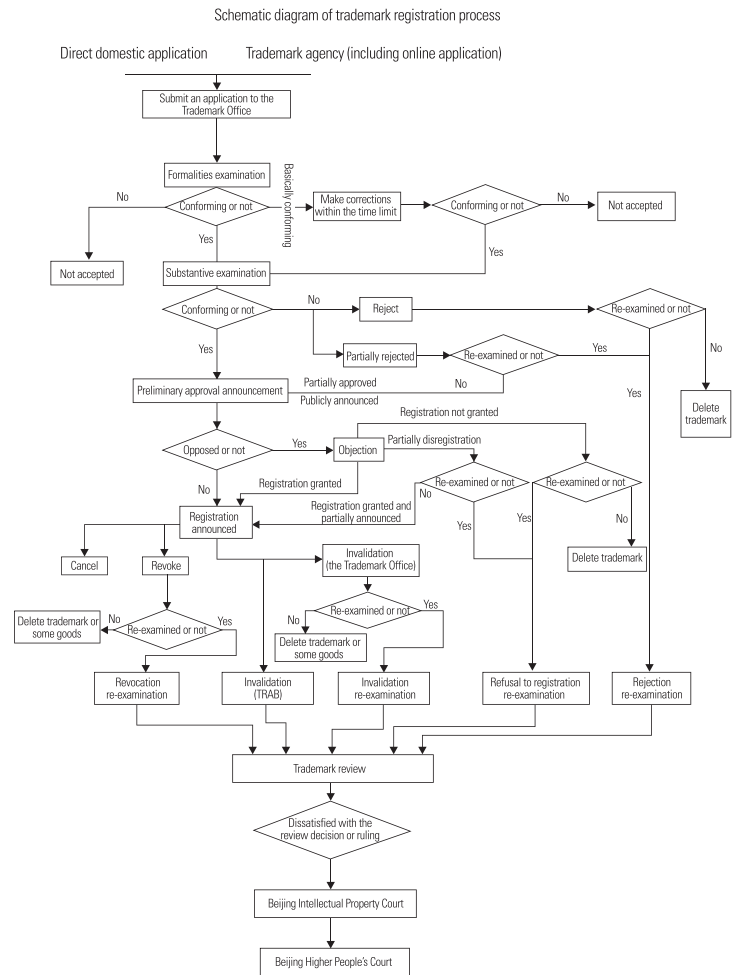


Preface

For the purpose of fostering the pragmatic cooperation among the countries along the Belt and Road , at the 2018 High-Level Conference on Intellectual Property for Countries Along the Belt and Road, China and the participating countries issued the *Joint Statement on Pragmatic Cooperation in the Field of Intellectual Property Among Countries Along the Belt and Road* which include eight cooperation projects, such as exchange in IP laws and policies and cooperation in data.

“Comparative study on examination procedures of trademark” is a cooperation project in the trademark field. The Russian Federation and the Kyrgyz Republic have joined this project. This *Comparison Manual on Trademark Application and Examination Procedures in the Countries Along the Belt and Road (the People's Republic of China · Russian Federation · Kyrgyz Republic)* is compiled from the information of relevant laws and regulations, procedures and practices of trademark examination. All the information is based on the questionnaire filled in by China, Russia and Kyrgyzstan. We hope this manual would be helpful to the readers and any suggestion is welcome.

- 1Country: People's Republic of China
- 2Office Name: Trademark Office of China National Intellectual Property Administration (CNIPA)
- 3Overview of the Trademark Registration Procedures



- 1Country: Russian Federation
- 2Office Name: Federal Service for Intellectual Property (Rospatent)
- 3Overview of the Trademark Registration Procedures

Filing a trademark application → Formal examination →

Substantial examination → State registration of a trademark

→ Issuance of a trademark certificate → Introduction of

the information in the State Register

- 1Country: Kyrgyz Republic
- 2Office Name: State service for intellectual property and innovation under the government of the Kyrgyz Republic (Kyrgyzpatent)
- 3Overview of the Trademark Registration Procedures

Filing a trademark application → Formal examination →

Substantial examination → Paying the fees → Registration

in the State Register → Issuance of a trademark certificate

→ Publishing the information of the trademark registration

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The Acceptable Types of Trademark

Trademark Law of the People's Republic of China stipulates that “In respect of any visual sign capable of distinguishing the goods or service of one natural person, legal entity or any other organization from that of others, including any word, design, letters of an alphabet, numerals, three-dimensional symbol, combinations of colors, sound and their combination, an application may be filed for registration”

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The Special Requirements for Non-traditional Trademark Filing

1) Where an application is field for the registration of a three-dimensional sign as a trademark, the applicant shall make a declaration to explain the method of using the trademark, and submit specimens enabling determination of the three-dimensional shape. The specimens submitted shall include a view of at least three sides. The multi-sided view submitted shall belong to the same three-dimensional sign, and the overall size of the specimens containing the multi-sided view shall be no greater than 10cm×10cm and no smaller than 5cm×5cm. If the three-dimensional sign contains any word, the word part shall be indicated in the correct position of the three-dimensional shape view and shall not be independent out of the view.

2) Where an application is filed for the registration of a combination of colors as a trademark, the applicant shall declare the same in the application, list the color name and colorcode in the “Trademark Description” column, and explain the method of using the trademark. The specimens submitted shall be a color block indicating the color combination or a graphic outline indicating the location of color. The graphic outline is not an element constituting the trademark, and it must be denoted by a dotted line, not a solid line.

3) Where an application is filed for the registration of a sound mark as a trademark, the applicant shall declare the same in the application, submit a sound sample that meets the requirements, describe the sound trademark for which registration is applied, and explain the method of using the trademark. The trademark specimens submitted shall include the description of the sound trademark. The applicant shall notate the sound to be used as a trademark for which the application is filed using five-line staff notation or numbered musical

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The Acceptable Types of Trademark

Visual: words, images, three-dimensional, light, changing (moving), holographic, positional, color;
Non-visual: sound, tactile, olfactory and taste.

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The Special Requirements for Non-traditional Trademark Filing

The applications for registering a sound as a trademark shall contain a phonogram in digital form. In addition to the verbal description of the sound (sounds) or indication of its characteristics, the description of the sound designation also should contain either a musical notation of the melody (musical work), or a diagram of the frequencies of the sound, the source of which are living beings or items.

Color trademarks represent a single color as such or a combination of colors. When requesting legal protection, it should be clear that the claimed designation is a color or a combination of colors, and not anything else, for example, an image of a square of a certain color.

Registration as a trademark of a color is made only if there is evidence that the designated color has acquired distinctiveness.

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The Acceptable Types of Trademark

Verbal, pictorial, volumetric, and other designations or combinations thereof may be registered as trademarks. Visually indistinguishable symbols, as well as sound and olfactory signs, are not registered.

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The Special Requirements for Non-traditional Trademark Filing

Verbal designations include words, combinations of letters that have a verbal character, phrases, sentences, and other units of the language, as well as their combinations.

Pictorial designations include images of living beings, objects, natural and other objects, shapes, compositions of lines, spots, and shapes on a plane.

Combined designations include combinations of elements of a different nature, visual, verbal, volumetric, and so on three-dimensional objects, shapes, and combinations of lines and shapes are referred to as three-dimensional designations.

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The Requirements of Application Documents

- 1) Handling of applications for trademark registration by domestic natural persons (excluding Hong Kong, Macao and Taiwan): an *Application for Trademark Registration* filled out according to the relevant requirements and signed by the applicant, trademark specimens, a copy of business license for individual industrial and commercial households, and a copy of ID card. When the same applicant handles more than one trademark registration applications at the same time, only one copy of ID card and one copy of the business license for individual industrial and commercial households should be submitted.
- 2) Handling of applications for trademark registration by domestic legal persons or other organizations: an *Application for Trademark Registration* filled out according to the relevant requirements and stamped with the applicant's official seal, trademark specimens, and a copy of identification document. When the same applicant handles multiple trademark registration applications at the same time, only a copy of identification document (such as a copy of business license) should be submitted.

notation together with a written explanation. If the sound trademark cannot be notated using the five-line staff notation or numbered musical notation, the applicant shall describe the sound in words. Note: The description of the entire trademark (including five-line staff notation or numbered musical notation, and text description) should be made in one trademark specimen. The description should be accurate, complete, objective and easy to understand. If there are lyrics in the sound sample, the lyrics should also be stated in the trademark description. In addition, five-line staff notation or numbered musical notation should not contain the name of any musical composition. If an application is filed for the registration of sound mark as a trademark, the sound sample should also be attached. The audio file of the sound sample should be stored in a read-only optical disc, and there should be only one audio file in the optical disc. The audio file of the sound sample should be less than 5MB and the format should be wav or mp3. Note: the description of the trademark shall be consistent with the sound sample.

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The Requirements of Application Documents

- 1) Application for state registration of a trademark or collective mark.
- 2) Written confirmation of consent to the processing of personal data of the applicant's representative, if the application is filed by a representative of the applicant who is not a patent attorney.
- 3) The Charter of the collective mark, if the application is filed for collective mark.
- 4) A copy of the first trademark application filed by the applicant in a State, which is party to the *Paris Convention*, when filing an application containing a requirement to establish convention priority.
- 5) Documentary confirmation of the legality of requesting exhibition priority when submitting an application containing a requirement to establish exhibition priority.
- 6) Written confirmation of consent of the persons mentioned in the application or of their representatives to process personal data of these persons.

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The Requirements of Application Documents

Application for registration indicating the applicant, as well as his location or residence; written authorization signed by foreign applicant; a list of goods or services, trademark pattern and description; receipt of fee payment; if the application is for a collective mark, the Charter of the collective mark should be submitted.

The application and the documents attached to the application must be submitted in the state or official language.

3) Handling of applications for trademark registration by foreigners: Foreigners should entrust a legally established trademark agency to handle trademark applications. Foreigners who have a habitual residence in China can handle trademark applications by themselves. An applicant who handles trademark registration directly at the trademark registration hall should submit: an *Application for Trademark Registration* filled out according to the relevant requirements and signed by the applicant, trademark specimens, a copy of identification document, and a copy of *Foreign Permanent Resident ID Card* issued by the public security department or a copy of *Foreigner Residence Permit* with a validity period of more than one year. Foreigners who have a habitual residence in China can also file an application through the trademark online application system. For the specific procedures, please refer to the “Online Application” column of the China National Trademark website (<http://sbj.cnipa.gov.cn/>).

4) Handling of applications for trademark registration by residents of Hong Kong, Macao and Taiwan: Residents of Hong Kong, Macao and Taiwan should entrust a legally established trademark agency to handle trademark applications. Residents of Hong Kong, Macao and Taiwan who hold *Mainland Travel Permit for Hong Kong* and *Macao Residents, Mainland Travel Permit for Taiwan Residents* or *Residence Permit for Hong Kong, Macao and Taiwan Residents* within their validity periods (more than one year) can handle trademark applications by themselves. An applicant who handles trademark registration directly at the trademark registration hall should submit: an *Application for Trademark Registration* filled out according to the relevant requirements and signed by the applicant, trademark specimens, copy of identification document, a travel permit or residence permit. Residents of Hong Kong, Macao and Taiwan who meet the requirements for self-application can also file an application through the trademark online application system. For the specific procedures, please refer to the “Online Application” column of the China National Trademark website (<http://sbj.cnipa.gov.cn/>).

7) Documentary evidence of the dates of beginning of production, and/or applicant's right to award(s) if the designation contains a reference to the dates of beginning of production, and/or image of award(s), awarded to the company or to its products.

8) Written consent of the relevant government authority, international or intergovernmental organization to register as trademarks the designations which include, reproduce or imitate the official symbols, names or distinctive marks, such as state symbols and signs (flags, emblems, orders, currency notes and the like); shortened or full names of international and non-governmental organizations, their flags, emblems, other symbols and signs; official control, guarantee or assay marks, stamps, awards and other distinctive marks or similar to them to the extent confusion.

9) Documentary confirmation of the consent of the owner or a person authorized by the owner to state registration of a trademark in the case provided for in paragraph 4 of article 1483 of the *Russian Civil Code*.

10) Documentary confirmation of the consent of the copyright holder of a trademark that has an earlier priority in the case provided for in paragraph 6 of article 1483 of the *Russian Civil Code*.

11) Documentary confirmation of the consent of the copyright owner or its legal successor in the case provided for in subparagraph 1 of paragraph 9 of article 1483 of the *Russian Civil Code*.

12) Documentary confirmation of the consent of the relevant person or his / her heir in the case provided for in subparagraph 2 of paragraph 9 of article 1483 of the *Russian Civil Code*.

13) Documentary confirmation of the consent provided for in paragraph 6 and subparagraphs 1 and 2 of paragraph 9 of article 1483 of the *Russian Civil Code*, in the case provided for in paragraph 10 of article 1483 of the *Russian Civil Code*.

14) Power of attorney certifying the authority of the patent attorney or other representative to conduct business with Rospatent on behalf of the applicant.

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Means of Submission

1) There are two ways for applicants within China (excluding Hong Kong, Macao and Taiwan) to submit the documents: one is to handle the applications by themselves; the other is to entrust a trademark agency registered with the CNIPA to handle the applications. Applicants who handle the applications by themselves can submit an application for trademark registration online through the online service system. For details, please refer to the “Online Application” column of the China National Trademark website (<http://sbj.cnipa.gov.cn/>). Applicants can also handle trademark registration applications at the Registration Hall of the Trademark Office of CNIPA, the Office of the Trademark Office in Zhongguancun National Independent Innovation Demonstration Zone, the trademark examination cooperation centers established by the Trademark Office outside Beijing, or the trademark acceptance windows established by the local market supervision departments or the intellectual property departments entrusted by the Trademark Office. Any foreign person or foreign enterprise intending to apply for the registration of a trademark or for any other matters concerning a trademark in China shall appoint any of such organizations as designated by the State to act as its or his agent, except for foreigners or foreign enterprises that have a permanent residence or business office in China. For applicants from Hong Kong, Macau and Taiwan, refer to the handling procedures for foreigners.

2) In terms of document submission methods, if an applicant handles the application by himself, the applicant or the handler should directly submit the application documents to the Trademark Registration Hall of the Trademark Office of CNIPA (or the Office of the Trademark Office in Zhongguancun National Independent Innovation Demonstration Zone, the trademark examination cooperation centers established by the Trademark Office outside Beijing, or the trademark acceptance windows established by the local market supervision departments or the intellectual property departments entrusted by the Trademark Office). Applicants who meet the requirements can also submit the application documents through the online application system; the agent

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Means of Submission

15) Translation of documents attached to the application, submitted in a language other than Russian.

Application can be submitted in the following ways.

1) Handing over the documents directly to Rospatent.

2) By post.

3) Through the Public Services Portal of the Russian Federation (<https://www.gosuslugi.ru/foreign-citizen?lang=en>). It must be noted that in order to submit an electronic application, the applicant must obtain an electronic signature certificate from a certification center accredited by the Ministry of Communications of the Russian Federation. More details on <http://www.fips.ru> section “ Electronic interaction with applicants” .

4) Through FIPS service ARM REGISTRAR: <https://new.fips.ru/podacha-zayavki/podacha-zayavki-na-tovarnyy-znak/vnimanie-polzovateli-cervisa-podachi-zayavok-na-tovarnyy-znak.php>.

5) By fax with subsequent provision of original documents.

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Means of Submission

Filing a registration of a mark with the State service for intellectual property and innovation under the government of the Kyrgyz Republic (Kyrgyzpatent).
E-filing: <http://patent.kg/ru/>.

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Classification and Identification of Goods and Services

International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification).

9

The Search Methods for Non-national Character Trademarks (including device trademarks, foreign language trademarks, etc.)

For trademarks composed of Latin letters, they should be retrieved as English trademarks; trademarks composed of non-Latin letters, such as Japanese, Korean, Arabic, etc., should be retrieved as graphic trademarks.

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The Basic Principles of Trademark Examination

China's Trademark Law requires a comprehensive examination of trademark registration applications, which includes examination for absolute and relative grounds. Examination for absolute grounds means whether a trademark in respect of which an application for registration is filed is a sign that should not be used as a trademark according to the law, including two circumstances: first, signs that are prohibited from being used as trademarks, such as State name, national flag, national emblem; second, signs that lack distinctiveness, such as common names, signs that directly indicate the characteristics of product quality, function, purpose, and main raw materials, and a three-dimensional trademark uses a functional sign, etc. Trademark applications that should be rejected by absolute grounds will be rejected according to the law. Examination for relative grounds means to examine whether a trademark in respect of which an application for registration is filed conflicts with any prior application of another person, or any trademark that has been preliminarily approved and registered earlier, or conflict with any prior right acquired by another person.

can submit the application documents directly, by post or by an express enterprise to the CNIPA, or through the online application system.

8

Classification and Identification of Goods and Services

International Classification of Goods and Services For the Purpose of the Registration of Marks (Nice Classification).

9

The Search Methods for Non-national Character Trademarks (including device trademarks, foreign language trademarks, etc.)

Checking public information sources, including dictionaries, encyclopedias, and the Internet.

10

The Basic Principles of Trademark Examination

The examination is performed on both absolute and relative grounds.

1) **Absolute grounds.**

a. Trademark state registration shall not be granted to designations not having a distinctiveness or composed only of elements:

(i) that have come into general usage as designations for goods of a certain kind;

(ii) being generally accepted symbols and terms;

(iii) that characterize goods, for instance indicating their kind, quality, quantity, properties, intended purpose, value, and the time, place and method of their manufacture or sale;

(iv) representing a form of goods that is defined exclusively or mainly by the properties or intended purpose of the goods.

The said elements may be included in a trademark as non-protected elements, unless they dominate therein.

b. It is not allowed to provide the state registration as trademarks to the designations which include, reproduce or imitate the official symbols, names or distinctive marks,

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Classification and Identification of Goods and Services

International Classification of Goods and Services for the Purpose of the Registration of Marks (Nice Classification).

9

The Search Methods for Non-national Character Trademarks (including device trademarks, foreign language trademarks, etc.)

The search for the verbal part of symbols is carried out in Cyrillic and Latin. Verbal symbols in other alphabets are considered as pictorial elements.

10

The Basic Principles of Trademark Examination

Performing examination on both the relative grounds and the absolute grounds.

1) **Absolute grounds.**

a. It is not allowed to register as trademarks designations that do not have a distinctive ability or consist only of elements:

(i) entered into general use as a designation of goods of a certain type;

(ii) being generally accepted terms and symbols in relation to goods for which it is proposed to use such terms or symbols as signs;

(iii) indicating the type, quality, quantity, property, purpose, value of the goods, as well as the time and place of their origin, production or sale.

It is not allowed to register as trademarks designations consisting only of elements representing state coats of arms, flags and other state emblems, official names of States, abbreviated or full names of international organizations, their coats of arms, flags and other emblems, official control, warranty and assay stamps, seals, awards and other distinctions, or similar to them to the extent of confusion

such as state symbols and signs (flags, emblems, orders, currency notes and the like); shortened or full names of international and non-governmental organizations, their flags, emblems, other symbols and signs; official control, guarantee or assay marks, stamps, awards and other distinctive marks or similar to them to the extent confusion. The said symbols, names or distinctive marks may be included in a trademark as non-protected elements with the consent of the relevant competent government authority, international or intergovernmental organization.

c. No trademark state registration shall be granted to designations which are or comprise elements:

(i) which are false or capable of misleading the consumer concerning goods or the manufacturer of goods;

(ii) which conflict with the public interest and with humanity and moral principles.

d. No trademark state registration shall be granted to designations identical or similar to the extent of confusion with the official names and images of especially precious objects of cultural heritage of the peoples of the Russian Federation or objects of world cultural or natural heritage, and also with images of cultural valuables preserved in collections, collected items and stocks if registration is sought in the names of persons not being owners without the consent of the owners or persons authorized by the owners for these designations to be registered as trademarks.

e. In accordance with an international treaty of the Russian Federation, no trademark state registration shall be granted to designations which are or which comprise elements protected in a member state of that international treaty as designations allowing identification of wines or alcoholic beverages as originating from its territory (produced within the borders of a geographical object of that state) and having a special quality, reputation or other characteristics predominantly defined by the origin thereof, if the trademark is intended for designating wines or alcoholic beverages not originating from the territory of the given geographical object.

2) Relative grounds.

Identical or similar to the prior registered IP rights.

designations. Such elements may be included as unprotected elements in a trademark if the relevant competent authority or their owner agrees to do so.

b. Registration as trademarks or their elements designations is not allowed:

(i) being false or capable of misleading the consumer about the product or its manufacturer;

(ii) representing or containing the indication of the place of origin of wines or strong alcoholic drinks protected entered in accordance with the law in force the international treaties which participant is the Kyrgyz Republic, if such designations are intended for wines or spirits not originating from these places, as well as formally indicating the true place of production of goods but giving a false idea about what goods comes with the territory of the other;

(iii) contrary to public interests, principles of humanity and morality.

2) Relative grounds.

a. Designations that are identical or similar to the extent of their confusion cannot be registered as trademarks:

(i) with trademarks previously registered or applied for registration in the Kyrgyz Republic in the name of another person in respect of similar goods and having an earlier priority;

(ii) with registered or submitted for registration in the Kyrgyz Republic brand names-in relation to identical or similar types of activities or goods or services;

(iii) with trademarks of other persons protected by international agreements that have entered into force in accordance with the procedure established by law, to which the Kyrgyz Republic is a party, in respect of homogeneous goods and having an earlier priority.

b. No designations that are identical or similar to the extent of confusion may be registered as trademarks for any goods:

(i) with well-known trademarks recognized in accordance with the established procedure in the Kyrgyz Republic;

(ii) with names of places of origin of goods protected in accordance with this Law, except for cases when they are included as unprotected elements in a trademark registered in the name of a person who has the right to use such a name.

11 Statutory Time Limit of Each Examination Transaction

- 1) The legal trademark examination period is 9 months. Now the average trademark examination period (from the date of reception of application to the time of examination conclusion is made) is 4.5 months.
- 2) The legal objection examination cycle is 12 months (from the date of expiry of the announcement to the time when the decision on whether to approve the registration is made).
- 3) The legal examination period for a re-examination case of dissatisfaction with a decision of the Trademark Office to deny registration is 12 months (from the date of receipt of the application to the time the re-examination decision is made).
- 4) The legal examination period for a re-examination case of dissatisfaction with a decision of the Trademark Office to reject the application is 9 months (from the date of receipt of the application until the time the examination decision is made).
- 5) The legal period for examining the invalidation of a registered trademark is 9 months for absolute grounds and 12 months for relative grounds (from the date of receipt of the application until the time the examination decision is made).
- 6) The legal period for examining an application for canceling a registered trademark is 9 months (from the date of receipt of the application until the time the examination decision is made).
- 7) The legal examination period for a re-examination case of dissatisfaction with a decision of the Trademark Office to cancel a registered trademark is 9 months (from the date of receipt of the application until the time the examination decision is made).

12 Possible Grounds of Refusal

- 1) Possible reasons for rejecting a trademark application.
Absolute reasons: first, signs that are prohibited from being used

11 Statutory Time Limit of Each Examination Transaction

Formal examination is performed within 1 month from the date of filing the application.
Registration of a trademark is performed within 1 month from the date of payment of the fee for state registration of a trademark. Issuance of a trademark certificate is performed within 1 month from the date of state registration.
An applicant can appeal the decisions of Rospatent on the application within 4 months from the date of sending the decision. An applicant can also appeal the grant of legal protection to a trademark in accordance with Art. 1512 of the *Civil Code* of the Russian Federation.

12 Possible Grounds of Refusal

- 1) Absolute grounds.
a. Trademark state registration shall not be granted to

11 Statutory Time Limit of Each Examination Transaction

Within 1 month from the date of application submission, a preliminary examination is conducted, during which the content of the application is checked for compliance with the formal requirements established by Law.
The examination of the claimed designation is carried out upon completion of the preliminary examination within 12 months from the date of filing the application.
At any stage of the examination, Kyrgyzpatent has the right to request additional materials from the applicant, without which the examination is impossible. Additional materials for the examination request must be submitted within 2 months from the date of receipt of the request.
At the request of the applicant, if there are valid reasons and subject to payment of the relevant fee before the expiration of the two-month period, the response time to the request can be extended, but not more than 12 months.
The response to the preliminary decision may be submitted by the applicant within 2 months from the date of receipt of the preliminary decision. If the applicant has violated the specified period or left the preliminary decision unanswered, a decision is made to refuse registration of the trademark.
If the applicant does not agree with the decision of the preliminary examination or with the decision of the examination of the claimed designation, he has the right to file an objection to the Appeal Board of Kyrgyzpatent within 3 months from the date of receipt of the decision. The appeal must be considered by the Appeal Board within 4 months from the date of its receipt.
The decision of the Appeal Board may be appealed to the court by the applicant within 6 months from the date of its receipt.

12 Possible Grounds of Refusal

- 1) Absolute grounds.
a. It is not allowed to register as trademarks designations that

as trademarks, such as State name, national flag, national emblem; second, signs that lack distinctiveness, such as common names, signs that directly indicate the characteristics of product quality, function, purpose, and main raw materials; third, malicious trademark registration applications not for the purpose of use.

Relative reasons: identical with or similar to the trademarks that have been registered or applied for by others for the same or similar goods earlier.

2) Relief measures.

If the trademark registration applicant refuses to accept the rejection, it may apply to the Trademark Review and Adjudication Board of the Trademark Office for re-examination within 15 days after receiving the notification of rejection.

designations not having a distinctiveness or composed only of elements:

(i) that have come into general usage as designations for goods of a certain kind;

(ii) being generally accepted symbols and terms;

(iii) that characterize goods, for instance indicating their kind, quality, quantity, properties, intended purpose, value, and the time, place and method of their manufacture or sale;

(iv) representing a form of goods that is defined exclusively or mainly by the properties or intended purpose of the goods. The said elements may be included in a trademark as non-protected elements, unless they dominate therein.

b. It is not allowed to provide the state registration as trademarks to the designations which include, reproduce or imitate the official symbols, names or distinctive marks, such as state symbols and signs (flags, emblems, orders, currency notes and the like); shortened or full names of international and non-governmental organizations, their flags, emblems, other symbols and signs; official control, guarantee or assay marks, stamps, awards and other distinctive marks or similar to them to the extent confusion. The said symbols, names or distinctive marks may be included in a trademark as non-protected elements with the consent of the relevant competent government authority, international or intergovernmental organization.

c. No trademark state registration shall be granted to designations which are or comprise elements:

(i) which are false or capable of misleading the consumer concerning goods or the manufacturer of goods;

(ii) which conflict with the public interest and with humanity and moral principles.

d. No trademark state registration shall be granted to designations identical or similar to the extent of confusion with the official names and images of especially precious objects of cultural heritage of the peoples of the Russian Federation or objects of world cultural or natural heritage, and also with images of cultural valuables preserved in collections, collected items and stocks if registration is sought in the

do not have a distinctive ability or consist only of elements:

(i) entered into general use as a designation of goods of a certain type;

(ii) being generally accepted terms and symbols in relation to goods for which it is proposed to use such terms or symbols as signs;

(iii) indicating the type, quality, quantity, property, purpose, value of the goods, as well as the time and place of their origin, production or sale.

It is not allowed to register as trademarks designations consisting only of elements representing state coats of arms, flags and other state emblems, official names of States, abbreviated or full names of international organizations, their coats of arms, flags and other emblems, official control, warranty and assay stamps, seals, awards and other distinctions, or similar to them to the extent of confusion designations. Such elements may be included as unprotected elements in a trademark if the relevant competent authority or their owner agrees to do so.

b. Registration as trademarks or their elements designations is not allowed:

(i) being false or capable of misleading the consumer about the product or its manufacturer;

(ii) representing or containing the indication of the place of origin of wines or strong alcoholic drinks protected entered in accordance with the law in force the international treaties which participant is the Kyrgyz Republic, if such designations are intended for wines or spirits not originating from these places, as well as formally indicating the true place of production of goods but giving a false idea about what goods comes with the territory of the other;

(iii) contrary to public interests, principles of humanity and morality.

2) Relative grounds.

a. Designations that are identical or similar to the extent of their confusion cannot be registered as trademarks:

(i) with trademarks previously registered or applied for registration in the Kyrgyz Republic in the name of another

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Approval and Gazette

The Trademark Office should examine the applications for trademark registration that have been accepted in accordance with the relevant provisions of the Trademark Law. If an application for registration conforms to the provisions or conforms to the provisions to the extent that the trademark is used on some of designated goods only, the Trade Office should preliminarily approve and gazette the trademark. If no objection is filed during the three-month public announcement period, registration should be granted, a trademark registration certificate should be issued, and the trademark should be publicly announced.

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Approval and Gazette

names of persons not being owners without the consent of the owners or persons authorized by the owners for these designations to be registered as trademarks.

e. In accordance with an international treaty of the Russian Federation, no trademark state registration shall be granted to designations which are or which comprise elements protected in a member state of that international treaty as designations allowing identification of wines or alcoholic beverages as originating from its territory (produced within the borders of a geographical object of that state) and having a special quality, reputation or other characteristics predominantly defined by the origin thereof, if the trademark is intended for designating wines or alcoholic beverages not originating from the territory of the given geographical object.

2) Relative grounds.

Identical or similar to the prior registered IP rights.

If the decision on state registration of a trademark was made, the trademark can be registered in the State register, a certificate for the trademark can be issued, and information about the registration can be published.

Trademark registration procedure begins with checking of payment of fees. Fees must be paid within two months from the date of sending the decision on registration of the trademark, or within an additional period of six months from the date of expiration of the two-month period in an amount increased by 50%. If the payment of fees for the registration of a trademark and the issuance of a certificate for it is confirmed, then the information is checked for further publication and an action is taken to register the trademark in the State register of trademarks and service marks.

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Approval and Gazette

person in respect of similar goods and having an earlier priority;

(ii) with registered or submitted for registration in the Kyrgyz Republic brand names-in relation to identical or similar types of activities or goods or services;

(iii) with trademarks of other persons protected by international agreements that have entered into force in accordance with the procedure established by law, to which the Kyrgyz Republic is a party, in respect of homogeneous goods and having an earlier priority.

b. No designations that are identical or similar to the extent of confusion may be registered as trademarks for any goods:

(i) with well-known trademarks recognized in accordance with the established procedure in the Kyrgyz Republic:

(ii) with names of places of origin of goods protected in accordance with this Law, except for cases when they are included as unprotected elements in a trademark registered in the name of a person who has the right to use such a name.

Based on the decision to register a trademark, Kyrgyzpatent shall register the trademark in the Register within 1 month from the date of receipt of the document on payment of the established fee.

Information related to the registration of a trademark and entered in the Register shall be published by Kyrgyzpatent in the official Bulletin within 1 month from the date of registration of the trademark in the Register or from the date of making changes to the register of registration of the trademark.

The issuance of a trademark certificate is made by Kyrgyzpatent after 3 months from the date of publication of the trademark in the official Bulletin.

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Trademark Opposition Procedure

1) Trademark opposition procedures.

Including formalities examination and substantive examination. Formalities examination: conduct legal examination on the formality elements of an objection application such as writing format and standards, subject qualification, clear factual reasons and legal basis, and make a decision on whether the objection application is accepted or rejected. Substantive examination: in accordance with the examination standards and the evidence materials provided by the party concerned, conduct legal examination on the objection grounds claimed by the opponent and the defending grounds of the person against whom the objection is filed, and make a decision on whether the registration of the opposed trademark is allowed or not allowed and whether registration of part of the goods (services) is not allowed.

2) Relevant requirements.

For a trademark for which the preliminary approval is publically announced, within 3 months from the date of announcement, if the prior right holder or the stakeholder believes that it violates the relevant provisions of the Trademark Law, he may file an objection to the Trademark Office. The application for trademark objection submitted should have clear request and factual basis, and should be accompanied by relevant evidence materials. If the party concerned needs to add relevant evidence materials after filing an objection application or the statement of defense, they should declare them in the trademark objection application or the statement of defense, and submit them within 3 months after the date of submitting the trademark objection application or the statement of defense. In case the party concerned fails to submit them within the time limit, he should be deemed as giving up the right to supplement relevant evidence materials.

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Trademark Opposition Procedure

An interested person can appeal the grant of legal protection of a trademark by filing an appeal to Rospatent.

1) **Competent authority:** Rospatent.

2) **Relevant laws and regulations:** the Rules for consideration and resolution of disputes under administrative procedure by the federal executive authority on intellectual property (adopted on 30 April 2020).

3) Procedure.

- Filing an appeal to Rospatent.
- Formal check of an appeal (check of the compliance with the requirements to the filed documents, grounds for appeal and payment of relevant fee).
- The meeting of the Board comprising of at least 3 members. During the meeting the Board considers an appeal. The parties of the dispute may participate in the meetings of the Board.
- Upon the consideration of an appeal the Board issues a written conclusion.
- Within 2 months after the meeting of the Board and issuance of the conclusion, the Head of Rospatent or a person authorized by him makes a decision either to satisfy an appeal fully or partially or to refuse in satisfying an appeal.
- The Head of Rospatent or a person authorized by him can reject the conclusion of the Board. In this case, the new composition of the Board is formed and a new meeting of the Board is set.
- The decisions of Rospatent can be appealed in the court in accordance with the Russian legislation.

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Trademark Opposition Procedure

If the applicant does not agree with the decision of the preliminary examination or with the decision of the examination of the claimed designation, he has the right to file an objection to the Appeal Board of Kyrgyzpatent within 3 months from the date of receipt of the decision. The appeal must be considered by the Appeal Board within 4 months from the date of its receipt.

The decision of the Appeal Board may be appealed to the court by the applicant within 6 months from the date of its receipt.