

**AMENDED REGULATIONS FOR THE IMPLEMENTATION OF  
THE TRADEMARKS AND PATENTS REGISTRATION ACT  
OF TIR 1, 1310**

**BOOK I.**

**REGISTRATION OF TRADEMARKS**

**CHAPTER 1.**

**APPLICATION FOR REGISTRATION OF TRADEMARKS**

Art. 1.

The application for registration of an industrial or commercial trademark must be made in Farsi, dated, signed, and include the following:

- 1) Name, address, and nationality of the applicant, and the original address of his firm.
- 2) Name and address of the applicant's attorney in Tehran, if the application is made through an attorney.
- 3) The occupation or type of industry of the applicant.
- 4) Date, place, and number of registration in the country or origin, if the trademark has been registered outside Iran.
- 5) The registered address in Tehran chosen by the trademark owner.
- 6) The name and address of the person or persons in Tehran, who are competent to receive legal process and notices.
- 7) A description of the kind of merchandise or products, for distinction of which the trademark is being used, with a mention of the requested classes, as per the Classification annexed to this Regulation.
- 8) A description and specification of the trademark, and the particular manner of its use, if any.
- 9) A list of the exhibits.

Note: The names and addresses of applicants residing outside Iran must be written in Latin characters, besides Farsi , and must be registered and advertised in the same characters.

## Art. 2

The application must have the following exhibits:

1)The original or a certified copy of the power of attorney, if the application is made through an attorney.

2)Ten specimens of the trademark as it is used, plus additional specimens, to equal one specimen for each additional class requested for registration.

The applicant must affix one specimen of the trademark on each application and sign it. The third specimen will be affixed to the respective page of the Registration Book during registration, and the fourth specimen will be affixed to the Certificate of Registration.

Trademarks that are embossed, or engraved on goods, must be sketched on paper.

The dimensions of the specimen should not exceed ten centimeters on each side.

Over each specimen affixed in the above manner, the seal of the Branch Office of the Registrar of Companies, Trademarks and Patents shall be affixed such that part of the seal is placed over the specimen and the other part on the sheet of paper.

3) A (stereotype) plate for printing the trademark distinctly (said plate should not exceed ten centimeters on each side). If the trademark is composed of one or several words, without any device or special letters, then the applicant need not attach a printing plate.

4) If the trademark has been registered outside Iran, the applicant has to submit a copy of said registration in the original language, certified by the office that has issued it, together with an unofficial translation in Farsi at the applicant's responsibility.

5) If the trademark is adopted in order to distinguish the privilege of the goods of a group of people, or the goods of a town or a district of the country, a certificate issued by a competent authority concerning confirmation for use of the said mark by producers of the respective goods.(In Iran the competent authorities whose certificate, issued in

connection with this paragraph, the Registrar of Companies, Trademarks and Patents is obliged to accept are, respectively:

1. Association of the Guilds.
2. Chamber of Commerce or Industry.
3. The Municipality.
4. The Governor's office

Art. 3.

The clerk receiving the application shall make a preliminary review of its contents, and after entering it in the Register of Received Applications, shall return to the applicant the second copy which contains the same specifications as the original - after signing and sealing it with the seal of the Registrar of Companies, Trademarks and Patents, as a receipt.

The third copy of the application, which contains the same specifications as the original one, will immediately be posted at the Branch Office of the Registrar of Companies, Trademarks and Patents, up to the date of its definite acceptance or rejection, so that any interested person may obtain information concerning its contents, and submit his opposition in accordance with the following Articles.

Art. 4.

A person requesting the registration of several trademarks shall submit separate applications for each one of them, as per provisions of the present Regulation. In this case, if the application is made through an attorney - as per one power of attorney only - the original power of attorney shall be attached to one of the applications, and a certified copy of it must be attached to each one of the other applications.

Art. 5.

Within 15 days from the date of its submission, each application shall be examined as follows:

- 1) For formalities to ensure that the application and its exhibits conform to the principles set forth in the Act and the present Regulation. If discrepancies are found in the application, the applicant will be so notified in writing, so that he may cure same within an appropriate time. (For those residing in Iran up to two months, and for those residing outside Iran up to six months.)

If the above periods be insufficient, the applicant may apply only once for an extension of time.

2) For conformity between the Class stated by the applicant for registration for his merchandise and the Classes relative to this kind of merchandise. If the merchandise is found not to be in accordance with the Class mentioned in the application, the applicant for registration will be invited to correct the classification of the specified merchandise.

3) For conformity of the trademarks with the provisions of the Act and the present Regulation.

Note 1. Regarding individualization and distinction, as mentioned in Article 1 of the Act, common names of products, or geographical names that mislead the purchaser as to the origin and quality of merchandise, cannot be considered as trademarks of distinction.

Note 2. The resemblance of trademarks, as mentioned in Art. 9 of the Act, may be in terms of outer appearance, or pronunciation, or writing, or in any other way that causes ordinary consumers to err.

#### Art. 6.

In the following cases, if within 15 days from receipt of the application it is found out that the application is unacceptable, or if the applicant does not act for its completion within the prescribed period of time, the Registrar of Companies, Trademarks and Patents, will notify the applicant in writing, about the rejection of his application, mentioning, in pertinent part, the causes of rejection.

#### Art. 7.

For each trademark for which an application for registration has been accepted per Art. 5, the Registrar of Companies, Trademarks and Patents shall publish an advertisement in the Official Gazette. This advertisement will contain the name and address of the owner of the trademark, the trademark itself and its characteristics, and the goods for which the trademark will be used.

#### Art. 8.

All modifications by the applicant of registration after publication of the advertisement, must be by submission of a new application. This application will be subjected to examination prescribed in Art. 5 of the present Regulation. If the modifications and changes be accepted by the Registrar of Companies, Trademarks and Patents, same will be announced for information of the public, by means of a new advertisement.

#### Art. 9.

30 days after publication of the advertisement, if no opposition is lodged, the Branch Office of the Registrar of Companies, Trademarks and Patents shall register the trademark.

## **CHAPTER II**

### **Registration of Trademark**

Art. 10.

The registration of a trademark will be made in a special Register, with a mention of the following points:

- a) Date and ordinal number of the application
- b) Date and registration number, and the specifications mentioned in the Art. 1 of this regulation.
- c) Affixing one sample where reserved for this purpose.
- d) Registration fee and other fees received for each Class.
- e) Signature of the applicant or his substitute, in such a way that part of his signature be on the paper and part of it on the trademark.
- f) Signature of the Head of the Branch office of the Registrar of Companies, Trademarks and Patents, or his substitute.

Note: Two pages will be reserved for each trademark in the Register of Trademark Registration.

Art. 11.

After registration of the trademark, a certificate comprising the following points, and a complete sample of the trademark affixed on it, will be delivered to the owner of the trademark or his representative:

1. Reception date of the application and its entry number in the Register of Applications for Registration.
2. Registration date of the trademark and the number of its registration.
3. Name, profession, residence, and nationality of the owner of the trademark.

4. Kind of merchandise, or product, or group of products for distinction of which the trademark is used.

5. Specification of the parts for which the owner of the trademark has reserved the right of exclusive use.

6. Date, number and place of foreign registration, if the trademark has been previously registered outside Iran.

7. Issuance date of the Certificate.

8. Validity period of the registration of the trademark.

9. Signature of the Director of the Branch office of the Registrar of Companies, Trademarks and Patents, and of the Director General of the Registration Office for Documents and Estates.

Art. 12.

Within thirty days after registration of each trademark, the Registrar of Companies, Trademarks and Patents shall publish an advertisement including all the points set forth in Art. 11.

Art. 13.

If a trademark, registered for products set forth in Art. 1 of the Act is not commercially utilized - without a plausible reason - within three years from date of registration, either by the owner of the trademark or his legal representative or substitute, in Iran or outside Iran, any interested person can apply to the Court of First Instance for its cancellation.

### **CHAPTER III**

#### **Changes**

Art. 14.

Changes concerning the trademark, or the class of merchandise, or the owner of the trademark, as well as changes in his address, nationality, or his legal representative in Iran will not be officially recognized unless registered in Iran. Registration of these changes will be made on the special pages of the relative trademark. Registration of changes will be effected as per an official application signed by the owner of the trademark or his legal representative.

The application must be made in three copies, and changes must be described therein in detail, and the relative documents and the payment receipt of the Registration Fee must be attached to it. Examination of the application and registration of changes shall be

effected in accordance with the principles set forth for registration of the trademark. Changes concerning the residence, or the name, or the main address of the owner of the trademark or his legal representative in Iran need not be published.

Art. 15.

If the changes concern the trademark itself, ten specimen of the new trademark must be annexed to the application.

Art. 16.

Registration of changes must be effected on the special page of that trademark, and the matters be inscribed on the reverse side of the Certificate by the Registrar of Companies, Trademarks and Patents.

Art. 17.

If the trademark has been transferred by any legal means, in the application for changing the name of the trademark owner the following points must be explicitly defined.

- a) Number of Registration in Iran.
- b) Name, address, and nationality of the new owner.
- c) Name and address of his legal representative in Iran.

Art. 18.

Legal documents of the transfer, the power of attorney, and the Certificate of Registration in Iran must be annexed to the application. (The Certificate of Registration will be returned to the new owner of the trademark, after registration of changes and their inscription on the reverse side of the Certificate.)

Note: If the assignment has been registered outside Iran, a certified copy of the excerpt of the registration of the foreign trademark office is sufficient.

Art. 19.

In the event the owner of the trademark or his legal substitute grants another person the license to utilize that trademark, this license will be valid if the relative license agreement is registered in Iran. Registration of this license agreement will be effected as per a written request of the owner of the trademark or his authorized representative, or the licensee. Payment receipt of the registration fee and of the advertisement charges must be annexed to the application. In the application for registration of the mentioned license agreement, the duration of the license and the limits of its conditions must be defined.

A summary of the contents of the license agreement will be published.

The Branch office of the Registrar of Companies, Trademarks and Patents, after examining and comparing of the application with the provisions of the Act and the Regulation, will act for its registration, and will publish an advertisement containing the name of the trademark owner and that of the licensee of the same mark, number of the trademark, and a summary of the contents of the license agreement, and will deliver to the interested person an excerpt of the mentioned registration.

## **CHAPTER IV**

### **Renewal of Registration**

Art. 20.

Up to six months after the expiry of the validity of a trademark registration, any trademark owner, or his substitute or legal representative, can apply for renewal of the registration once in every ten years. The application for renewal of a trademark registration must be drawn up in two copies, duly signed by the owner of the trademark or his substitute or his legal representative, and a specimen of the trademark affixed on it. Renewal of a trademark registration will be effected by payment of the same fees and charges as, provided for registration of a trademark.

Renewal of registration will be entered in the Register of Trademarks in continuation of the original registration. If a change is made in the trademark when renewing the registration, the provisions in connection with changes must be totally complied with in every respect.

Renewal of registration need not be published if no changes have been made in the trademark.

If the duration of the validity of a trademark has expired, registration of the same trademark by its original owner, or by others, is subject to provisions and formalities in connection with registration of trademarks. Interested persons can submit their opposition within 60 days from the date of the publication of the advertisement.

## **CHAPTER V**

### **Classification of Merchandise**

Art. 21.

Classes of products for trademarks, that a special fee is charged for registration of each class as per Art. 15 of the Act, are defined in the list annexed to this Regulation.

At the time when renewing the registration, or in accordance with the request of the owner of a registered trademark, the Branch office of the Registrar of Companies, Trademarks and Patents shall rectify the class of the products, both in the Register and in the Certificate of Registration, as per the list annexed to this regulation.

## **BOOK II**

### **Registration of Patents**

#### **CHAPTER I**

##### **Application For Registration of Patents**

Art. 22.

The application for registration of a patent must be made in Farsi, dated, signed, and include the following points:

- 1) Name, profession, address and nationality of the applicant.
- 2) Name and address of his attorney in Tehran, if the application is made through an attorney.
- 3) The subject of the invention, concisely and clearly.
- 4) The validity period that the applicant wants to reserve for his letters patent, within the limits of Art. 33 of the Act, and without my conditions or restrictions
- 5) Date, place of issuance, and number of the letters patent issued outside Iran, if a letter Patent has been issued for that invention outside Iran
- 6) The address chosen by the applicant in Tehran.
- 7) Name and address of the person or persons residing in Iran, competent to receive all notifications concerning the invention, for registration of which application is lodged.

Note: In the application, the name and address of the applicant, subject of the invention, the name of the country where the invention was formerly registered, and the number and date of registration in the foreign country may be written in French or English.

Art. 23.

The application must have the following annexes:

- 1) A detailed description in triplicate of the invention or of the new process for which a letters patent is requested.
- 2) Drawings necessary for comprehension of the mentioned description, in triplicate.
- 3) Receipt of the Cashier of the Registrar of Companies, Trademarks and Patents, evidencing the payment of the amounts specified in Art. 32 of the Act.
- 4) The power of attorney, if the application is submitted, through an attorney.

Art. 24.

The application must be limited to the main subject of one invention and to the detailed subjects relative to that same main subject.

Note: If the patent has formerly been registered in a foreign country, the applicant can apply for a single letters patent based on the original invention and its relative complementary invention.

Art. 25.

The detailed description of the invention which is annexed to the application in accordance with Art. 23 must be in Farsi, and at the end of it a summary of the invention and the method of its application must be added. However, if it is not practicable for the applicant to prepare it in Persian, he may prepare the complete specification either in French or English, and annex its summary in Farsi.

Art. 26.

The mentioned description, in whichever language it may be, must be legible, and written in such a way that, by reading it, people in possession of Information be enabled to understand its subject and novelty. Effacing, erasing, and writing between lines is prohibited. Superfluous words must be crossed out and their number noted at the end and signed. All pages, as well as copies, must be signed by the applicant or his attorney.

Drawings must be in ink and on a metric scale, and must bear the signature or seal of the applicant or his attorney.

Art. 27.

Description of the invention and its drawings must be up on papers 34 centimeters length and 22 centimeters width, and only on one side of the paper, in such a way that the reverse side remain blank.

The pages of the description must have consecutive numbers and must be affixed to each other by means of a ribbon or staple press.

The drawings must be traced on special drawing paper, and must have consecutive ordinal numbers.

Art. 28.

Upon receipt of the application, the Registrar of Companies, Trademarks and Patents, after investigating the correctness of its preliminary formalities and entering the application in the Register of Received Applications, shall return to the applicant its second copy which contains the same specifications as the original one - after signing and sealing it with the seal of the Registrar of Companies, Trademarks and Patents, and after inscribing in it the date: hour, day, month and year of its receipt, all in words.

Art. 29.

Within 15 days from the date of receipt by the Registrar of Companies, Trademarks and Patents, the officer in charge of the inventions section shall review the application and its annexes from the view point of conformity with the provisions of the Act and Articles of the present Regulation. Should deficiencies be noticed in the application or its annexes, the matter will be communicated to the applicant in writing, and in the meantime, for elimination of the mentioned deficiencies a time period of about two months will be proscribed - if the applicant is residing in Iran, or six months if the applicant is residing outside Iran. In the event of a plausible reason, the Branch Office of the Registrar of Companies, Trademarks and Patents will extend this period only once if the applicant does not eliminate the mentioned deficiencies within the prescribed of time, or if the application is not in conformity with the provisions of the Act, the Branch Office of the Registrar of Companies, Trademarks and Patents will reject the deficient application mentioning the reason, and will notify the applicant about the matter in writing. The applicant - in compliance with the time period proscribed in the Act - can complain at the Court of First Instance against rejection of application.

## **CHAPTER II**

### **Registration of Patents**

Art. 30.

If the application is found to be correct and in conformity with the law, the invention will be registered in a special Register, with a mention of the following points:

- 1) Number of registration.
- 2) Number of the Register of Applications.

- 3) Date of receipt of the application mentioning hour, day, month and the year.
- 4) Name and complete address of the applicant.
- 5) Name and address of the attorney of the applicant, if the request for registration of the invention has been made through an attorney.
- 6) Subject of the invention.
- 7) Validity period of the letters patent.
- 8) Number of registration and validity period of the foreign letters patent.
- 9) Registration date of the invention.
- 10) Signature of the head of the Branch Office of the Registrar of Companies, Trademarks and Patents.
- 11) Signature of the applicant for registration for the invention or his representative.

NOTE: Two pages will be reserved for each invention in the Register for Inventions. Any change or accomplishment concerning the subject of invention, as well as all transfers and re-transfers that may be effected, partly or totally in connection with the invention, must be registered in the mentioned pages.

#### Art. 31.

After registration of the invention, the letters patent that is handed over to the owner of the invention must comprise the following points:

- 1) Number of registration of the invention.
- 2) Date of registration of the invention.
- 3) Number of the Register of Applications.
- 4) Subject of the invention
- 5) Date of submission of the application.
- 6) Name and complete address of the owner of the invention and his attorney.

- 7) The address of the owner of the invention in Iran.
- 8) Validity period of the letters patent.
- 9) Number of registration and validity period of the invention in foreign country.
- 10) Signature of the Head of the Branch Office of the Registrar of Companies, Trademarks and Patents.
- 11) Signature of the Director General of the Registrar of Companies, Trademarks and Patents.
- 12) Number and issuance date of the letters patent.

One copy of the description of the invention, its summary, and the drawings, must be attached to the letters patent by means of a ribbon or staple press and must be sealed.

Art. 32.

Within thirty days after registration of each invention, the relative registration office will publish an advertisement comprising the following points:

Registration number of the patent, validity period of the letters patent, name and complete address of the owner of the patent subject of the invention. The mentioned advertisement, signed by the head of the Branch Office of the Registrar of Companies, Trademarks and Patents, will be published in the Official Gazette.

Art. 33.

The validity period of the letters patent will be calculated as from the submission date of the application.

### **CHAPTER III**

#### **Changes**

Art. 34.

Any changes or addition or accomplishment, brought about in an invention during the validity period of the relative letters patent will be subject to, the provisions of Art. Nos. 23 and 24.

Art. 35.

For the mentioned change and/or accomplishment, and/or additions, a letters patent will be issued complementing the original letters patent.

The complementary letters patent will be subject to the same provisions as prescribed for the original letters patent, but the validity period of the complementary patent cannot exceed the validity period of the original letters patent.

Art. 36.

Any owner of a letters patent desirous of obtaining for a change, or accomplishment, or additions, a separate original letters patent instead of a complementary one, must comply with the provisions of the Act, as well as the provisions of the present regulation in that they are concerned with the letters patent, and must pay the registration fee and other charges.

Art. 37.

In case the applicant for a complementary letters patent is another person, and not the owner of the original invention, the complementary letters patent does not permit him to utilize the original invention, and the owner of the original invention cannot benefit from the complementary invention, unless an agreement is reached between them.

Art. 38.

Changes concerning the name, address a nationality, and representative of the owner of invention will not be officially recognized unless if registered in Iran.

Registration of these changes will be effected by means of an official application, signed by the owner of the invention or his legal representative. The application must be in triplicate, and the changes must be mentioned therein in detail, and the relative documents and the payment receipt of the registration Fee must be annexed to it. Examination of the application, and the registration of changes will be effected in accordance with the principles set forth for the registration of the invention. Changes concerning the address and name of the owner of the invention or those of his legal representative in Iran need not be published.

Art. 39.

Registration, and the matter must be inscribed on the reverse side of the letters patent by the Branch Office of the Registrar of Companies, Trademarks and Patents.

Art. 40.

In case an invention is legally transferred, the following points must be distinctly stated in the application:

- a) The number of registration in Iran.
- b) Name, address and nationality of the transferee.
- c) Name and address of his legal representative in Iran.

Art. 41.

The legal documents of transfer, the power of attorney, and the letters patent of registration in Iran must be annexed to the application. The letters patent will be returned to its owner after registration of the transfer.

Art. 42.

If the transfer has taken place outside Iran and the branch office the Registrar of Companies, Trademarks and Patents has registered said transfer, then an excerpt of the above-mentioned registration shall be the evidence of transfer.

Art. 43.

The owner of an invention registered in Iran can grant license to another person for utilization of his invention, under any condition. This license must be registered in the Register of Inventions, on the special pages of that invention, and must be published in the Official Gazette.

Art. 44.

The Registrar of Companies, Trademarks and Patents, after examining the application in its conformity with the provisions of the Act and the Regulation will effect its registration, and will publish an advertisement containing the name of the owner of the invention, and that of the licensee of the invention, number of the invention, and a summary of the contents of the license agreement, and will deliver to the interested person an excerpt of the said registration.

## **BOOK III**

### **Common Provisions**

#### **CHAPTER I**

Art. 45.

The Branch office of the Registrar of Companies, Trademarks and Patents shall issue the letters patent or Certificate of Trademark Registration after printing and publication of the relative advertisements.

Art. 46.

If the applicant for registration of a trademark or patent is not residing in Iran, he must choose a known and distinct address in Tehran, or designate another person residing in Tehran, competent to receive all notifications concerning trademarks and inventions. This said duty rests upon a person not residing in Iran who opposes a trademark or a letters patent. All notifications will be served at the address of the interested party, or at the address of the person or persons designated in accordance with the present Article.

## **CHAPTER II**

### **Legal Procedures Concerning Trademarks and Patents**

Art. 47.

Any person opposing a trademark or a letters patent, either before registration of the trademark or the patent, or after it, must deposit the equivalent of one hundred gold Rials at the Treasury of Ministry of Justice, and must annex the receipt thereof to his petition of opposition. Should the objector lose the case, the defendant's losses will be covered from this sum, and should his losses exceed the sum of 100 Rials, he will refer to the Court for the balance.

#### **Section 1**

#### **Appeals from**

#### **Rejection of Application**

Art. 48.

The following documents must be annexed to the petition lodged by the applicant for registration of a trademark or invention, in case his application is rejected as per Art. 7 of the Act:

- 1) original or certified copy of the decision due to which the application for registration has been rejected.
- 2) Objections which the applicant has against the said decision.
- 3) Receipt of the deposit as per Art. 47

4) Power of attorney, in case the petition has been submitted through an attorney.

Art. 49.

The Clerk of the Court will fix the day of session, and will notify the plaintiff, as well as the officer in charge of the Branch Office, mentioned in Art. 6 of the Act, so that they present themselves on the specified day. The plaintiff may apply for an extension of time not exceeding 6 months. On the day of the session, the Court will hear the oral arguments of both parties, and will pronounce the appropriate verdict.

The non-attendance of either party will not hinder the issuance of the verdict, in this case the verdict against the absent party will be deemed as pronounced in his presence.

Art. 50.

The procedure to be followed at the Court of Appeals will be as indicated in the above Article.

## **Section II**

### **Objections to registration prior to the Registration of a Trademark or Invention**

Art. 51.

Objections relative to trademarks or inventions not yet registered must be submitted in writing to the Branch Office of the Registrar of Companies, Trademarks and Patents. Against the letter of opposition a receipt will be given indicating the date of submission. The objector must include the following points in his letter of opposition:

1. His name, profession, and address in Teheran.
2. Mention of all evidence and proof, according to which he deems himself justified in opposition.

Art. 52.

Certified copies of documents on which the objector's claim is based must be attached to the letter of opposition, if possible.

Art. 53.

If the opposition of the objector is based on a right of ownership he claims on a trademark or patent, the registration of which is applied for by another party, without that

trademark or patent having been registered in Iran in his name, his opposition will only be accepted if he files an application for registration of said trademark or patent, in accordance with the Act, and in accordance with the provisions of this Regulation. This same procedure will be followed in every case when the opposition is made by the objector in order to safeguard his rights in connection with a trademark or patent, which trademark or patent has not yet been registered in Iran, unless it is not legally possible to register said trademark or patent.

Art. 54.

Within 10 days after receipt of the letter of opposition, the Branch Office of the Registrar of Companies, Trademarks and Patents shall notify same at the address of the applicant of registration, or of the persons designated as per Art. 46. In the notice, explicit warning must be made that if he surrenders to the opposition of the objector, he must withdraw his application for registration of the trademark.

The procedure for serving the letter of opposition is in accordance with provisions of the Code of Civil Procedure concerning notification of petitions.

Art. 55.

If the applicant surrenders in writing to the opposition of the objector, his application will be returned to him, and the latter will be notified in writing to the objector. In the event of the trademark or patent not being previously registered, steps for its registration will be taken in accordance with his application, lodged jointly with his opposition, as per provisions of Art. 53.

Art. 56.

The objector must refer to the Court of First Instance in Teheran within 60 days from the date when his opposition was notified to the applicant, unless if the applicant surrenders to his opposition before the expiry of said period of time, as per above Article.

Art. 57.

If the objector does not refer to the Court of First Instance in Tehran within the period mentioned above, the Branch Office of the Registrar of Companies, Trademarks and Patents shall, upon request of the applicant, register the trademark or invention in the name of the applicant, after having obtained a certificate from the Registry of the Court of First Instance in Tehran to the effect that a petition was not filed. In such a case, fees and charges paid by the objector in conformity with Art. 16 of the Act will be appropriated in favor of the State.

Art. 58.

If the objector is unable to attach to his petition all his documents and evidence, upon his request, the Chief Judge will grant him, after investigation, and if found necessary, an extension not exceeding six months.

Art. 59.

The above extension shall also be granted to the applicant of registration in order that he may submit documents in his defense.

Art. 60.

The other procedures to be followed either in the Court of First Instance or in the Court of Appeals are the same as prescribed for commercial cases.

### **Section III**

#### **Objections to Registered**

#### **Trademarks or Patents**

Art. 61.

Any person who wants to request cancellation of a trademark or letters patent registered in Iran must file a petition at the Court of First Instance in Teheran. This petition must have the following exhibits:

- 1) Certified excerpt, by the Branch Office of the Registrar of Companies, Trademarks and Patents, attesting to the registration of the trademark or patent, cancellation of which is requested.
- 2) Originals or certified copies of all the documents on which the claim of the plaintiff is based.
- 3) Power of attorney if the petition is filed by an attorney.

Art. 62.

Service of the petition, written preliminaries of the case, and other procedural matters shall comply with the provisions of the Code of Civil Procedure, but the provisions of Art. 59 must be applied in favor of the defendant.

### **CHAPTER III**

#### **Means of Attachments**

Art.63.

The owner of any trademark, as well as the owner of any letters patent, or their legal substitute, may, upon order of the magistrate of the peace, the nearest to the place where the contested goods are located, take a detailed inventory of such allegedly infringing goods. The execution of the above order will be effected by customs officials, if the goods are still in customs, or else by a sheriff. Attachment of the goods may only be effected if the Court expressly so orders.

The Court order, in either of the above two cases, shall be issued according to the petition of the owner of the trademark or the letters patent, or their legal substitute. A certified copy of the Certificate of Registration of the trademark or patent must be annexed to the petition.

If the owner of the trademark or letter patent applies for attachment of the goods mentioned above, he must give sufficient undertaking for the recovery, if necessary, of all damages suffered by the other party, including loss of profits.

Art. 64.

In suits arising from rights arising out of the registration of trademarks or patents, the plaintiff in civil actions, and the civil party in penal actions may, at any time, request from the legal authorities trying the case to issue an injunction to secure the evidence, or an order attaching the forged or imitated goods, or request the issuance of a temporary restraining order prohibiting the manufacture, sale, or importation of forged or imitated products. The legal authorities shall comply with said request and may, before issuing their order, demand a sufficient undertaking from the plaintiff, so as to recover, if required, all damages suffered by the opposing party, including any loss of profits.

Art.65.

If the plaintiff does not initiate a suit, either through civil or penal channels, within 10 days after the issuance date of the order mentioned in Art. 63 of this Regulation, and in compliance with the provisions of Art. 615 of the Code of Civil Procedure, the detailed list that he may have taken, or attachment that may have been effected, will become null and void; and he will be liable for the damages incurred by the other party, as per Art.63.

## **BOOK IV**

### **Charges**

[This Article has been amended on numerous occasions]

Art. 66.

The respective charges of trademarks and patents will be follows:

- 1) Fees for translation and preparation of certified copies, as per regulations relative to official translators and preparation of copies of documents.
- 2) Tariff of advertisements: as per the tariff of the Official Gazette.
- 3) For transactions and transfers relative to inventions -with the exception of the case mentioned in Paragraph 4 of this Article -as per the tariff determined for registration of documents, provided that the collected sum does not exceed 40 Gold Rials.
- 4) For registering the transfer of a patent through inheritance: 3 Gold Rials.

Art. 67.

From the effective date of this Regulation, the Implementation of the Trademarks And Patents Registration Act, ratified on 29-4-1310 is abolished. This regulation will be in force 10 days after its publication in the Official Gazette.

## **CLASSIFICATION OF GOODS**

### SECTION I - Industrial and Chemical Products.

1. Chemical products used in industry, science, photography; Agriculture, horticulture, forestry; Manures (natural and artificial); Fire extinguishing compositions; Tempering substances and chemical preparations for soldering; Chemical substances for preserving foodstuffs; Tanning substances; Adhesive substances used in industry.
2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; Coloring matters, dyestuffs; Mordants; Resins; Metals in foil and powder form for painters and decorators.
3. Bleaching preparations and other substances for laundry use; Cleaning, polishing, scouring, and abrasive preparations; Soaps; Perfumery, essential oils, cosmetics, hair lotions; Dentifrice.
4. Industrial oils and greases (other than edible oils and fats and essential oils); Lubricants; Dust laying and absorbing compositions; Fuels (including motor spirit) and illuminants; Candles, tapers, night-lights and wicks.
5. Pharmaceutical, veterinary, and sanitary substances; Infants' and invalids' foods; Plasters, material for bandaging; Material for stopping teeth, dental wax; Disinfectants; Preparations for killing weeds and destroying vermin.

## SECTION II - Minerals and metallic items.

6. Unwrought and partly wrought common metals and their alloys; Anchors, anvils, bells, rolled and cast building materials; Rails and other metallic materials for railway tracks; Chains (except driving chains for vehicles); Cables and wires (non electric); Locksmiths' work; Metallic pipes and tubes; Safes and cash boxes; Steel balls; Horseshoes; Nails and screws; Other goods in non-precious metal not included in other classes; Ores.

7. Machines and machine tools; Motors (except for vehicles); Machine couplings and belting (except for vehicles); Large size agricultural implements; Incubators.

8. Hand tools and instruments; Cutlery, forks and spoons; Side arms.

## SECTION III - Scientific and industrial apparatus and instruments.

9. Scientific, nautical, surveying' and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision). Lifesaving and teaching apparatus and instruments; Coin or counter-freed apparatus; Talking machines; Cash registers; calculating machines; Fire extinguishing apparatus.

10. Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes, and teeth).

11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, sir, or water.

13. Firearms; Ammunition and projectiles; Explosive Substances; Fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks, and spoons); Jewelry, precious stones; Horology and other chronometric instruments.

15. Musical instruments (other than talking machines and wireless apparatus).

## SECTION IV - Manufactured Products of different Materials.

16. Paper and paper articles, cardboard, and cardboard articles; Printed matter, newspapers and 'periodicals, books; Bookbinding material; Photographs; Stationery, adhesive materials (stationery); Artists' materials; Paint brushes; Typewriters and office requisites (other than furniture); Instructional and teaching material (other than apparatus); Playing cards; Printers' types and cliches (stereotype).

17. Gutta percha, indiarubber, balata and substitutes, articles made from these substances and not included in other classes; Materials for packing, stopping or insulating; Asbestos, mica, and their products; Hose pipes (non metallic).

18. Leather and imitation of leather, and articles made from these materials, and not included in other classes; Skins, hides; Trunks and traveling bags; Umbrellas, parasols and walking sticks; Whips, harness and saddlery.

19. Building materials natural and artificial stone, cement, lime, mortar, plaster, and gravel; Pipes of earthenware or cement; Road-making materials; Asphalt, pitch and bitumen; Portable buildings; Stone monuments; Chimney pots.

20. Furniture, mirrors, picture frames; Articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaun, celluloid and substitutes for all these materials.

21. Small domestic utensils and containers (not of precious metal, nor coated therewith); Combs and sponges; Brushes (other than paint brushes); Brush making materials; Instruments and materials for cleaning purposes; Steel wool; Glassware, porcelain and earthenware not included in other classes.

#### SECTION V - Textiles

22. Ropes, strings, nets, tents, awnings, tarpaulins, sails, sacks, Padding and stuffing materials (hair, capoc, feathers, seaweeds, etc.); Raw fibrous textile materials.

23. Yarns, threads

24. Tissues (piece goods); Bed and table covers; Textile articles not included in other classes.

25. Clothing, including boots, shoes and slippers.

26. Lace and embroidery, ribands and braids; Buttons, press buttons, hooks and eyes, pins and needles; Artificial flowers.

27. Carpets, rugs, mats and mattings, linoleums and other materials for covering floors; Wall hangings (non-textile).

#### SECTION VI - Games and Playthings.

28. Games and playthings; gymnastic and sporting articles (except clothing); Ornaments and decorations for Christmas trees.

#### SECTION VII - Alimentary and Agricultural Products.

29. Meat, fish, poultry and game; Meat extracts; reserved, dried and cooked fruit and vegetables; Jellies, jams; Eggs, milk, and other dairy products; Edible oils and fats; Preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; Flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery; Honey, treacle; Yeast, baking-powder; Salt, mustard; Pepper, vinegar, sauces; Spices; Ice.

31. Agricultural, horticultural and forestry products and gains not included in other classes; Living animals; Fresh fruits and vegetables; Seeds, live plants and flowers; Food-stuffs for animals, malt.

32. Beer, ale and porterp; Mineral and aerated waters and other non alcoholic drinks; Syrups and other preparations for making beverages.

33. Wines, spirits and liqueurs.

34. Tobacco, raw or manufactured; Smokers' articles; Matches.

35. Marks reserved for services.

36. Goods not mentioned in any one of classes 1 to 35\*.

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