

LAW OF THE REPUBLIC OF ARMENIA

"ON FIRM NAMES"

Note: Articles 5, 6, 8, 14 and 18 were subsequently amended.

CHAPTER 1. GENERAL PROVISIONS

Article 1. Relations regulated by the law

Relations associated with the registration, legal protection and use of firm names of legal entities are regulated by this law.

CHAPTER 2. FIRM NAMES

Article 2. The firm name

1. The firm name is the name under which a legal entity implements its activities and is distinguished from other legal entities.

2. The firm name shall comprise words characterizing the legal organizational type of the legal entity and at least one proper or common name of distinguishing significance (a personal name, a location name or a symbolic name).

3. The firm name may also comprise the name of designation of the legal entity, words characterizing the nature of its activities, other data considered necessary by the founders or participants.

4. The firm name of a business partnership shall comprise the words "full partnership" or "limited partnership" and the names (denomination) of all partners (full partners) or the name (denomination) of at least one participant (a full partner) of the partnership with the addition of the words "and partners", and "full partnership" or "limited partnership"

5. The firm name of a commercial cooperative shall include an indication of the main objective of its activities.

Article 3. Legal protection of the firm name

The legal protection of a firm name in the Republic of Armenia is carried out on the basis of the procedure of firm name registration defined by this law and without registration in compliance with the international treaties of the Republic of Armenia, this law and other regulations.

Article 4. The use of names in the firm names requiring permission

1. The full or abbreviated name of an outstanding person can be used only upon the consent of that person or his/her heirs.

2. If the outstanding person or the heir giving consent to use the person's name consider that the activities of the legal entity harm the reputation of the outstanding person, he/she is entitled to seek injunction through the court to deprive the legal entity of the right to use the name in the firm name and (or) claim compensation of losses.

3. The distinguishing words "Hai", "Haiastan", "Haikakan" and their translations, the names of administrative territorial divisions of the Republic of Armenia, as well as the full or abbreviated name of an outstanding person in case of the latter's death and provided he/she has no heirs are used in firm names only in the order defined by the government of the Republic of Armenia.

CHAPTER 3. REGISTRATION AND RECORDING OF A FIRM NAME

Article 5. The request to register a firm name

1. Before the state registration of a legal entity considered a commercial organization its firm name shall be registered in the Patent Agency of the Republic of Armenia (hereinafter Agency).

2. Any modification of the firm name is made only after the new firm name is registered in the agency in the defined order.

3. Founders of legal entities, the person authorized by the founders or in compliance with Charter of the legal entity a body authorized for that purpose (hereinafter applicants) can file a request (hereinafter request) to register the firm name.

4. The request can also be filed by a person authorized by the applicant.

5. The request shall include:

- a) an application for the registration of the firm name, which comprises the firm name filed for registration, its abbreviation or short form if any, the address of the applicant;
- b) the explanation of the firm name submitted for registration, if it is not clear in Armenian.

6. The application shall have the following attachments:

- a) the consent (permission) in cases specified by Article 4 of this law;

- b) the power of attorney if the application is filed by the person authorized by the applicant;
 - c) the receipt for the payment of the state duty in the defined amount.
7. The application shall be filed in Armenian.
 8. The Agency defines the form of the application and the order of filling.

Article 6. Consideration of the request and the registration of the firm name

1. The Agency, within the time period of 5 days from the day of receiving the request, carries out an expert examination and determines the compliance of the request and the firm name filed for registration with the requirements of this law.
2. The applicant can make modifications in the filed request during the consideration of the request before the decision on the registration of the firm name is taken. In this case, the time period defined by paragraph 1 of this Article is calculated from the day of making modifications.
3. If the expert examination reveals that the firm name filed for registration is inconsistent with the requirements of this law, a decision on refusing the registration of the firm name is taken, and within three days the applicant is notified thereof with the substantiation of the refusal.
4. In case of disagreement with the decision of the expert examination the applicant has the right to file a claim to the Council of Appeal of the Agency (hereinafter Council of Appeal) within one month following the day of its notice.
5. The Council of Appeal considers the claim according to the procedure approved by the Agency.
6. In case of disagreement with the decision of the expert examination and the decision of the Council of Appeal the applicant has the right to appeal to the court by the procedure defined by law.
7. If the firm name complies with the requirements of this law the Agency takes a decision on its registration and notifies the applicant within three days.
8. After taking the decision on the registration of the firm name, the Agency registers the firm name in the State Register of the Republic of Armenia for registration of firm names.
9. The year, month and day (hereinafter date) of the registration of a firm name shall be defined by the date of filing the request with the Agency.
10. The firm name is registered in Armenian.
11. The firm name, the number and date of registration, the number of the request, the address of the applicant are recorded in the State Register.
12. Before the state registration of a legal entity but not more than 6 months, the firm name registered in the State Register receives temporary protection.

Article 7. Grounds for refusal of the registration of a firm name

A name is not subject to registration as a firm name that:

- a) coincides with a previously registered firm name of any legal entity in the Republic of Armenia or with a firm name of a foreign legal entity that is well known to public or is recognized widespread in a certain sphere because of the public use of a firm name or a trademark and a service mark, as well as with any trademark or service mark, designation of place of origin having an earlier act of registration in the Republic of Armenia or are confusingly similar with the above mentioned and relate to the same sphere of activities.
- b) conflicts with the public interests and principles of humanism and morality;
- c) is a name of a certain product or service, or characterizes their quality, specification, quantity or ways of production, or advertises them;
- d) includes a full or abbreviated name of a historic or any outstanding person of the Republic of Armenia, and is filed without the relevant permission to use this name;
- e) coincides with or is confusingly similar to a name of any state, a governmental and non-governmental international organization.

Article 8. The recording of registered firm names

1. The recording of registered firm names is carried out by the Agency on the basis of information provided by the body that performs the state registration of legal entities (hereinafter body of registration of legal entities).
2. The body of registration of legal entities provides the Agency on a quarterly basis with information on registered legal entities, their liquidation, as well as notes on modifications of their firm names within the given quarter.
3. The provided information should include the firm name of the legal entity, the number and date of the state registration, its location, and, in case of liquidation, also the date of notice thereon in the register of legal entities.
4. On the basis of the received information the Agency shall:
 - a) take a decision to give a certificate to a firm name or to revoke its registration;
 - b) make relevant records in the State Register of firm names.

Article 9. The certificate of registration of the firm name

1. After taking a decision on giving a certificate of a firm name, on the basis of the application of the legal entity, within 10 days the Agency shall deliver it the certificate of the registration of a firm name.
2. The certificate of registration of a firm name verifies the fact of the state registration of the firm name, and the exclusive right of the legal entity to use it.

3. The Agency shall define the form of the certificate of registration of a firm name and the list of data contained in it.

4. The registration of a firm name has no term of effectiveness.

Article 10. Publication of information on the registration of firm names

1. All the information on the registration of firm names, and all the modifications in the state register of firm names according to this Law, is published in the official newsletter of the Agency.

2. The Agency shall determine the full list of information on the state registration of a firm name to be published.

CHAPTER 4. USE OF A FIRM NAME

Article 11. The use of a firm name

1. The use of a firm name is considered to be performance of transactions, putting the product into economic circulation, advertisement of goods and services, performance of financial operations, filing of a claim with the court by that name, as well as the application of the firm name on goods and their packing, posters, seals, stamps, forms, playbills, and other applications not prohibited by this Law.

2. Separate subdivisions of a legal entity use the firm name of the legal entity by adding words that characterize the nature of the activities of the subdivision or the name of its location.

3. The firm name is used only in the form it is registered in the State Register.

4. Foreign language translations of the firm name can be used together with it. In this case the name having a distinguishing significance, included in the firm name shall not be translated.

Article 12. The exclusive right to use the firm name

1. The exclusive right to use a firm name enters into force from the date of the state registration of a legal entity or from the date of entering a notice in the Register of legal entities on the modification of the firm name of a registered legal entity, and is effective in the whole period of their activities in the Republic of Armenia.

2. The exclusive right of a foreign legal entity to use a firm name enters into force on the basis of the fact that the given nominal firm mark or trademark or service mark has become well known by public or is recognized widespread in a certain sphere because of the public use of them in the Republic of Armenia, and is effective during the whole period of such consistent use, if the firm name is not inconsistent with the requirements of registration of firm names defined by this Law.

3. The use of a firm name by other legal or physical entities identical or confusingly similar to the protected firm name is considered infringement of the exclusive right of using a firm name.

4. In case of unlawful use of a firm name of a legal entity by other legal or physical entities, including cases when they obtain rights and obligations by the given firm name, the legal entity can protect its rights according to judicial procedure.

5. The exclusive right to use a firm name of a legal entity can be transferred only together with the legal entity in case of its reorganization.

Article 13. Suspension of the act of registration of a firm name

1. The act of registration of a firm name is suspended and the legal entity loses its exclusive right to use a firm name if:

- a) it was prohibited to use the given firm name by court decision and in cases defined by law;
- b) in cases defined by law the court has invalidated the registration of the firm name;
- c) the legal entity has changed its firm name;
- d) the legal entity is liquidated.

2. The courts of the Republic of Armenia shall notify the Agency on the decisions on firm names.

3. The Agency shall make relevant modifications relating to firm names in the State Register on the basis of the court decisions on firm names.

4. In case the legal entity loses its exclusive right to use a firm name, that name can be registered as a firm name of another legal entity in no less than three years.

CHAPTER 5. FINAL PROVISIONS

Article 14. Duties

State duties are charged for the registration of the firm name and its legal protection. The types of duties, their amount and order of payment are defined by the Law.

Article 15. Settlements of disputes associated with firm names

The disputes associated with the registration and the use of firm names are settled by the courts.

Article 16. Liability for infringement of the exclusive right to use a firm name

1. In case of infringement of the exclusive right of the legal entity to use the firm name, the offender shall compensate for the losses incurred.
2. For the purposes of restoration of the reputation (prestige) of the legal entity that has suffered losses the Agency, on the account of the infringer, publishes information on the relevant decision of the court in its official newsletter noting as well the holder of the infringed right.
3. In case of infringement of the exclusive right to use a firm name, the posters, seals, stamps, forms playbills and other printed publications with the firm name made by the infringer are subject to destruction.

Article 17. International treaties

If the international treaties of the Republic of Armenia stipulate norms other than in this Law the norms of international treaties shall be applied.

Article 18. Transitional provisions

1. After the enforcement of this law the registration of a previously registered firm name of a legal entity remains effective.
2. After the enforcement of this law the unregistered firm names of legal entities are subject to registration by the procedure defined by this law until the current registration of the legal entity.
3. Recognize the law of the Republic of Armenia on Firm Names adopted on May 12 1997 invalid.