right to use an object of intellectual property without the right of the licensor to use it and grant permission to other persons (exclusive licence);.

(4) other types of licences permitted by law.

Unless otherwise provided for by the licensing contract, a licence shall be considered as simple (non-exclusive).

5. A contract on the granting by the licensee of the right to use an object of intellectual property to another person shall be considered as a sublicensing contract.

The licensee shall have the right to conclude a sublicensing contract only in the cases provided for by the licensing contract.

The licensee shall be held liable before the licensor for the actions of the sub-licensee, unless otherwise provided for by the licensing contract.

(Article 1106 amended, edited and supplemented by HO-61-N of 29 April 2010)

Article 1107 Contract for the creation and use of the results of intellectual activity

1. An author may undertake an obligation to create in the future a work, invention, or other result of intellectual activity and to grant the customer not deemed to be the employer thereof exclusive right to use this result.

2. The contract provided for in point 1 of this Article must define the nature of the result of intellectual activity to be created, as well as the purposes or means of the use thereof.

3. A contract obliging an author to grant to another person the exclusive right to use any result of intellectual activity to be created by the author in the future shall be considered as null and void.

4. The terms of a contract restricting the rights of an author to create in the future results of intellectual activity of a certain type or in a certain field shall be considered as null and void.

Article 1108 Exclusive right and right of ownership

The exclusive right to the result of intellectual activity or identification means shall exist independently of the right of ownership over the material object wherein such result or identification means is expressed.

Article 1109 Validity period of the exclusive right

The exclusive right to the object of intellectual property shall be effective within the term provided for by this Code or other laws.

Article 1110. Means of protection of exclusive rights

1. Protection of exclusive rights shall be carried out by the means provided for by Article 14 of this Code.

Protection of exclusive rights may be carried out also by:

(1) seizure of material objects having served as a ground for violation of exclusive rights and created as a result of such violation;

(2) obligatory publication on the committed violation, by including therein information as to who is vested with the violated right, as well as obligatory publication, in whole or in part, of the court judgment on the committed violation at the account of the offender and in the mass media — operating in the Republic of Armenia — indicated by the rightholder.

(3) other ways provided for by law.

2. In case of breach of contracts on the use of results of intellectual activity and identification means, the general rules on liability for breach of obligations (Chapter 26) shall apply.

(Article 1110 supplemented by HO-143-N of 15 June 2006)

CHAPTER 63

COPYRIGHT

Article 1111 Objects of copyright

1. Copyright shall extend to works of science, literature and art considered as a result of creative activity, regardless of the significance and merits of work, as well as ways of the expression thereof.

2. The work must be expressed orally, in writing or in other objective form enabling the possibility of the perception thereof.

3. A work in written form or otherwise expressed in tangible media (manuscript, typescript, musical notation, fixed with the help of technical means, including expressed by sound or video recording, fixed on an image in two dimensional or volume-spatial form, etc.) shall be considered as having objective form, regardless of its accessibility by third persons.

4. An oral work or other work not expressed in any tangible media shall be considered as having objective form where it has become accessible for perception by third persons (public speaking, public performance, etc.).

5. Copyright shall extend to both published and unpublished works.

6. Copyright shall not extend to scientific inventions, ideas, principles, methods, procedures, point of views, systems, protocols, scientific theories, mathematic formulas, statistical diagrams, rules of games, even if they are expressed, described, disclosed, elucidated in the works.

(Article 1111 edited by HO-143-N of 15 June 2006)

Article 1112 Types of objects of copyright

Objects of copyright shall be as follows:

(1) literary works (literary and artistic, scientific, educational, publicist, etc);

(2) dramatic and scenario works;

(3) musical compositions with or without words;

(4) musical-dramatic works;

(5) choreographic works and pantomimes;

(6) audiovisual works (motion picture, television, and video films, slide films, transparency films and other motion picture, television and video works), radio works;

(7) works of painting, sculpture, graphics, design and other works of fine art;

(8) works of decorative and applied art and stage-setting art;

(9) works of architecture, urban development, as well as garden and park art;

(10) photographic works and works made through methods similar to photography;

(11) geographic, geologic and other maps, plans, sketches and plastic works related to geography, topography and other sciences;

(12) software;

(13) fonts;

(14) other works meeting the requirements prescribed by Article 1111 of this Code.

(Article 1112 edited by HO-143-N of 15 June 2006)

Article 1113. Parts of a work and derivative works

1. Objects of copyright shall be deemed to be the parts of works, the names thereof, and derivative works meeting the requirements prescribed by Article 1111 of this Code.

2. Derivative works shall be as follows:

(1) adaptations of other works (re-workings, annotations, papers, summaries, theories, staging, arrangements, and other similar scientific, literary and artistic works);

(2) translations;

(3) collections (encyclopaedias, anthologies), databases and other compiled works which as of the selection or distribution of materials constitute the result of creative work.

3. Derivative works shall be protected by copyright, regardless of whether or not the works upon which they are based or which they include are objects of copyright.

(Article 1113 amended by HO-143-N of 15 June 2006)

Article 1114. Works not considered as objects of copyright

The following shall not be considered as objects of copyright:

(1) official documents (laws, decisions, judgment, etc.), as well as the official translations thereof;

(2) official symbols and signs (flags, coat of arms, orders, medals, currency, etc.);

(3) folklore and works of art;

(4) ordinary communications on daily news or current events having the nature of press information;

(5) results received with the help of technical means without human creative activity;

(6) political speeches, speeches uttered during judicial procedure;

(Article 1114 edited and supplemented by HO-143-N of 15 June 2006)

Article 1115 Rights over draft official documents, symbols and signs

1. The right of authorship over draft official documents, symbols, or signs shall be vested with the person (drafter) having created the draft.

2. Drafters of official documents, symbols and signs shall have the right to publish the draft, where the body assigning development of the draft does not prohibit it.

Drafters shall have the right to indicate their names when publishing the draft.

3. For the purpose of preparing an official document, the competent body may use the draft without the consent of the drafter, where the draft has been published or sent to a relevant body by the drafter.

4. When preparing official documents, symbols and signs on the basis of the draft, supplements and amendments may be made to the draft at the discretion of the body preparing the official document, symbol, or sign.

5. In case of approval of the draft by the competent body, it may be used without indication of the name of the drafter.

Article 1116 Arising of copyright

Presumption of authorship

1. Copyright to scientific, literary or artistic works shall arise by virtue of the fact of the creation thereof.

Neither registration of the work nor any other formality shall be required for the arising of copyright.

2. An author shall be considered as a person, whose name, as an author, is indicated on the work, or whose name, as an author, is indicated when publishing the work, or whose name, as an author, is indicated on the copy of the work deposited within relevant organisation managing property rights on a collective basis or within notary or within other organisation empowered by law, as long as the opposite has not been proved.

This provision shall apply also in the cases where this name is a fictitious name and the personality of an author acting under a fictitious name is beyond doubt.

3. When making a work public anonymously or under a fictitious name (except for the case when the fictitious name of the author is beyond doubt as to the identity thereof), the publisher, the name or title whereof is indicated on the work, in case of absence of other evidence, shall be considered as the representative of the author and shall have the right to protect the rights of the author and ensure the exercise thereof.

This provision shall be effective in so far as the author of such work discloses his or her identity and declares about the authorship thereof.

(Article 1116 edited and amended by HO-143-N of 15 June 2006)

Article 1117 Co-authorship

1. The copyright to a work created by the joint creative activity of two or more citizens shall be vested with the co-authors jointly, regardless of whether such work constitutes an integral whole or consists of parts each whereof also has an independent significance.

2. An individual part of a work shall be considered to have independent significance where it may be used independently from other parts of the work.

3. Each of the co-authors shall have the right to use at his or her discretion the part of the work, which is created thereby and has an independent significance, unless otherwise provided for by a contract concluded between them.

4. Relations between co-authors shall be defined by a contract concluded between them.

In case of absence of a contract, the co-authors shall exercise the copyright to the work jointly, whereas the income shall be distributed between them equally.

5. Where the work of co-authors constitutes an integral whole, neither one of the co-authors shall have the right to forbid without sufficient grounds the use of the work by other co-authors.

(Article 1117 amended, edited and supplemented by HO-143-N of 15 June 2006)

Article 1118 Authors of derivative works

1. Authors of derivative works — that is the translators, the ones compiling collections and other compiled works — shall be deemed to be the persons having revised the works of other persons

2. The author of a derivative work shall enjoy the copyright to such work under the condition of retaining the right of the author of the work that has been revised, translated and included in a compiled work.

3. The copyright of the creators of derivative works shall not prevent other persons from creating their own derivative works based on already used works, where the condition of point 2 of this Article is fulfilled.

(Article 1118 supplemented by HO-143-N of 15 June 2006)

Article 1119. Rights of persons organising the creation of works

1. Persons organising the creation of works (publishers of encyclopaedias, film makers, producers, etc.) shall not be considered as authors of relevant works.

However, in the cases prescribed by this Code or other laws, such persons shall acquire exclusive rights over the use of such works.

2. Publishers of encyclopaedias, encyclopaedic dictionaries, periodical or continuing collections of scientific works, newspapers, magazines, and other periodical publications shall have the exclusive right to use such publications.

In case of any use of such publication, the publisher shall have the right to indicate or require indicating his or her name.

The authors of works included in such publications shall retain the exclusive rights to use their works, regardless of the fact of their publication in whole, unless otherwise provided for by the contract on the creation of work.

Article 1120. Copyright protection sign

1. The possessor of exclusive property rights may, for the purpose of notification of the rights thereof, use the copyright protection sign which shall be placed on the original copy or each copy of the work and shall consist of the following:

(1) the Latin letter "C" framed in a circle;

(2) the name (or title) of the possessor of the exclusive copyright;

(3) the year of first publication of the work.

2. The rightholder shall be deemed to be the person indicated in the copyright protection sign, unless proved otherwise.

(Title amended by HO-143-N of 15 June 2006)

(Article 1120 amended by HO-143-N of 15 June 2006).

Article 1121 Personal non-property rights of the author

1. Personal non-property rights of an author shall ensure the intellectual and personal ties thereof over the work.

2. The author shall be vested with the following personal non-property rights over the work:

(1) the right to be declared as the author of the work (right of authorship);

(2) the right to use or permit such use of the work under his or her name, fictitious name, or anonymously (right to the author's name);

(3) the right to protect the work from possible distortions, amendments or other encroachments impairing reputation or dignity of the author (right of an author to reputation and dignity);

(4) the right of initial publication in any form of the work or reservation of that right to another person (right to publication);

(5) the right to renounce a previously taken decision on publication of the work (right to recall) under the condition of compensating the damages (including lost benefit) caused, as a result thereof, to the persons having the right to use the work.

Where the work has already been published, the author shall be obliged to give a public notice with regard to the recall thereof.

Moreover, he or she shall have the right to remove from circulation the copies of the previously prepared work by covering necessary expenses.

The provisions of this point shall not extend to software, audiovisual works, databases, as well as official works, unless otherwise provided for by the contract concluded between the author and the employer.

3. Personal non-property rights shall be considered as inalienable and non-transferable and shall be retained for an unlimited term, except for the right to recall, which shall be effective only during the lifetime of the author.

(Article 1121 edited by HO-270 of 4 December 2001, HO-143-N of 15 June 2006)

Article 1122 Right of inviolability of the work

(Article repealed by HO-143-N of 15 June 2006)

Article 1123. Right to publish the work

(Article repealed by HO-143-N of 15 June 2006)

Article 1124. Right of the author to use the work

1. The author shall have the exclusive right to use his or her work in any form and manner, as well as permit or prohibit third persons to use it, in particular:

(1) reproduction of the work (right to reproduction);

(2) dissemination of the work (right to dissemination);

(3) leasing the original copy or the copies of the work (right to lease)

(4) borrowing of the original copy or the copies of work (right to borrowing);

(5) translation of the work (right to translation);

(6) adaptation, rearrangement, illustration, adjustment and alteration by other means (right to alteration);

(7) communication of the work to the public (right to communication to the public);

(8) public performance of the work (right to public performance);

(9) public display of the work (right to public display);

(10) broadcasting of the work (right to broadcast);

(11) simultaneous or future rebroadcasting of the work (right to rebroadcast)

(12) communication of the work by wire or similar means (right to communication by wire);

(13) use by means and ways not contradicting the legislation of the Republic of Armenia.

2. ***(point repealed by HO-143-N of 15 June 2006)***

3. Reproduction shall be considered as the direct or indirect, temporary or permanent fixation of a work on any media, by any means and ways, in whole or in part.

4. Dissemination shall be considered as putting the original copy of the work or the copies thereof into circulation by sales or other means of transfer of the right of ownership, as well as the importation thereof.

5. Where the copies of the work are alienated as prescribed by law, further dissemination thereof shall be permitted without the consent of the author and without the payment of remuneration, except for the cases provided for by law.

6. The work shall be considered as used, regardless of whether it has been used for the purpose of making profit, or without seeking that purpose.

7. The practical use of the provisions constituting the content of the work (inventions, other technical, economic, organisational and other decisions) shall not be use of a work from the perspective of copyright.

(Article 1124 supplemented and amended by HO-29 of 7 February 2000, edited and amended by HO-143-N of 15 June 2006)

Article 1125. Disposition of the right to use the work

1. The author or another rightholder may, by a contract, including the contract concluded at public auctions, transfer to another person all of his or her rights of using the work (alienation of the right to use).

2. The right to use the work shall be transferred by way of universal legal succession (point 1 of Article 1105).

3. The rightholder may transfer to another person a permit (a licence) for using the work to a certain extent.

Permission shall be required for the use of the work both in its preliminary and revised form, including as a translation, arrangement, etc.

4. For each way of using the work, special permission of the rightholder shall be required (point 2 of Article 1105).

Article 1126. Special right of the author to a work of fine art

1. The author of a work of fine art shall have the right to require from the owner of the original copy or a copy of the work to grant thereto a possibility of exercising his or her right to reproduction or revision, unless the legitimate interests of the owner are infringed.

Moreover, the owner shall not be obliged to deliver the work to the location of the author.

When providing such opportunity, the owner may require from the author a pledge or another security in the amount of the market price of the original copy or a copy of the work.

The costs necessary for availing of the mentioned right shall be covered by the author who shall also be responsible for any damage caused to the original copy or a copy of the work.

2. The author of the work of fine art shall avail of the inalienable right to be informed about the sale by the owner or through an auction house, gallery, art hall, store or other agent of the original copy of the work of fine art alienated thereby and to receive from the seller five percent of the price of every resale (right to receive remuneration from resale).

(Article 1126 edited by HO-143-N of 15 June 2006)

Article 1127. Restrictions on property rights

1. Restrictions on property rights shall apply, provided that they do not unreasonably undermine the regular use of the work and do not infringe the legitimate interests of the author.

2. Restrictions on the right of the author to use the work and on property rights of other persons shall be permitted only in the cases provided for by law.

(Article 1127 amended by HO-143-N of 15 June 2006)

Article 1128 Copyright to an official work

1. ***(point repealed by HO-143-N of 15 June 2006)***

2. In case of creating a work by an employee in the course of performing official assignments or official duties, the employer shall be considered as the rightholder of the property rights over this work, unless otherwise provided for by the contract concluded between the author and the employer.

The contract concluded between the author and the employer may provide for remuneration for the author for each form of using the official work, a calculation and payment procedure therefor and contain other conditions on the use of the work.

3. The provisions of this Article shall not extend to encyclopaedias, encyclopaedic dictionaries, scientific works, periodical or continuous collections, newspapers, magazines and other periodical publications created in the course of performing official assignments or duties.

4. ***(point 4 repealed by HO-270 of 4 December 2001)***

(Article 1128 amended by HO-270 of 4 December 2001, amended and edited by HO-143-N of 15 June 2006)

Article 1129 Effect of copyright in the territory of the Republic of Armenia

1. The provisions of this Code shall apply to works of the authors or to performances of the performers holding citizenship of the Republic of Armenia, irrespective of the place of creation or publication of the given work.

2. The provisions of this Law shall apply to works of the authors or to performances of the performers not holding citizenship of the Republic of Armenia, but the works or performances thereof have been published for the first time in the Republic of Armenia, where the author or the performer is a person permanently residing in the territory of the Republic of Armenia.

The work shall be also considered as having been published for the first time in the territory of the Republic of Armenia, where within 30 days after being published for the first time in the territory of another State it is published in the territory of the Republic of Armenia.

3. The provisions of this Law shall also apply to sound recordings the producers whereof hold citizenship of the Republic of Armenia or are persons permanently residing in the territory of the Republic of Armenia.

The provisions of point 2 of this Article shall apply to the sound recordings of a foreign producer of sound recordings.

4. Provisions of point 3 of this Article shall apply respectively to films, radio and television programmes, publications of previously unpublished works, as well as databases.

(Article 1129 edited by HO-143-N of 15 June 2006)

Article 1130 Beginning of effect of copyright

1. Copyright to a work shall take effect from the moment the work is given an objective form accessible for perception by third persons, regardless of its publication.

Copyright to an oral work shall have effect from the moment of the communication thereof to third persons.

2. Where the effect of Article 1129 of this Code does not extend to a work, the copyright to such work shall be protected from the moment of first publication of the work, if it has been carried out in the Republic of Armenia.

Article 1131 Validity period of property rights

1. Property rights of an author shall have effect during the lifetime of the author and shall continue to have effect for 70 years after his or her death.

2. Property rights over the work created under co-authorship shall have effect during the life period of the co-authors and shall continue to have effect for 70 years after the death of the last survived co-author.

3. In case of the works created under fictitious name or anonymously, property rights of the author shall arise from the moment the work legally becomes accessible to the public and shall have effect for 70 years.

Where the identity of the author of the work created under fictitious name or anonymously is disclosed within the mentioned term, the terms referred to in part 1 of this Article shall apply.

4. The terms referred to in this Article shall be calculated from 1 January of the year following the corresponding indicated event.

(Article 1131 amended by HO-29 of 7 February 2000, edited by HO-143-N of 15 June 2006)

Article 1132 Turning the work into a public domain

1. Upon the expiration of the validity period of property rights over the work it shall turn into the public domain.

The works having never been protected in the territory of the Republic of Armenia shall fall under the public domain.

2. Works falling under public domain may be used freely by any person without paying an author's remuneration.

Moreover, the right of authorship, the right to name, and the right to reputation and dignity of the author must be retained, except for the cases provided for by law.

(Article 1132 amended by HO-29 of 7 February 2000, supplemented by HO-270 of 4 December 2001, amended by HO-143-N of 15 June 2006)

Article 1133 Succession and transfer of copyright

1. The copyright shall be transferred by succession.

2. The right of authorship, the right to name, and the right to reputation and dignity, the right to recall shall not be transferred by succession.

3. The heirs of the author shall be entitled to exercise the right of authorship, the right to name, and the right to reputation and dignity without any term limitation.

In case of absence of heirs, the protection of the mentioned rights shall be carried out by the authorised body of the Government of the Republic of Armenia.

4. The property rights of an author may be transferred (conceded) to another person under a contract concluded between the latter and the author, his or her heirs or their future legal successors.

5. Property rights may be transferred to another person as a result of reorganisation of a rightholder legal person.

(Article 1133 edited by HO-143-N of 15 June 2006)

Article 1134. Permission for using the work

Authorship contract

1. Other persons may use the work only with the permission of a person bearing property rights over the work (author of the work or another person whereto such rights have been reserved as prescribed by law; hereinafter referred to as "the rightholder") based on the authorship contract, unless otherwise provided for by this Law.

2. The authorship contract which regulates the relations between the rightholder and a person having received permission to use the work (hereinafter referred to as "the user") shall be refundable, and may be exclusive or non-exclusive.

3. The rightholder shall, under a non-exclusive authorship contract, provide the user with the right to use the work within a certain term and to the extent mentioned in the contract by retaining the exclusive rights over the work, including the right to grant permission to other persons to use the work.

4. The rightholder shall, under an exclusive authorship contract, transfer to the user the exclusive right to use the work within a certain term and to a certain extent by retaining the right to use the work as to the extent provided for by the contract.

In this case, the right to prohibit the use of the work by other persons may be exercised by the rightholder, unless it is exercised by the user.

5. The rights transferred under an authorship contract shall be considered as non-exclusive, unless otherwise provided for by the contract.

6. The terms of the contract restricting the rights of the author to create a work in the future shall be considered as null and void.

7. The rights to use a work unknown at the time of concluding a contract may not constitute a subject of the authorship contract.

(Article 1134 edited by HO-143-N of 15 June 2006)

Article 1135. Terms and forms of an authorship contract

1. The volume of rights to be transferred, ways of using the work, the term for transferring the right to use and the amount of remuneration, the procedure for determining the amount of remuneration, the term of and the procedure for remuneration, as well as other conditions that the parties will consider as significant, shall be indicated in the authorship contract.

2. In the authorship contract, remuneration shall be determined as a percentage of income received from the relevant use of work, whereas in case of impossibility thereof conditioned by the nature of the work — in a form of certain amount fixed in the contract or in another way acceptable for the parties.

The minimum rates for author's remuneration shall be established by the Government of the Republic of Armenia.

3. In case of absence in the authorship contract of the condition relating to the territory (within the boundaries whereof the right to use the work has effect), the effect of the contract shall be limited to the territory of the Republic of Armenia.

4. All other rights not provided for in the authorship contract shall be retained in favour of the rightholder.

5. The authorship contract shall have effect within the term indicated in this contract, but shall terminate upon the expiry of term of validity of property rights.

In case of absence of the condition on the term in the licensing contract, the defined term of validity thereof shall be deemed to be five years.

6. Each party of a contract may transfer the rights — transferred under the authorship contract — in whole or in part to other persons only in case of being directly envisaged in the contract.

7. The terms of the authorship contract, which contradict the provisions of this Law or restrict the rights of the author to create a work in the future in a certain field or of a certain type, shall be considered as null and void.

8. An authorship contract shall be concluded in writing.

(Article 1135 edited by HO-143-N of 15 June 2006)

Article 1136 Liability under the authorship contract

1. The party having failed to fulfil or having improperly fulfilled the obligations under the authorship contract shall be obliged to compensate the damages caused to the other party, including the lost benefit.

2. Where the author has failed to submit the ordered work in compliance with the terms of the contract of the order, he or she shall be obliged to compensate the actual damage caused to the customer.

Article 1137 Liability for use of the work without permission

1. The person using the work without the permission of the rightholder shall be obliged to compensate to the rightholder the damages incurred thereby.

2. Upon the request of the rightholder, the following may be paid thereto:

(a) compensation in the double amount of royalties or remuneration, which the rightholder would receive if the offender would have permission to use the object of copyright, or

(b) compensation equivalent to the actual damages caused as a result of violation, including lost benefit.

(Article 1137 edited by HO-143-N of 15 June 2006)

Article 1138 Legal regulation of authorship relations

Authorship relations shall be regulated by this Code and the Law of the Republic of Armenia "On copyright and related rights".

The Law of the Republic of Armenia "On copyright and related rights" shall apply to the relations not regulated by this Chapter.

CHAPTER 64

RELATED RIGHTS

Article 1139 Objects of related rights

Related rights shall extend to performances, sound recordings, film recordings, programmes of broadcasting organisations, content of databases, publishing designs.

No formalities shall be required for the arising and exercise of related rights.

(Article 1139 supplemented by HO-29 of 7 February 2000, edited by HO-143-N of 15 June 2006)

Article 1140. Subjects of related rights

1. The subjects of related rights shall be deemed to be the performers, the producers of sound recordings, the producers of first recording of films, broadcasting organisations, developers of databases and publishers.

2. The right to performance shall be vested with the performer.

3. The right to sound recording shall be vested with the producer of sound recording.

4. The right to film recording shall be vested with the producer of first recording of films.

5. The right to programme of a broadcasting organisation shall be vested with the given broadcasting organisation.

6. The right to the content of database shall be vested with the developer of the database.

7. The right to publishing design shall be vested with the publisher.

8. The rights referred to in points 2-7 of this Article may be transferred to another person by way of universal legal succession by succession or by virtue of the right of reorganisation of the rightholder legal person or by a contract.

(Article 1140 amended by HO-29 of 7 February 2000, edited by HO-143-N of 15 June 2006)

Article 1141 Protection sign of the rights of the producer of sound recording

For the purpose of notification on the related rights of producers of sound recording, the protection sign of related rights may be placed on each copy of the recording media or on each box containing it, which shall consist of:

(1) the Latin letter "P" framed in a circle;

(2) the name or title of the rightholder of related rights;

(3) the year of first release of a sound recording.

(Article 1141 amended by HO-29 of 7 February 2000, edited by HO-143-N of 15 June 2006)

Article 1142. Validity term of related rights

1. The property rights of a performer shall arise from the moment of the performance thereof and shall have effect for 50 years.

Where within this time period the recording of the performance has been legally released or made accessible to the public, the rights of the performer shall arise from the moment of such first release or of being made accessible to the public (which occurred earlier) for the first time and shall have effect for 50 years.

2. The property rights of the producer of a sound recording shall arise from the moment of recording and shall have effect for 50 years.

Where, within this time period, the sound recording has been legally released or made accessible to the public, the rights of the producer of sound recording shall arise from the moment of such first release or of being made accessible to the public (which has been carried out earlier) for the first time and shall have effect for 50 years.

3. The property rights of the producer of the first recording of films shall arise from the moment of recording and shall have effect for 50 years.

Where, within this time period, the film has been legally released or made accessible to the public, the rights of the producer of film shall arise from the moment of such first release or of being made accessible to the public (which has been carried out earlier) and shall have effect for 50 years.

4. Property rights of the broadcasting organisation over a programme shall arise from the moment of first broadcast and shall have effect for 50 years.

5. The right of a publisher shall arise from the moment of publication of the creation and shall have effect for 50 years.

6. The rights of a developer of databases shall arise from the moment of completing the development of the database and shall have effect for 15 years.

Where the database has been made accessible to the public by any way until the expiry of the mentioned term, the term for the protection of property rights of a developer of databases shall be calculated from the moment the database was made accessible to the public for the first time.

7. The terms referred to in this Article shall be calculated from 1 January of the year following the corresponding indicated event.

(Article 1142 amended and supplemented by HO-29 of 7 February 2000, edited by HO-143-N of 15 June 2006)

Article 1143 Legal regulation of relations pertaining to related rights

Relations pertaining to related rights shall be regulated by this Code and the Law of the Republic of Armenia "On copyright and related rights".

The Law of the Republic of Armenia "On copyright and related rights" shall apply to the relations not regulated by this Chapter.

(Article 1143 amended by HO-143-N of 15 June 2006).

CHAPTER 65

RIGHT TO AN INVENTION, UTILITY MODEL, INDUSTRIAL DESIGN

Article 1144 Conditions on legal protection of an invention, utility model, industrial design

1. The rights to an invention, utility model, and industrial design shall be protected in case a patent has been issued.

2. Legal protection shall be granted to the following — applicable in industry:

(1) invention, which is new and is at an inventive level;

(2) utility model considered as the structural performance of production means and consumer items;

(3) an industrial design defining the external appearance of the product and considered as a new, original and artistic-design solution.

3. Requirements for invention, utility model, industrial design, in case of which the right to receive a patent arises, as well as the procedure for issuing a patent by an authorised body shall be established by the Law of the Republic of Armenia "On inventions, utility models, industrial models".

The Law of the Republic of Armenia "On inventions, utility models, industrial models" shall apply to the relations pertaining to legal protection of invention, utility model, industrial design and not regulated by this Chapter.

(Article 1144 supplemented and amended by HO-29 of 7 February 2000, amended by HO-141-N of 24 November 2004, supplemented by HO-143-N of 5 June 2006, amended by HO-112-N of 10 June 2008)

Article 1145 Right to use invention, utility model, industrial design

1. The exclusive right to use at his or her discretion the invention, utility model, industrial design protected by patent shall be vested with the patent holder.

2. Other persons shall not have the right to use the invention, utility model, industrial design without the permission of the patent holder, with the exception of cases when such use in accordance with the Law of the Republic of Armenia "On inventions, utility models, and industrial designs" does not constitute a violation of the rights of the patent holder.

(Article 1145 amended by HO-112-N of 10 June 2008)

Article 1146 Disposing of the right to a patent

The right to receive a patent, the rights deriving from registration of an application, the right to possess a patent, and the rights deriving from a patent may be transferred in whole or in part to another person.

Article 1147 Rights to an invention, utility model, industrial design

1. The right of authorship to an invention, utility model, industrial design, as well as the right of naming an invention, utility model, industrial design shall be vested with the author of the invention, utility model, industrial design.

2. The right of authorship of and other personal rights to an invention, utility model, industrial design shall arise from the moment of arising of the rights based on the patent.

3. A person indicated in the application as an author of an invention, utility model and industrial design shall be deemed to be the author, unless otherwise proved.

Article 1148 Co-authors of an invention, utility model, industrial design

1. Relations between co-authors of an invention, utility model, industrial design shall be defined upon the agreement reached thereby.

2. Assistance of a non-creative nature provided for the creation of an invention, utility model, industrial design (technical or organisational assistance, assistance in registration of rights, etc.) shall not entail co-authorship.

Article 1149 Service inventions, utility models, industrial designs

The right to receive a patent for invention, utility model, industrial design (service invention) created by the employee in the course of performing official duties or the assignment of the employer, shall be vested with the employer where it is envisaged in the contract concluded between them.

Article 1150 Right of the author of service invention, utility model, industrial design to remuneration

The amount of, conditions and payment procedure for remuneration of the author of service invention, utility model, industrial design shall be determined upon the agreement reached between the author and employer, whereas in case of absence thereof, it shall be determined by a court judgment.

Article 1151 Effect of the patent in the territory of the Republic of Armenia

1. Patents for invention, utility model and industrial design issued by the authorised body of the Republic of Armenia shall have effect in the territory of the Republic of Armenia.

2. Patents issued by a foreign state or international organisation shall have effect in the territory of the Republic of Armenia in the cases provided for by the international treaties of the Republic of Armenia.

3. Foreign citizens and legal persons or the legal successors thereof shall have the right to receive patents for invention, utility model, industrial design in the Republic of Armenia, where the solution filed in a prescribed manner complies with the requirements for inventions, utility models and industrial designs — provided for in the Law of the Republic of Armenia "On inventions, utility models, industrial designs".

(Article 1151 amended by HO-141-N of 24 November 2004, by HO-112-N of 10 June 2008)

Article 1152 Validity term of the patent

The validity term of the patent shall be defined by the Law of the Republic of Armenia "On inventions, utility models, industrial designs".

(Article 1152 amended by HO-112-N of 10 June 2008)

Article 1153 Form of a contract on the transfer of the right to patent and registration of rights deriving therefrom

1. A contract on surrender of the patent must be concluded in writing, whereas the rights arising from the contract shall be registered by the authorised body.

2. Failure to maintain the written form or registration requirement shall entail invalidity of the contract.

(Article 1153 amended by HO-141-N of 24 November 2004)

Article 1154 Form of licensing and sublicensing contracts and registration of the rights arising therefrom

1. Licensing and sublicensing contracts shall be concluded in writing, whereas the rights arising from these contracts shall be registered by the authorised body.

2. Failure to maintain the written form or registration requirement shall entail invalidity of the contract.

(Article 1154 amended by HO-141-N of 24 November 2004)

Article 1155 Liability for violating the patent

Upon the request of the patent holder, the violation must be terminated, whereas the offender must be obliged to compensate the damages caused to the patent holder.

Article 1156 Restriction of rights of patent holder

Grounds for restriction of the rights of a patent holder, conditions on termination (revocation) of the patent, declaring it as invalid, issuing compulsory licences shall be established by the Law of the Republic of Armenia "On inventions, utility models, industrial designs".

The patent may be alienated for the needs of the society and State in the cases provided for by the Constitution of the Republic of Armenia and as prescribed by law.

(Article 1156 edited by HO-187-N of 27 November 2006, amended by HO-112-N of 10 June 2008)

CHAPTER 66

RIGHTS TO NEW PLANT SPECIES AND NEW ANIMAL BREEDS

Article 1157 Conditions for the protection of rights to new plant species and new animal breeds

1. Rights to new plant species and new animal breeds (selection achievements) shall be protected in case a patent has been issued.

2. Selection achievement in cultivation of plants shall be considered as a plant species obtained artificially or through a selection and having one or several distinctive economic features that distinguish it from the existing plant species.

3. A selection achievement in animal breeding shall be considered as an animal breed created by a human and having a genealogical structure and sufficient quantitative features enabling to distinguish it from the animals of the same breed and to be reproduced under a single breed, that is, multiple group of animals having common origin.

4. The requirements whereon depend the arising of the right to patent and the procedure for issuing a patent for selection achievements shall be established by law.

5. The rules of Articles 1146-1151, 1153-1156 of this Code shall apply to relations pertaining to the rights to selection achievements and the protection thereof, unless otherwise provided for by the rules of this Chapter and the Law of the Republic of Armenia "On the protection of selection achievements".

In this case, the rights and duties of an authorised body shall be carried out by the state body responsible for testing and protection of selection achievements.

(Article 1157 amended by HO-29 of 7 February 2000, HO-141-N of 24 November 2004)

Article 1158 Author's right to name the selection achievement

1. The author of selection achievement shall have the right to determine the name thereof, which should comply with the requirements prescribed by the Law of the Republic of Armenia "On the protection of selection achievements".

2. In the cases of production, reproduction, offer for sales and other types of marketing of the protected selection achievements, the use of the names registered for selection achievements shall be deemed to be compulsory.

Granting of a name, other than the registered one, to the produced and/or sold seeds or pedigree substances shall not be permitted.

3. Granting the name of a registered selection achievement to the produced and/or sold seeds and pedigree substances not relating thereto shall be deemed to be a violation of the rights of the patent holder and breeder.

Article 1159 Rights of the patent holder of selection achievement

The exclusive right to use a selection achievement shall, to the extent referred to in the Law of the Republic of Armenia "On the protection of selection achievements", be vested with the patent holder of a selection achievement.

Article 1160 Duties of the patent holder of selection achievement

The patent holder of a selection achievement shall be obliged to maintain the respective plant species or respective animal breed during the validity period of the patent so as to maintain the features indicated in the description drawn up in the course of registration of the plant species and animal breed.

Article 1161 Validity period of a patent on a selection achievement

The patent on a selection achievement shall take effect from the date of registration of the achievement in the state register of protected selection achievements and that of issuing a patent.

The validity period of a patent shall be defined by the Law of the Republic of Armenia "On the protection of selection achievements".

Article 1162 Authorisation for the use of selection achievements

(sentence deleted by HO-29 of 7 February 2000)

Granting legal protection to a selection achievement shall not constitute a ground for authorising the use thereof.

2. Registration of varieties of plant species and animal breeds, authorised for use, in the state register of selection achievements shall be carried out by the state body exercising testing and protection of selection achievements — based on the results of public testing for the economic utility thereof.

3. An application on authorisation for use of plant species and animal breeds shall be submitted to the state body exercising testing and protection of selection achievements.

(Article 1162 amended by HO-29 of 7 February 2000)

CHAPTER 67

RIGHT TO INTEGRATED CIRCUIT TOPOGRAPHIES

Article 1163 Conditions for the protection of rights to integrated circuit topographies

1. Legal protection shall be granted to an integrated circuit topography upon the registration thereof.

Registration of an integrated circuit topography shall be carried out by an authorised body.

Registration certificate shall be issued on the basis of registration of the integrated circuit topography.

2. The procedure and conditions for registering an integrated circuit topography and issuing a certificate shall be established by the Law of the Republic of Armenia "On legal protection of integrated circuit topographies".

3. Relations pertaining to integrated circuit topographies shall be regulated by this Code and the Law of the Republic of Armenia "On legal protection of integrated circuit topographies".

The Law of the Republic of Armenia "On legal protection of integrated circuit topographies" shall apply to relations pertaining to legal protection of integrated circuit topographies and not regulated by this Chapter.

(Article 1163 amended by HO-413-N of 25 September 2002, HO-141-N of 24 November 2004, supplemented by HO-143-N of 15 June 2006).

CHAPTER 68

RIGHT TO PROTECTION OF UNDISCLOSED INFORMATION FROM UNLAWFUL USE

Article 1164 Conditions for legal protection of undisclosed information

1. A person lawfully possessing technical, organisational or commercial information, including production secrets (know-how), which are not known to third persons (undisclosed information), shall have the right to protect this information from unlawful use, where the conditions prescribed in point 1 of Article 141 of this Code are observed.

2. The right to protection of undisclosed information from unlawful use shall arise, irrespective of the fulfilment of any formalities (registration, receipt of a certificate, etc.) with regard to this information.

3. The rules on the protection of undisclosed information shall not apply to the information which, in accordance with law, may not constitute an official, commercial or banking secret (information on legal persons, on state registration of rights to property, on state statistical report, etc.).

4. The right to protection of undisclosed information shall have effect in so far as the conditions provided for in point 1 of Article 141 of this Code are observed.

Article 1165 Liability for unlawful use of undisclosed information

1. A person having unlawfully received, disseminated or used undisclosed information, shall be obliged to compensate to the lawful owner of this information the damages caused by the unlawful use thereof.

2. Where a person using unlawfully undisclosed information has received it from a person not having the right to disseminate it, about which he or she did not know and was not obliged to know (good faith acquirer), the lawful possessor of undisclosed information shall have the right to require from the good faith acquirer compensation for the damages caused by the unlawful use of undisclosed information starting from the moment when the good faith acquirer has learnt about the unlawful use thereof.

3. A person lawfully possessing undisclosed information shall have the right to require from the unlawful user to immediately terminate the use thereof.

However, the court, taking into account the expenses covered by the good faith acquirer on the use of undisclosed information, may authorise its further use under the conditions of refundable non-exclusive licence.

4. A person having independently and lawfully received information with a content of undisclosed information shall have the right to use this information, irrespective of the rights of the possessor of relevant undisclosed information and shall not bear responsibility before the latter for the use thereof.

Article 1166 Transfer of the right to protection of undisclosed information from unlawful use

1. A person possessing undisclosed information may transfer the information constituting the content of that information to another person, in full or in part, under a licensing contract (Article 1106).

2. The licensee shall be obliged to take appropriate measures for the protection of confidential nature of the information received under the contract and shall, equally to the licensor, have the right to the protection thereof from unlawful use by third persons.

Unless otherwise provided for by the contract, the licensee shall bear the responsibility for keeping the confidential nature of the information also after termination of the licensing contract where the relevant information remains as undisclosed information.

Article 1166.1. Trade name

1. A trade name shall be deemed to be the name under which a commercial organisation carries out its activities and is distinguished from other legal persons.

2. A trade name must contain words defining the organisational and legal form of a legal person and at least one distinctive name — a proper name (a personal name, a name of a location or a symbolic name), a common or fictitious name or a sequence of letters.

3. The trade name of an economic partnership must contain the words “general partnership” or “limited partnership” and the names of all the participants (general partners) of the partnership or the name of at least one of the participants (general partners) of the partnership, added by the words “and partners” and “general partnership” or “limited partnership”.

4. A commercial organisation shall be obliged to use in its name also relevant words provided for by law.

5. The trade name of a commercial cooperative must contain an indication on the basic purpose of the activities thereof.

6. The trade name of a legal person shall be determined when establishing or reorganising the legal person and shall be registered (changed) as prescribed by law.

(Article 1166.1 supplemented by HO-130-N of 19 March 2012)

CHAPTER 69

IDENTIFICATION MEANS OF THE PARTICIPANTS OF CIVIL PRACTICES, GOODS AND SERVICES

§ 1. TRADE NAME

Article 1167. Exclusive right to a trade name

(title edited by HO-130-N of 19 March 2012)

1. The exclusive right to the trade name shall arise from the date of state registration of the legal person with the given name or from the date of making a record in the unified state register of legal persons in respect of a change in the trade name of a registered legal person, and shall be vested with the given legal person (hereinafter referred to as "the rightholder of a trade name").

2. The rightholder of a trade name shall have an exclusive right to:

(1) use its trade name;

(2) forbid third persons to use its trade name or a name confusingly similar thereto or a trademark confusingly similar to its trade name where this may mislead the consumer and constitute a reason for assuming a link between them, taking into account that this may cause harm to the rightholder of the trade name.

3. In case of unlawful use of a trade name by other legal and natural persons, including where they acquire rights and obligations under the given trade name, the legal person may protect its rights through judicial procedure.

(Article 1167 supplemented by HO-29 of 7 February 2000, edited by HO-130-N of 19 March 2012)

Article 1168. Use of trademark

(title edited by HO-130-N of 19 March 2012)

1. The use of a trade name shall be deemed to be the acquisition of rights and obligations by a legal person under that name, production of goods, provision of services and carrying out of financial operations.

2. The use of a trade name shall be deemed to be also the use of the trade name on posters, letterheads, prospectuses, goods, and packages thereof for the purposes of indicating the given legal person, as well as other applications not prohibited by law.

3. Separate subdivisions of a legal person shall use the trade name of a legal person by adding words specifying the nature of the activities of the subdivision or the name of the location thereof.

4. A trade name shall be used only in the way as it was registered, provided that it is not perceived by consumers as a trademark.

5. A trade name or the distinctive name thereof may be used for the purposes of identification of the goods and/or services of the given legal person only in the case where it has been registered as a trademark with regard to the given goods/services as prescribed by law or has been included and has been granted protection as an element of such trademark.

6. Foreign translations of a trade name may be also used together with it.

In that case, the distinctive name contained in the trade name shall not be translated.

7. In the distinctive names within trade names, the words “an Armenian”, “Armenia”, “Armenian” and the translations thereof, the names of administrative-territorial units of the Republic of Armenia, as well as the full or short name of a well-known person in trade names — in case of his or her death or absence of the heirs thereof — may be used only as prescribed by the Government of the Republic of Armenia.

8. The use of a name as a trade name shall be prohibited where the distinctive name thereof:

(1) has come into general use as a name of a certain type of goods, services or establishments;

(2) is a universally recognised symbol or term;

(3) indicates the type, quality, quantity, features, value, the purpose of creation of the goods or services, or advertises them;

(4) reproduces the full or short name of international organisations, protected in compliance with the international treaties of the Republic of Armenia, or is confusingly similar thereto.

A name confusingly similar to the full or short name of an international organisation may be used as a trade name only upon the consent of the given organisation;

(5) constitutes or contains false or misleading information;

(6) contradicts the interests of the society, the principles of humanity and morality, is incompatible with national and spiritual values, causes or may cause an act of unfair competition.

9. The names may not be used as trade names where:

(1) they are identical or confusingly similar to the trade name of another legal person, protected in the Republic of Armenia in accordance with this Law;

(2) they are identical or confusingly similar to a trademark of an earlier priority protected in the Republic of Armenia, provided that the use of the mentioned trade name may mislead the consumer and constitute a reason for assuming a link between them, taking into account that this may cause harm to the rightholder of the trademark;

(3) they contain words, names provided for by law, for the use whereof a relevant status, licence, authorisation or another ground is required, where such grounds are not available.

10. Trade names shall be deemed to be confusingly similar where their distinctive names are identical or confusingly similar.

11. A trade name shall be deemed to be confusingly similar to a trademark where its distinctive name coincides with or is confusingly similar to the trademark or a lexical or sound element constituting a part thereof.

(Article 1168 edited by HO-130-N of 19 March 2012)

Article 1169. Effect of the right to a trade name

1. The exclusive right to a trade name registered in the Republic of Armenia as the name of a legal person, shall have effect in the territory of the Republic of Armenia.

2. The exclusive right to the name registered in a foreign state or generally recognised name, shall have effect in the territory of the Republic of Armenia in the cases provided for by law.

3. The registration of a trade name shall terminate, and the legal person shall be deprived of the exclusive right to a trade name where:

(1) it has been prohibited to use the given trade name upon a court decision;

(2) the court has declared the registration of the trade name as invalid;

(3) the legal person has changed its trade name;

(4) the legal person has been liquidated.

(Article 1169 edited by HO-130-N of 19 March 2012)

Article 1170. Transfer of the right to a trade name

The right of a legal person to a trade name shall be permitted to transfer only in case of the reorganisation thereof.

§ 2.TRADEMARK

Article 1171. Conditions for legal protection of trademark (service mark)

1. Trademark and service mark (hereinafter referred to as " the trademark") shall be deemed to be the sign used to distinguish the goods and/or services of any person from the goods and/or services of another person.

2. A trademark shall be granted legal protection:

(1) on the basis of state registration thereof as prescribed by law;

(2) on the basis of recognising the trademark as generally known in the Republic of Armenia, as prescribed by law;

(3) on the basis of international registration, in compliance with the international treaties of the Republic of Armenia.

3. The fact of registration of a trademark and the right to it shall be certified by a certificate.

4. Types of trademarks, the signs not registered as trademarks, procedure for the registration, revocation of registration and declaring it as invalid, as well as the cases of granting legal protection to unregistered trademarks shall be prescribed by law.

The Law of the Republic of Armenia "On trademarks" shall apply to relations pertaining to legal protection of trademarks and not regulated by this Paragraph.

(Article 1171 edited, amended and supplemented by HO-29 of 7 February 2000, edited by HO-413-N of 25 September 2002, supplemented by HO-143-N of 15 June 2006, edited and amended by HO-61-N of 29 April 2010)

Article 1172. Exclusive right to trademark and using the trademark

1. The rightholder of a trademark shall have the exclusive right to possess, use and dispose of the trademark, as well as authorise or prohibit other persons to use it.

2. The rightholder of a registered trademark shall have the exclusive right to prohibit third persons to use during commercial activities, without the authorisation thereof, any mark which:

(1) is identical to the registered trademark and is used for goods and/or services for which the trademark is registered;

(2) is identical or similar to the registered trademark and is used for goods and/or services which are identical or similar to goods and/or services for which the trademark is registered, where the use of that mark involves a risk of creating confusion among consumers, including the combination with the registered trademark;

(3) is identical or similar to the trademark registered for other goods and/or services, where the latter is reputed (well-known) in the Republic of Armenia, and the use of this mark will result in unreasonable advantages or will undermine the distinctive nature or reputation (being well known) of the trademark;

3. The use of a trademark shall be deemed to be:

(1) placing of the trademark on goods or the packages thereof, as well as the use thereof as packaging for these goods in case of a three-dimensional trademark;

(2) offering the sales of goods marked with this trademark, the sales thereof or warehousing for that purpose, or providing or offering services under this trademark;

(3) importing or exporting goods marked with this trademark;

(4) using this mark on documents or for advertisement purposes;

(5) using the trademark on the Internet or within other global computer telecommunication networks, in particular, in any means of addressing, including in domain names;

(6) reproduction, warehousing or selling of the trademark for the purposes referred to in points 1-4 of this Point.

4. ***(point repealed by HO-61-N of 29 April 2010)***

(Article 1172 edited by HO-143-N of 15 June 2006, amended and edited by HO-61-N of 29 April 2010)

Article 1173. Legal protection of a trademark in the territory of the Republic of Armenia

Legal protection in the territory of the Republic of Armenia shall be granted to a trademark registered by the authorised body of the Republic of Armenia or by an international organisation — by virtue of an international treaty of the Republic of Armenia.

(Article 1173 amended by HO-141-N of 24 November 2004)

Article 1174. Validity period of registration of trademark

The validity period of registration of a trademark shall be defined by the Law of the Republic of Armenia "On trademarks".

(Article 1174 amended by HO-61-N of 29 April 2010)

Article 1175. Transfer of the right to a trademark

1. The rightholder of a trademark may, under a contract, transfer to another person the right to a trademark for all types of goods and services or a part thereof indicated in the certificate.

2. Transfer of the right to a trademark, including under a contract or by way of legal succession, must be registered by the authorised body.

(Article 1175 amended by HO-141-N of 24 November 2004, amended by HO-61-N of 29 April 2010)

Article 1176. Authorisation to use a trademark

1. The rightholder of a trademark may, under a licensing contract (Article 1106), grant to another person the right to use a trademark for all types of goods and services or a part thereof indicated in the certificate.

2. A licensing contract on the use of a trademark must contain a condition as of which the quality of the goods or services of the licensee shall be not lower than the quality of the goods or services of the licensor, and that the licensor shall have the right to supervise fulfilment of this condition.

3. Upon the termination of registration of a trademark, the licensing contract shall also terminate.

4. The transfer of the right to a trademark to another person shall not constitute a ground for termination of the licensing contract.

(Article 1176 amended by HO-61-N of 29 April 2010)

Article 1177. Form of contracts on the transfer of the right to a trademark or on issuance of a licence and the registration of the transfer of rights deriving therefrom

1. A contract on the transfer of the right to a trademark or on issuance of a licence must be concluded in writing, whereas the transfer of rights deriving therefrom must be registered by the authorised body.

2. Failure to observe the written form and registration requirements shall entail invalidity of a contract.

(Article 1177 amended by HO-141-N of 24 November 2004)

Article 1178. Liability for violation of the right to a trademark

1. The person unlawfully using a trademark shall be obliged to terminate the violation and compensate to the rightholder of a trademark the damages caused (Article 17).

2. A person unlawfully using a trademark shall be obliged to destroy the prepared images of the trademark, to remove from the goods or the packaging thereof the unlawfully used trademark or a mark confusingly similar thereto.

3. In case of impossibility of fulfilment of the requirements referred to in point 2 of this Article, the respective goods shall be subject to destruction as prescribed by law.

(Article 1178 supplemented by HO-29 of 7 February 2000, amended by HO-61-N of 29 April 2010)

§ 3. GEOGRAPHICAL INDICATION, APPELLATION OF ORIGIN AND TRADITIONAL SPECIALITY GUARANTEED

(title edited by HO-413-N of 25 September 2002, HO-61-N of 29 April 2010)

Article 1179. Legal protection of appellation of origin

(title amended by HO-61-N of 29 April 2010)

1. Appellation of origin shall be considered as the name of the area (settlement), particular locality or, in exclusive cases — geographical name of the country, that serves to indicate a product having originated from the given area, particular locality or country, and the particular quality or other specific aspects whereof are mainly or exclusively conditioned by geographical natural conditions (including natural and human factors) and the production, processing and preparation whereof take place in the given geographical area.

2. Legal protection of appellation of origin shall be granted based on the registration thereof. Appellation of origin shall be registered by the authorised body.

A certificate on the right to use an appellation of origin shall be issued on the basis of the registration.

3. The procedure and conditions for issuing certificates, declaring the registration and certificates as invalid and terminating the registration and withdrawing the certificates shall be determined by the Law of the Republic of Armenia "On geographical indications".

The Law of the Republic of Armenia "On geographical indications" shall apply to relations pertaining to legal protection of appellation of origin and not regulated by this Paragraph.

(Article 1179 amended by HO-141-N of 24 November 2004, supplemented by HO-143-N of 15 June 2006, amended and edited by HO-61-N of 29 April 2010)

Article 1179.1. Legal protection of geographical indications

1. Geographical indication shall be considered as the name of the area (settlement), particular locality or, in exclusive cases — the name of the country, that serves to indicate a product having originated from the given area, particular locality or country, and the particular quality, reputation or other specific aspects whereof are mainly determined by geographical origin, which was produced and/or processed and/or made in the given geographical area.

2. Legal protection of the geographical indication shall be granted on the basis of the registration thereof.

A certificate on the use of the geographical name shall be issued on the basis of the registration.

3. The procedure and conditions for registering a geographical indication, issuing a certificate on use, declaring the registration and certificates as invalid and terminating the registration and withdrawing certificates shall be determined by the Law of the Republic of Armenia "On geographical indications".

4. The Law of the Republic of Armenia "On geographical indications" shall apply to relations pertaining to the legal protection of geographical indications and not regulated by this Paragraph.

(Article 1179.1 supplemented by HO-61-N of 29 April 2010)

Article 1179.2. Legal protection of traditional speciality guaranteed

1. Traditional speciality guaranteed shall be considered as an agricultural product or foodstuff the specific aspects whereof are recognised, and which is registered as prescribed by law.

2. Traditional speciality guaranteed shall be granted legal protection based on the registration thereof.

3. The procedure and conditions for registration of the traditional speciality guaranteed, arising of the right to use, termination thereof shall be determined by the Law of the Republic of Armenia "On geographical indications".

4. The Law of the Republic of Armenia "On geographical indications" shall apply to relations pertaining to the legal protection of the traditional speciality guaranteed and not regulated by this Paragraph.

(Article 1179.2 supplemented by HO-61-N of 29 April 2010)

Article 1180. Right to use the geographical indication, appellation of origin and the name of traditional speciality guaranteed

(title edited by HO-61-N of 29 April 2010)

1. Registered geographical indication and appellation of origin may be used by persons having obtained permission for the use thereof as prescribed by the Law of the Republic of Armenia "On geographical indications".

2. The name of traditional speciality guaranteed may be used by any person, unless it is in conflict with the provisions of the Law of the Republic of Armenia "On geographical indications".

3. The person having the right to use the geographical indication, appellation of origin and name of the traditional speciality guaranteed may place that indication or name on the relevant product, the packaging thereof, advertisements, prospectuses and bills or use it in any other way, with regard to introducing it into civil practices.

(Article 1180 edited by HO-61-N of 29 April 2010)

Article 1181. The field of legal protection of the geographical indication, appellation of origin and traditional speciality guaranteed

(title edited by HO-61-N of 29 April 2010)

1. Legal protection in the Republic of Armenia shall be granted to the geographical indication and appellation of origin originating in the Republic of Armenia, as well as to traditional speciality guaranteed produced within the Republic of Armenia.

2. Legal protection in the Republic of Armenia shall be granted to the geographical indication and appellation of origin originating in another state, as well as traditional speciality guaranteed produced in another state in the cases and under the procedure provided for by law.

(Article 1181 edited by HO-61-N of 29 April 2010)

Article 1182. Validity period of the certificate on the right to use the geographical indication, appellation of origin and the name of traditional speciality guaranteed

(title edited by HO-61-N of 29 April 2010)

1. Validity periods of certificates on the right to use registered geographical indication and appellation of origin shall be defined by the Law of the Republic of Armenia "On geographical indications".

2. The right to use the name of the registered traditional speciality guaranteed shall have effect for an unlimited term — until the termination of registration.

(Article 1182 edited by HO-61-N of 29 April 2010)

Article 1182[1]. Legal protection of geographical indication

(Article repealed by HO-61-N of 29 April 2010)

Article 1183. Liability for illegal use of geographical indication, appellation of origin and the name of traditional speciality guaranteed

(title edited by HO-61-N of 29 April 2010)

The person having the right to use geographical indication, appellation of origin and the name of traditional speciality guaranteed, as well as any natural and legal person, may require from the person illegally using that geographical indication, appellation of origin and the name of traditional speciality guaranteed to terminate the use thereof, or of indication or name confusingly similar thereto, remove them from the product, the packaging thereof, advertisements, prospectuses, bills and other accompanying documents, whereas in case of impossibility thereof — to require confiscation and destruction of the packaging or the product as prescribed by law.

(Article 1183 edited by HO-413-N of 25 September 2002, HO-61-N of 29 April 2010)