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Relations with other documents

Amending authorities and incorporations

LAW OF THE REPUBLIC OF ARMENIA ON PATENTS

LAW

OF THE REPUBLIC OF ARMENIA

Adopted on 3 March 2021

ON PATENTS

CHAPTER 1

MAIN PROVISIONS

Article 1. Subject matter of the Law

1. This Law shall regulate the property and personal non-property relations related to the creation, legal protection and use of inventions.

Article 2. Main concepts used in the Law

1. The following main concepts shall be used in this Law:

- (1) **Paris Convention** — Paris Convention for the Protection of Industrial Property signed on 20 March 1883 in Paris, with all further amendments and supplements;
- (2) **WIPO** — World Intellectual Property Organisation;
- (3) **PCT** — Patent Cooperation Treaty signed on 19 June 1970 in Washington, with PCT Directive and the Administrative Directive attached to that Treaty with all further amendments and supplements;
- (4) **Eurasian Convention** — Eurasian Patent Convention signed on 9 September 1994 in Moscow;
- (5) **TRIPS Agreement**— Agreement on Trade-Related Aspects of Intellectual Property Rights signed on 15 April 1994 in Marrakesh;
- (6) **state authorised body** — body of the state administration system authorised by the law regulating the field of intellectual property, the intellectual property office of which shall — in the manner prescribed by this Law — exercise the functions related to the protection of intellectual property, as well as other functions provided for by this Law;
- (7) **Board of Appeals** — board established within the state authorised body, which shall — in accordance with its Charter — resolve the disputable matters related to the legal protection of industrial property objects;
- (8) **patent** — a document issued in the manner prescribed by this Law, which shall — in accordance with this Law — certify the fact of granting legal protection to the invention and, consequently, the exclusive right to the invention;

- (9) **patent for an invention** — a patent issued in accordance with part 1 of Article 28 of this Law for a validity period of 20 years;
- (10) **short-term patent for an invention** — a patent issued in accordance with part 1 of Article 29 of this Law for a validity period of 10 years;
- (11) **person** — a natural person, an individual entrepreneur, an organisation;
- (12) **applicant** — a person in the name whereof the patent is claimed;
- (13) **patent holder** — a person disposing the patent;
- (14) **application** — a package of documents to be filed with the state authorised body for the purpose of obtaining a patent in the manner prescribed by this Law;
- (15) **international application** — an application for obtaining a patent filed with the state authorised body in accordance with the PCT;
- (16) **national stage** — the process of considering the international application in accordance with this Law;
- (17) **Eurasian application** — an application for obtaining a Eurasian patent filed with the state authorised body in accordance with the Eurasian Convention;
- (18) **Eurasian patent** — a patent issued in accordance with the Eurasian Convention;
- (19) **representative** — a person authorised to represent the applicant, the patent holder or another interested person in the state authorised body;
- (20) **date** — day, month, year;
- (21) ***mutatis mutandis*** — with respective amendments (within the meaning of TRIPS Agreement).

Article 3. Legislation on inventions

1. The legislation on inventions shall comprise the Constitution of the Republic of Armenia, the Civil Code of the Republic of Armenia, this Law and other legal acts.
2. In case of conflict between the norms of international treaties ratified by the Republic of Armenia and those of this Law, the norms of international treaties shall apply.

Article 4. Ground for legal protection of inventions

1. The rights to the invention in the territory of the Republic of Armenia shall be acquired and protected by a patent issued as prescribed by law.
2. In accordance with the Eurasian Convention, the rights arising from the Eurasian patent shall be recognized and protected in the territory of the Republic of Armenia.

Article 5. Forms of legal protection of inventions

1. Legal protection of inventions in the Republic of Armenia shall be carried out on the basis of protection documents issued in accordance with this Law, as well as that of the Eurasian patent.
2. The following protection documents shall be issued in accordance with this Law:
 - (1) patent for an invention;
 - (2) short-term patent for an invention.
3. Provisions of this Law shall equally apply to both patents for inventions and short-term patents for inventions, unless otherwise provided for by this Law.

Article 6. Rights of foreign persons

1. Foreign natural persons and organisations shall enjoy the rights provided for by this Law and bear liability on an equal basis with the citizens and organisations of the Republic of Armenia in accordance with international treaties with the participation of the Republic of Armenia or under the principle of reciprocity.
2. For the purpose of benefiting from the principle of reciprocity, the existence of reciprocity shall be proved by the person seeking to benefit from it.

Article 7. State authorised body

1. The state authorised body shall:
 - (1) accept and consider the applications for inventions, conduct the examination thereof, publish the applications and the patents issued on the basis thereof, carry out state registration of inventions, issue patents on behalf of the State;
 - (2) prepare an opinion on the patentability of the invention based on the results of the examination of the invention on the merits or refer the preparation thereof to the foreign national or regional patent office with which it has a relevant contract;
 - (3) carry out the maintenance and keeping of the State Register of Inventions and other registers provided for by this Law;
 - (4) register the transfer of rights to inventions and the licenses, including franchising;
 - (5) provide supplementary legal protection to the inventions in cases provided for by this Law;
 - (6) provide the information related to the inventions envisaged by this Law;

- (7) represent the Republic of Armenia in foreign and international organisations as regards the matters related to inventions;
 - (8) act as a receiving office for international applications filed under the procedure of the PCT and the Eurasian applications filed under the procedure of the Eurasian Convention.
2. The state authorised body shall have an Official Journal entitled “Industrial Property”, where it shall publish information on applications for inventions, the patents issued, as well as on other activities thereof.
 3. The state authorised body shall ensure the availability of the data on applications and patents for inventions for the public electronically.
 4. The state authorised body shall have a Board of Appeals, consisting of a president and eight members, who shall combine their work on the Board with the public service positions held thereby. The individual composition of the Board of Appeals shall be approved by the head of the state authorised body. The Charter of the Board of Appeals, the procedure for considering the appeals, requests and objections shall be approved by the Government.

Article 8. Provision of information to the public

1. Any person, on condition of paying the state duty prescribed by law, may, upon his or her request, study the documents related to the applications and get familiar with the materials related to the acquired or registered rights, taking into account the requirements prescribed by Article 9 of this Law.
2. Based on the requests submitted, the state authorised body shall provide information service to any person in the manner prescribed thereby.

Article 9. Confidentiality of application processing

1. Determination of the degree of confidentiality of inventions containing information constituting state and official secret, their use and the publication of information about them shall be carried out under the procedure established by the Government.
2. All the documents of the application containing information about an object considered secret in accordance with the Law “On state and official secret” (application on the secret object) shall be drawn up and record-registered in accordance with the requirements of the mentioned law.
3. Prior to the publication of information on applications for obtaining a patent for an invention or on short-term patents for inventions in the Official Journal of the state authorised body, the materials thereof shall be considered confidential.
4. Materials considered confidential in accordance with part 3 of this Article shall be made available for getting familiar with only upon the written consent or permission of the applicant, and for the bodies conducting the preliminary investigation of criminal cases and the court — in the manner prescribed by law. Moreover, the mentioned materials shall be considered available for getting familiar with, if it is possible to get familiar with them through the means not prohibited by law.
5. Any person who proves that the applicant has informed him or her in writing about the content of the application and the claimed legal framework, may get familiar with the materials considered confidential in accordance with part 3 of this Article without the additional consent or permission of the applicant.
6. The deposited biological material specified in part 3 of Article 44 of this Law shall be accessible through the provision of a sample thereof:
 - (1) prior to the publication of information on the application for an invention — only to the persons with the relevant authority as prescribed under the

- procedure provided for by part 1 of this Article and as prescribed by part 4 of this Article;
- (2) between the publication of information on the application for an invention and the issuance of the patent — to anyone requesting it or only to an independent expert upon the request of the applicant;
 - (3) after the issuance of the patent — to anyone based on the request, irrespective of the fact of revocation of the patent or declaring it invalid.
7. According to part 6 of this Article, the sample of the deposited biological material shall be provided if the person submitting the request ensures, for the validity period of the patent:
- (1) not to make the sample or any material derived from it available to third parties;
 - (2) not to use the sample or any material derived from it for any other purpose (except for experimental purposes), unless the applicant or patent holder has granted such a right.
8. Based on the request of the applicant, where the application related to the biological material is refused or withdrawn, access to the deposited material shall be limited for 20 years from the date on which the application was filed, reserving the given right to an independent expert. In this case, provisions of part 7 of this Article shall apply.
9. The requests referred to in point 2 of part 6 and in part 8 of this Article may be submitted by the applicant not later than 10 working days before the envisaged day of publication of information on the application.
10. Prior to publication of information on the application for obtaining a patent for an invention or on a short-term patent for an invention in the Official Journal, the state authorised body may disclose to third parties or provide them with the following data:

- (1) number of the application;
- (2) filing date of the application, and in case of claiming priority, also the filing date, number and country of the first application;
- (3) data related to the applicant (in case of a natural person: name, surname, place of residence, in case of an individual entrepreneur: name, surname, father's name (in case it is available) (with an indication of individual entrepreneur), place of record-registration, in case of an organisation: name, place of location);
- (4) name of the invention, if it does not reveal the essence of the given invention.

Article 10. Consequence of submitting applications without a document certifying the payment of the state duty

1. Applications for fulfilment of the actions provided for by this Law, which are submitted without a document certifying the payment of the relevant state duty, shall be considered as not submitted, unless otherwise provided for by this Law.

Article 11. Time limits for notification

1. The state authorised body shall — within three working days after making a decision on the application — send the decision to the applicant by post or other means of communication, including by e-mail specified by the applicant. Decisions shall be sent by one of the means preferred by the applicant and specified in this Section. Where the decision has been sent to the applicant by non-postal delivery preferred by him or her, he or she may receive it in person in the state authorised body within three months from the date of sending the decision.

2. Other notices and inquiries provided for by this Law shall be sent within three working days after the expiry of the relevant time limits or fulfilment of actions provided for by law, by post or other means of communication, including by e-mail specified by the applicant.

Notices and inquiries shall be sent to the applicant by one of the means preferred by him or her and specified in this Section. Where the notice has been sent to the applicant by non-postal delivery preferred by him or her, he or she may receive it in person in the state authorised body within three months from the date of sending it.

CHAPTER 2

LEGAL PROTECTION OF THE INVENTION

Article 12. Terms of patentability of the invention

1. According to this Law, a technical solution in any field, relating to a product (in particular, a device, material, biotechnological product) or a process (the process of fulfilment of actions on the material object with the help of material means), including the use of the product or the process with some purpose, shall be protected as an invention.
2. An invention shall be granted a patent in accordance with the procedure established by this Law, if it is new, involves an inventive step and is susceptible of industrial application (terms of patentability of the invention).
3. An invention shall be granted a short-term patent in accordance with the procedure established by this Law, if it is new, does not directly derive from the level of technology and is susceptible of industrial application (terms of patentability of an invention protected under a short-term patent).

4. An invention shall be granted a patent even if it concerns a product containing or consisting of biological material or a process by means of which biological material is produced, processed or used. Biological material which has been isolated from its natural environment or produced by means of technical process may be the subject of an invention even if it previously occurred in nature.
5. Within the meaning of this Law, "biological material" shall mean any material containing genetic information and capable of reproducing itself independently or in a biological system and "microbiological process" shall mean any process involving microbiological material or being implemented on it as a result of which microbiological material is received. Any process for the production of plants or animals is essentially biological if it consists entirely of natural process such as crossing or selection.
6. Within the meaning of this Law, inventions relating to computer algorithms and software shall be subject to protection if the given invention relates to the process and meets the requirements set forth in parts 1-3 of this Article.

Article 13. Exceptions to legal protection

1. Within the meaning of part 1 of Article 12 of this Law, the following shall not be protected as an invention:
 - (1) scientific discoveries;
 - (2) scientific theories, mathematical methods, customary provision of information;
 - (3) means of organisation and management of economy;
 - (4) conventional signs, schemes and rules, including game rules;
 - (5) means of performing mental actions;

- (6) schemes and projects of constructions, buildings and site plans;
 - (7) solutions concerning the outward appearance of the product having exclusively aesthetic value.
2. Provisions of part 1 of this Article shall exclude the legal protection of the mentioned objects insofar as the application or the patent refers to the mentioned object as such.
3. The following shall not be subject to legal protection:
 - (1) those inventions, the prohibition of publication or use whereof in the territory of the Republic of Armenia is conditioned by the need to observe the principles of public order or morality (including protection of human, animal or plant life and health) or to avoid causing serious damage to the environment, provided that such exclusion is not conditioned only by the fact that their use is prohibited by law;
 - (2) processes for cloning human beings;
 - (3) use of human embryos for industrial or commercial purposes;
 - (4) processes for modifying the germ line genetic identity of human beings;
 - (5) processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit to human being or animal, and also animals resulting from such processes;
 - (6) the human body, at the various stages of its formation and development, and the simple discovery of one of its elements, including the sequence or partial sequence of a gene. This point shall not apply to an element isolated from the human body or otherwise produced by means of a technical process, including the sequence or partial sequence of a gene, which may constitute a patentable invention, even if the structure of the element concerned is identical to that of a natural element.

4. Within the meaning of this Law the following shall not be considered patentable inventions:
 - (1) plant and animal varieties, as well as essentially biological processes for the production thereof, except for microbiological processes or the product obtained by means of such a process. Inventions which concern plants or animals shall be patentable if the technical feasibility of the invention is not limited to a particular plant or animal variety. Provisions of this point shall not apply to a microbiological or other processes or patentability of a product obtained by means of such a process;
 - (2) integrated circuit topographies.

Article 14. Novelty

1. An invention shall be considered to be new if it does not form part of the state of the art.
2. According to part 1 of this Article, the state of the art shall comprise any information relating to the solutions (separate parts) in the given field of technology made available to the public in the world by means of a written or oral disclosure or in any other way, before the priority date of the given invention. The information accessible for getting familiar with by any permitted means shall be considered public. Solutions made public with open access shall be included in the state of the art if such access has been exercised in the Republic of Armenia.
3. According to part 1 of this Article, the state of the art shall also include the essence of inventions with earlier priority disclosed by the applications filed with the state authorised body, provided that the given applications or the patents issued based on them will be published by the state authorised body in the future.

Article 15. Public disclosure of the essence of the invention non-prejudicial to patenting

1. For purposes of Article 14 of this Law, disclosure of the essence of an invention shall not be taken into consideration if it has occurred within 12 months preceding the filing of the application for an invention, and in case of claiming earlier priority, within 12 months preceding the date of the given priority by the author or any person having obtained the information on the essence of the invention directly or indirectly from him or her (that fact must be proved by the applicant).

Article 16. Inventive Step

1. An invention shall be considered as involving an inventive step if, having regard to the state of the art specified in part 2 of Article 14 of this Law, it is not obvious to a person skilled in that field.

Article 17. Susceptible of industrial application

1. An invention shall be considered as susceptible of industrial application if it can be used in industry, agriculture, healthcare and other fields.
2. The industrial application of a sequence or a partial sequence of a gene must be disclosed in the application for an invention.

CHAPTER 3

AUTHOR, PATENT HOLDER, RIGHT TO OBTAIN A PATENT, EXCLUSIVE RIGHT, VALIDITY PERIOD OF THE PATENT

Article 18. Author

1. The author (hereinafter also referred to as "an inventor") shall be the natural person with the creative work whereof the invention has been created.
2. If the invention has been created with the joint creative work of several natural persons, they shall be considered as co-authors, each of which shall have the right to be recognised as an author and whose relationship shall be defined under a contract concluded between them.
3. The right to authorship shall be a personal non-transferable and inalienable right and shall be protected for an indefinite period of time.
4. Assistance of a non-creative nature provided to the creation of an invention (technical, organisational or material assistance, assistance to registration of rights, etc.) shall not entail a co-authorship.
5. The state authorised body shall not be responsible for the authenticity of the data concerning the authors.
6. The author shall have the right to be mentioned in the application or the patent as such.
7. The author shall have the right to refuse the mentioning of his or her name in the application or the patent by submitting a written request to the state authorised body.

Article 19. Patent holder

1. The patent shall be granted to the person in the name whereof the patent is claimed (hereinafter referred to as "an applicant").
2. The patent may be claimed in the name of more than one person. In this case, they shall be granted one patent in the name of all, whose relationships as patent holders shall be regulated under a contract concluded between them. Proceeds derived from the joint use of the invention or as a result of the exercise of the exclusive right to the invention shall be shared equally among all patent holders, unless otherwise provided for by the contract concluded between them. In case of the absence of a contract, each of them shall have the right to use the invention at his or her discretion, apply to the court with a claim on prohibition of use — by any person — of the protected invention without an authorisation, but shall not have right to withdraw the patent without notifying the other patent holders and transfer his or her rights to other person or conclude a license, including franchising agreement without their consent.
3. The right to obtain a patent for an invention created by an employee in course of fulfilment of his or her professional duties or tasks of the employer (service invention) shall belong to the employer unless otherwise provided for under the contract concluded between them.
4. The employee, who is the author of the invention, cannot claim additional remuneration for his or her achievements except for the cases, when his or her personal contribution to the invention and its importance for the employer are evident and exceed the requirements provided for under the contract referred to in part 3 of this Article. The amount, conditions and procedure for payment of remuneration to the author of the service invention (employee), shall be determined under the contract concluded between the author and the employer and, in the absence of such a contract, under judicial procedure.

5. The employee shall be obliged to notify the employer in writing, about the created invention related to his or her professional activity within one month from the day of creation.
6. If, within a period of three months from the day of informing the employer about the creation of the invention, the employer or the person to whom the employer has granted the right to obtain the patent fails to file an application with the state authorised body or notify the employee of his or her decision to keep the information on the invention as a production secret (know-how), the right to file an application and to obtain a patent shall belong to the employee (author). In this case the employer shall have the right to use the service invention for his or her own needs by receiving a non-exclusive license, provided that the patent holder is remunerated for that. The amount, conditions and procedure for payment of remuneration shall be determined under the contract concluded between the employee and the employer and, in the absence of such a contract, under judicial procedure.
7. If the employer obtains a patent for a service invention or decides to keep the information on such invention as a production secret and notifies the employee about that or transfers the right to obtain a patent to another person or fails to obtain a patent upon the application filed by himself or herself due to reasons within his or her control, the employee shall enjoy the right to remuneration. The amount, conditions and procedure for payment of remuneration shall be determined under the contract concluded between the employer and the employee and, in the absence of such a contract, under judicial procedure.
8. An invention created by the employee using material and technical means of the employer shall not be considered to be a service invention if it has not been created in course of fulfilment of professional duties or the specific task of the employer. The right to obtain a patent for such an invention shall belong to the employee. In this case the employer shall have the right to claim, at his or her

discretion, a non-exclusive gratuitous license to use the invention for his or her own needs, for the entire period of validity of the patent, or compensation for the costs incurred by him or her in connection with the creation of such an invention.

9. The right to file an application and obtain a patent, the exclusive right to use the invention, as well as the right to derive proceeds from its use may be transferred to another person heritably by way of universal legal succession or as a result of reorganisation of the patent holder organisation.
10. The right to obtain a patent for an invention created by a lecturer or a research worker, researcher (hereinafter referred to as "a research worker") within the framework of teaching and/or performing research work duties in higher educational institutions or scientific and scientific-research (hereinafter referred to as "scientific") centres, shall belong to the given educational institution or scientific centre, unless otherwise provided for under the contract concluded between them.
11. The author shall be obliged to notify the educational institution or scientific centre about any invention created in accordance with the terms of part 10 of this Article within a period of one month.
12. A lecturer or research worker shall have the right to use the benefits which have been received by the higher educational institution or scientific centre as a result of the use of the invention or the transfer of rights to it as prescribed by this Law. The share of benefit, conditions and amount shall be determined by the charter of a higher education institution or a scientific centre.
13. The higher educational institution or scientific centre may transfer the right to obtain a patent to the lecturer or research worker who is the author of it.
14. The higher educational institution or scientific centre shall have the right to use the benefits that have been received by the author as a result of the use of the invention or the transfer of rights to it in the cases provided for in part 13 of this

Article. The share of benefit, conditions and amount shall be determined by the charter of a higher education institution or a scientific centre.

15. In the case, when the lecturer or research worker creates an invention due to the fulfilment of a contract on performance of works with a public or private organisation, the contract must specify the party of the contract, which shall have the right to obtain a patent.
16. The right to obtain a patent for the invention created due to fulfilment of a contractor agreement or contracts on performance of scientific-research and experimental-design and technological works not directly providing for creation of an invention, shall belong to the contractor, unless otherwise provided for under the contract between him or her and the customer.

In this case, the customer shall have the right to use the created invention by obtaining a non-exclusive gratuitous license for the entire period of validity of the patent for the purposes for which the relevant contract has been concluded, unless otherwise provided for under the contractor agreement. In case of transfer by the contractor of the right to obtain a patent or of the patent to another person, the customer shall retain the right to use the invention under the terms specified in this part.

17. If under the contract concluded between the contractor and the customer the right to obtain a patent belongs to the customer or a third party designated by him or her, the contractor shall have the right to use the created invention by obtaining a non-exclusive gratuitous license for the entire period of validity of the patent for his or her own needs, unless otherwise provided for under the contractor agreement.
18. The author of the invention referred to in part 16 of this Article not considered as a patent holder shall be remunerated in accordance with part 4 of this Article.

Article 20. Right to obtain a patent

1. The right to obtain a patent shall belong to the author, unless otherwise provided for by this Law, and shall be transferable as prescribed by law.
2. In case the invention has been created by the joint creative work of a number of natural persons (by co-authorship), the right to obtain a patent shall belong to them jointly.
3. In case the same invention has been created by a number of natural persons independently, the right to obtain a patent shall belong to the person whose application, pursuant to Article 43 of this Law, has an earlier filing date, and if priority is claimed - earlier priority date.
4. If during the examination it becomes clear that the inventions referred to in part 3 of this Article have the same date of priority, the applicants shall be notified about that, mentioning also about the opportunity to grant the applicants a single patent with their consent. In case of failure to reach an agreement within a year from the day of sending the mentioned notice, their applications shall be deemed to be withdrawn. In case of reaching an agreement, the patent granted to them shall indicate all the authors mentioned in the two applications, unless they have refused to be such.
5. Before the state registration of the invention for the purpose of ensuring the process of obtaining a patent, the applicant may transfer the right to obtain a patent to another person as prescribed by law.

Article 21. Right to a patent

1. Where prior to disclosure of information on granting a patent upon an application, the right of another person not deemed to be an applicant to obtain a patent for the invention for which an application is filed, has been recognised by a judicial act

having entered into legal force, the person concerned may — within a period of one month after the entry into force of the mentioned judicial act:

- (1) continue the application procedure as an applicant;
 - (2) file a new application for the same invention, benefiting from the same priority;
 - (3) withdraw the application.
2. Where a claim has been filed with respect to the judicial act referred to in part 1 of this Article, the application for the invention may not be withdrawn without the consent of the plaintiff.

Article 22. Transfer of a patent to a person entitled to dispose it

1. If a patent has been granted to a person who is not entitled to receive it according to part 1 of Article 20 of this Law, a person who is entitled to receive it may claim the transfer of the patent to him or her without prejudice to the respective rights, interests or actions of any other person.
2. Where a person has a right to only a part of a patent, he or she may claim joint possession of the patent in accordance with part 1 of this Article.
3. The rights referred to in parts 1 and 2 of this Article may only be exercised within a period of three years from the day of publication of the information on granting a patent in the Official Journal “Industrial Property”. The mentioned time limitation shall not apply where, at the time the patent was granted or obtained, the patent holder knew that he or she did not have the relevant right.
4. For the purpose of notifying the third parties a record on a court claim regarding the performance of actions specified in Articles 21 and 23 of this Law and a judicial act of the court having entered into force or, at the request of an interested party, on the completion of the process in any other manner, shall be

made in the State Register of Inventions or, in the appropriate case, in the database of applications. The records made in the State Register of Inventions shall be published in the Official Journal “Industrial Property”.

Article 23. Regulation of relations pertaining to the use of the invention in case of transferring the patent to a person entitled to receive it

1. In case the change of the patent holder has taken place under the judicial act having entered into legal force pursuant to Article 22 of this Law, any license and other rights granted to third parties on the basis of the patent shall be revoked from the day of registering the data of new patent holder in the State Register of Inventions.
2. The patent holder and the person having obtained a license before filing a court claim, who have started the use of the invention (put the invention into action) before its registration or have made effective and specific steps for that purpose, may continue to use or start to use it, provided that they apply with a request to obtain a non-exclusive license to the new patent holder whose information has been registered in the State Register of Inventions. The former patent holder may apply with a request to obtain a non-exclusive license within two months from the day of registration of information on the new patent holder in the State Register of Inventions and the person having received a license — within four months from the day of sending the written notice by the state authorised body on the new patent holder. The license shall be granted for a certain period of time and on reasonable terms, which, in case of not reaching an agreement by the parties, shall be established under the procedure prescribed by this Law for compulsory licenses.
3. The provisions of part 2 of this Article shall not apply where the former patent holder or licensee has acted in bad faith at the time when he or she has started using the invention or has taken steps to do so.

Article 24. Exclusive right arising from the patent

1. The patent shall grant an exclusive right to the patent holder to use the invention at his or her own discretion, if it does not violate the rights of other patent holders, as well as to prohibit third parties:
 - (1) where the subject of a patent is a product — to manufacture, use, put into civil circulation, offer for sale, sell or import or acquire that product for the purpose of one of the mentioned acts without his or her permission;
 - (2) where the subject of a patent is a process — to use that process or offer such use without his or her permission when a third party is aware of the need for the permission or the circumstances for it are obvious, as well as to put into civil circulation, offer for sale or sell the product derived directly by that process, to use, import or acquire that product for the purpose of one of the mentioned acts.
2. An invention shall be deemed to be used in a product or process if the product includes each feature of the independent point of definition of the claim of invention or its equivalent and it is applied in the process, which has become known as such in the given field of technology before the priority date of the invention.
3. When determining whether an invention has been used, the interpretation of definition of the claim shall be made in accordance with parts 9 and 10 of this Article.
4. The protection conferred by a patent for a biological material possessing specific features as a result of the invention shall extend to any biological material derived from that biological material through propagation or multiplication in an identical or divergent (different) form and possessing the same specific features.
5. The protection conferred by a patent for a process of developing a biological material possessing specific features as a result of the invention shall extend to biological material directly derived through that process and to any other biological material directly derived from that biological material through

propagation or multiplication in an identical or divergent (different) form and possessing the same specific features.

6. The protection conferred by a patent for a product containing or consisting of genetic information shall extend to any material, except for the one provided in point 6 of part 3 of Article 13 of this Law, in which the product is incorporated and which contains that genetic information and performs its function.
7. The effect of the patent for a process of developing the product shall extend also to a product directly derived through that process. Moreover, the product shall be considered to be derived by the patented process if it is not proved that it has been derived through another process. In this case the burden of proof shall be borne by the respondent, if the product derived through the patented process is new.
8. The patent shall also grant the patent holder a right to prohibit third parties to transfer to another person or to offer non-eligible persons important elements for the invention for the purpose of use of the invention without his or her consent, in the case when the third party knows, or because of the circumstances, it becomes evident that these elements allow the invention to be used and they are used for that purpose. This provision shall not apply when these elements are ordinary products available in the market as long as the third party has not encouraged the interested person to perform the acts prohibited under part 1 of this Article.
9. The extent of legal protection arising out of the patent and the extent of temporary legal protection granted to the invention shall be determined by the extent of definition of the claim which has been made available to the public (published), provided that it does not exceed the claims indicated in the initial application. The description and drawings of the invention shall be used only to interpret definition of the claim.

10. The interpretation of definition of the claim shall lie not only in overcoming its vague or ambiguous provisions, but also in determining its full and real content. At the same time, interpretations of definition of the claim, both verbal (restrictive) and extremely broad (taking into account the whole description and drawings, in order to reveal the general inventive idea) shall be excluded.

Article 25. Acts not constituting a violation of the exclusive right arising from the patent

1. The use of the invention protected under a patent shall not constitute a violation of the exclusive right of the patent holder mentioned in Article 24 of this Law if it is used:
 - (1) for personal needs with no purpose to make profit;
 - (2) as a subject of scientific experiment or scientific research;
 - (3) for single preparation of medicaments in pharmacies based on the prescriptions of the physician;
 - (4) on any vehicle belonging to another State and being accidentally or temporarily located in the territory of the Republic of Armenia, if it is determined exclusively by the needs of the vehicle and the vehicle belongs to citizens and/or organisations of a State reserving the same rights to citizens and organisations of the Republic of Armenia;
 - (5) for conducting necessary studies, tests and experiments for the purpose of testing medical (including phytosanitary) products during the two years preceding the expiry of the validity period of the patent;
 - (6) in case of emergency, as well as for the purpose of ensuring the security of the State by informing the patent holder about such use as soon as possible.

2. The use of the invention in accordance with part 1 of this Article shall be authorised provided that it does not cause unjustified damage to the normal use of the patented invention and does not unreasonably violate the legitimate interests of the patent holder, in which case the legitimate interests of third parties are taken into account. Otherwise, the patent holder shall have the right to receive compensation in the amount of material damage suffered as a result of the unauthorised use of the invention.
3. Provisions prescribed by parts 4-6 of Article 24 of this Law shall not extend to biological material derived through propagation or multiplication which has been put into civil circulation in the Republic of Armenia by the patent holder or with his or her consent, where the propagation or multiplication results from the application for which the biological material has been marketed, provided that the material derived is not subsequently used for other propagation or multiplication.
4. By way of derogation from parts 4-6 of Article 24 of this Law, the sale or other form of commercialisation of plant propagating material to a farmer by the patent holder or with his or her consent for agricultural use shall grant the farmer a right to use the product of his or her harvest for propagation or multiplication by him or her on his or her own farm.
5. By way of derogation from parts 4-6 of Article 24 of this Law, the sale or other form of commercialisation of breeding stock or other animal reproductive material to a farmer by the patent holder or with his or her consent shall grant the farmer a right to use the animal reproduced through that material for agricultural purposes. This shall include the possibility to use the product derived from the animal or the multiplication thereof for agricultural purposes except for the use within the commercial framework or multiplication activity for that purpose.

Article 26. Right to prior use

1. Any person who, before the priority date of an invention protected under a patent has used in good faith in the territory of the Republic of Armenia an identical solution created independently of its author or has made the necessary preparatory works for it, shall retain the right to its further gratuitous use, provided that the scope of such use is not extended (right to prior use).
2. The right to prior use shall be permitted to be transferred to other natural person or organisation only together with the production unit in which the use of the identical solution has taken place or the necessary preparatory works for such use have been made.

Article 27. Limitations of rights arising from the patent

1. The patent holder or the owner of an exclusive license shall have no right to prohibit putting into civil circulation in the Republic of Armenia a product containing a an invention protected under a patent or a product derived through application of a process protected under a patent, if this product or item has been legally put into civil circulation in the Republic of Armenia by means of sale by the patent holder or with his or her consent or in any other lawful way, such as compulsory licenses.
2. The patent holder or the owner of an exclusive license shall have no right to prohibit also import of a product containing an invention protected under a patent or a product derived through application of a process protected under a patent into the Republic of Armenia if it has been put into civil circulation by the patent holder or with his or her consent or in any other lawful way, such as compulsory licenses, in a foreign country with which there is an international agreement on a common market or common customs border in effect.

3. In cases provided for by part 2 of this Article, the patent holder cannot rely on his or her patent in order to protect himself or herself in a case instituted against him or her for infringement of other patents having earlier priority.
4. The fact that a patented invention cannot be used without the use of an invention protected under an earlier patent of the other person (first invention) shall not be an obstacle for the validity of the patent for that invention (second invention). In such cases, neither the patent holder of the first invention can use the second invention during the validity period of its patent without the consent of its holder, nor the patent holder of the second invention can use any of these two inventions during the validity period of the first patent until the consent of the first patent holder is received or compulsory license is granted.

Article 28. Validity period of a patent for an invention

1. The validity period of a patent for an invention shall be twenty years as from the filing day of the application.
2. Based on the substantiated application of the patent holder, the state authorised body may extend the validity period of a patent once maximum for five years in the case of a state of war, natural disaster or similar unpredictable events.
3. Pharmaceutical preparations, substances or components, which have prophylactic or medicinal impact on human beings or animals, chemical or biological plant protection substances, the processes of their development, as well as the substances necessary for manufacturing these preparations, substances or components and the processes of their development — for the use whereof it is necessary to receive, in the manner prescribed by law, the permission of the relevant competent body — considered to be a subject of an invention protected under a patent for an invention — may be granted supplementary legal protection.

4. The supplementary legal protection envisaged by part 3 of this Article shall be granted in accordance with the terms provided for in Chapter 9 of this Law.

Article 29. Validity period of a short-term patent for an invention

1. The validity period of a short-term patent for an invention shall be ten years as from the filing day of the application.

Article 30. Arising of rights

1. The rights envisaged by the Article 24 of this Law shall arise as of the date of registration in the relevant state register of the invention.
2. During the time period between the date of publication of application for an invention and the date of publication of information on granting a patent, the invention shall be granted temporary legal protection, the extent whereof shall be determined by the published definition of the claim of the invention defined in the decision of the state authorised body on granting a patent.
3. The patent holder shall — after obtaining the patent, during the time period referred to in part 2 of this Article — have the right to claim from a third party using the invention appropriate compensation for such use. The amount of compensation shall be determined upon the consent of parties and in the absence of it, under judicial procedure.
4. Temporary legal protection provided for in part 2 of this Article shall also apply to the time period until the publication of the application, where the third party using the invention is informed about the filing of the application for an invention and its content.
5. Parts 2 and 4 of this Article shall apply to inventions relating to microorganisms since the date when the given microorganism has become available to the public.

6. The effect of temporary legal protection provided for in part 2 of this Article shall be considered void if, in accordance with this Law, the application for an invention has been withdrawn or deemed to be withdrawn or the application has been refused, and the possibilities for its appeal provided for by this Law have been exhausted.

CHAPTER 4

PRIORITY, EXTENSION OF ESTABLISHED TIME LIMITS, RESTORATION OF RIGHTS

Article 31. Right of priority

1. The priority of invention shall be determined by the filing date of the application with the state authorised body.
2. The priority may be determined by the date the first application has been filed in any State party to Paris Convention or any Member State of the World Trade Organisation not being a party to Paris Convention (international priority), if the application for an invention has been filed with the state authorised body within 12 months from the mentioned date.
3. In order to enjoy a right of priority, the applicant must, when filing an application or within two months from the filing date of the application, inform the state authorised body about it mentioning the date of claimed priority, pay the state duty prescribed by law for each claimed priority and submit to the state authorised body, within 16 months after the filing date of the first application, and in case first applications are several, after the date of the earliest filing of such applications, the copy of the first application certified by the receiving office. In case of failing to meet these requirements, the claimed priority shall not be granted.

4. If necessary, the state authorised body may request the Armenian translation of the first application from the applicant, which shall be submitted within three months from the day of sending the request.
5. Several priorities can be claimed on the basis of several first applications filed in one or several countries. If necessary, several priorities may be claimed for the same point of definition of the claim. If several priorities have been claimed, the time limit for claiming the priority shall be calculated from the earliest priority date.
6. When determining one or more priorities, the right of priority shall apply only to inventions specified in the definition of the claim, provided that they are included in the first application or applications on the basis of which the priority is claimed.
7. If the priority is claimed for an invention, some of the features whereof are not included in the definition of the claim of the first application, it is sufficient for granting the right of priority to have those features in the description or drawings of the first application.
8. An applicant may claim priority with an application on obtaining a patent for an invention on the basis of an application on obtaining a short-term patent, and with an application on obtaining a short-term patent — on the basis of an application on obtaining a patent for an invention.
9. The priority of an invention may be determined by the filing date of the initial (earlier filed) application of the same applicant identifying the essence of the same invention (internal priority), provided that it is not withdrawn as of the filing date of the application for which such priority is claimed, if the new application has been filed with the state authorised body within 12 months of the filing date of the initial application. In this case, the initial application shall be deemed to be withdrawn.
10. The priority cannot be determined by the application by which an earlier priority has already been claimed.

11. The priority of an invention, the application whereof has been filed as a result of its division (divisional application) from the initial (earlier filed) application shall be determined by the filing date of the initial application filed by the same applicant with the state authorised body, and in case of having the right to claim an earlier priority with the initial application, taking into account the date of the priority claimed on the basis of that right, if the divisional application has been filed until complete exhaustion of possibilities to appeal the decision on refusing to grant a patent by the initial application, and in case of a decision on granting a patent by the initial application — not later than the publication of information on granting a patent by the initial application, provided that the initial application is not withdrawn or deemed to be withdrawn as of the filing day of the divisional application.
12. The priority can be determined by a few initial (earlier filed) applications filed earlier, observing the procedure provided for by parts 9 and 11 of this Article with respect to each of them.

Article 32. Temporary legal protection at some international exhibitions

1. Any person exhibiting the invention in full or in part at an official or officially recognised international exhibition organised in the Republic of Armenia or any State party to Paris Convention or any Member State of the World Trade Organisation not being a party to Paris Convention, may, within six months after the closing day of the exhibition, file an application with the state authorised body claiming a priority which shall be defined as of the first day of exhibiting the invention in full or in part at the exhibition (exhibition priority).
2. Any person claiming exhibition priority according to part 1 of this Article shall, when filing the application with the state authorised body or within three months of the filing date of the application, indicate the type and place of exhibition, the

opening and closing dates and the first day of the exhibition, and submit a written certificate on international status of the exhibition issued by the organising authority of the exhibition. In case of failing to meet the mentioned requirements, the claimed exhibition priority shall not be granted.

3. According to part 1 of this Article, the claimed exhibition priority shall not extend the time limit for claiming the international priority prescribed in part 2 of Article 31 of this Law.

Article 33. Adjustments or supplements to the claimed priority

1. The applicant may submit a request to the state authorised body for adjusting or supplementing the claimed priority within 16 months from the priority date, or, if the adjustment or supplementation causes change of the priority date — from the changed priority date, provided that such a request is submitted to the state authorised body within four months from the filing date of the application.
2. A document certifying the payment of the state duty shall be attached to the request.
3. According to part 1 of this Article any request submitted to the state authorised body in accordance with part 2 of Article 51 of this Law after the request of the applicant on earlier publication of the application, shall be deemed not submitted, unless the request on earlier publication of the application is withdrawn as of the tenth working day immediately preceding the day of relevant publication.
4. Where adjusting or supplementing the claimed priority causes a change of the priority date, the established time limits shall be calculated from the changed priority date.

Article 34. Restoration of the right of priority

1. Where an application claiming an international priority is filed by the applicant with the state authorised body with delay, *i.e.* after 12 months from the filing date of the first application, the applicant may submit a request on restoration of the right of priority to the state authorised body (if breach of the mentioned time limit has taken place due to circumstances beyond the control of the applicant).
2. The request on restoration of the right of priority shall be submitted to the state authorised body within two months from the expiry of the time limit for claiming priority date, but not later than 10 working days before the day of publication of the application. The document certifying the payment of the state duty shall be attached to the request.
3. If the certified copy of the first application has not been submitted to the state authorised body within the time limit specified in part 3 of Article 31 of this Law, the state authorised body may restore the right of priority if the following conditions are met:
 - (1) the relevant request has been submitted by the applicant before the expiry of the time limit specified in part 3 of Article 31 of this Law, attaching the document certifying the payment of the established state duty to the request;
 - (2) the applicant has submitted evidence to the state authorised body that the application for requesting a copy of the first application has been submitted to the office having registered the given application not later than within 14 months after the filing date of the first application;
 - (3) the certified copy of the first application has been submitted to the state authorised body within two months from the day when the office having registered the first application has provided the applicant with the relevant copy.

Article 35. Extension of the established time limits

1. Before the expiry of the time limits established by this Law for taking particular actions, the applicant or the patent holder may submit a request on extension thereof to the state authorised body attaching the document certifying the payment of the established state duty. The state authorised body may extend the established time limits up to maximum six months.
2. The established time limits shall not be extended in cases provided for in part 1 of this Article, as well as in cases provided for in Article 15, part 2 of Article 31, part 1 of Article 32, part 1 of Article 33, parts 2 and 3 of Article 34, part 2 of Article 36, parts 2 and 4 of Article 37, part 3 of Article 41, parts 1 and 3 of Article 46, part 1 of Article 52, part 1 of Article 57, part 1 of Article 59, Article 62, part 1 of Article 63, part 1 of Article 64 and part 2 of Article 81 of this Law.
3. The request on extension of the established time limits may not be rejected if the requesting party has not been notified in advance in writing of the possible rejection of the request within three months from the day of sending the notice, with a suggestion to submit its considerations.

Article 36. Application processing in case of breach of the established time limits

1. The applicant, who has failed to fulfil the mandatory actions related to the procedures for acquisition of rights to the invention within the established time limit, has lost — as a result of it — the right to the application, may apply to the state authorised body with a request for restoration of his or her right and for further processing of the application.
2. The applicant must, within three months from the day of sending the notice on breach of the established time limit for the submission of the request on further processing of the application and on legal consequences thereof, complete the

unfulfilled action and pay the state duty established by law. In case of failure to fulfil the required action within the mentioned time limit, the request shall be deemed not submitted.

3. The state authorised body may not grant the request of the applicant on further processing if it refers to breach of the time limit mentioned in part 2 of this Article, as well as of the time limits for submitting a complaint to the Board of Appeals of the state authorised body, submitting a request on the extension of the established time limits, restoration of rights, adjusting or supplementing the claimed priority or restoration of the right of priority or submitting a certified copy of the first application, or the time limits for the payment of annual state duties for keeping the patent in effect.
4. The request on further processing of the application may not be rejected if the applying party has not been notified in advance in writing of the possible rejection of the request within three months from the day of sending the notice, with a suggestion to submit its considerations.

Article 37. Restoration of rights

1. Any party representing the processing before the state authorised body who failed to duly perform his or her obligations within the time limits established by the state authorised body according to this Law and the procedures ensuring its implementation, may restore his or her rights if breach of the established time limit results in the withdrawal, rejection of the application or any request or deprivation of the right, and the state authorised body considers that the breach of the time limits has taken place due to circumstances beyond the control of the applicant.
2. The request on restoration of rights shall be submitted from the moment of elimination of the cause for the breach of the established time limit, or if the party has subsequently been notified of the breach of the time limit, within a

three-month period following the day of sending of the written notice. The request shall be submitted in case of performing the required actions after the expiry of the established time limit attaching the document certifying the payment of the established state duty. In case of failure to meet the mentioned requirements, the request shall be deemed not submitted.

3. The request on restoration of rights may not be rejected in full or in part if the applying party has not been notified in advance in writing of the possibility of rejection of the application in full or in part, within three months from the day of sending the notice, with a suggestion to submit its considerations.
4. The request on restoration of rights shall be submitted not later than within one year after the expiry of the established time limit, and if the request refers to non-payment of annual state duties - not later than within one year after the expiry of the six-month time limit defined in part 2 of Article 62 of this Law.
5. The request on restoration of rights shall not be granted if it refers to the time limits set out in parts 2 and 4 of this Article, the time limits for submitting a complaint to the Board of Appeals of the state authorised body, submitting the certified copy of the first application, submitting a request on extension of the established time limits, further processing, adjusting or supplementing the claimed priority or restoration of the right of priority.
6. In case the causes for missing the time limit have not been mentioned when submitting a request for restoration of rights, the party shall submit the given data within a three-month period following the day of sending the notice by the state authorised body.

Article 38. Withdrawal of a request or an application

1. The applicant may, at any stage of processing, withdraw any request or application he or she has submitted to the state authorised body unless otherwise provided for by this Law.

2. The applicant may withdraw any request on the application submitted by him or her within five working days from the day of submission.
3. In case of several applicants, the request or the application may be withdrawn only upon the written consent of all of them.
4. The request or the application shall be deemed to be withdrawn from the day when the state authorised body receives the request for its withdrawal.
5. On the basis of the request of the applicant on withdrawal of the application or in case of a decision on considering the application withdrawn, after complete exhaustion of the possibilities of appealing the mentioned decision as prescribed by this Law, the state authorised body shall publish information on completing the processing of the given application in its Official Journal.
6. If the applicant withdraws the application later than 10 working days before the day of publication of the application, after which the application has been published, the published application may not form an independent part of the previous state of the art in accordance with part 3 of Article 14 of this Law.

Article 39. Correction of misprints

1. The state authorised body may at any time, upon its initiative or upon the request of the applicant or the patent holder, correct misprints in names, dates, numbers and other misprints in its publications and registers.
2. The document certifying the payment of the established state duty shall be attached to the request submitted for correction of misprints made by the applicant or the patent holder.
3. Information on corrected misprints shall be published in the Official Journal of the state authorised body.

CHAPTER 5

FILING THE APPLICATION AND THE REQUIREMENTS TO IT

Article 40. Requirements to the application

1. The application shall include:
 - (1) request for obtaining a patent (short-term patent);
 - (2) description of the invention;
 - (3) definition of the claim of the invention which includes at least one independent point;
 - (4) drawings and other materials if they are necessary to understand the essence of the invention;
 - (5) brief summary of the invention (paper).
2. The application shall be accompanied by:
 - (1) a letter of authorisation, if it has been filed through a patent attorney or a representative unless otherwise provided for by law;
 - (2) the Armenian translation of the documents of the application, if it has been filed in a foreign language in accordance with part 2 of Article 42 of this Law;
 - (3) the document certifying the payment of the state duty established by law, and if the state duty has been paid at a reduced rate — also the document certifying the grounds for payment at a reduced rate, as of the day of payment of the state duty.
3. The application must contain information that allows to identify the author (authors) and the applicant (applicants).

4. The application meeting the requirements of parts 1-3 of this Article shall be considered a properly formulated national application.
5. The procedure for formulation, filing and consideration of the application (hereinafter referred to as "the Procedure") shall be established by the Government.

Article 41. Formulation and forms of filing of the application

1. The application shall be formulated in accordance with the requirements established by the Procedure.
2. The application shall be filed with the state authorised body in writing, either in person or by postal delivery or by electronic means of communication in accordance with the Procedure established by part 5 of Article 40 of this Law.
3. Where the state duty established by law for filing of the application is not paid in full, the applicant shall be suggested to make a supplementary payment not later than within two months from the day of receiving the notice thereon.

Article 42. Language of the application

1. The application for obtaining a patent (short-term patent) shall be filed in Armenian.
2. Other documents of the application shall be filed in Armenian. In case of filing them in another language, the applicant shall be obliged to submit Armenian translation thereof to the state authorised body within three months from the day of filing the application.
3. The state authorised body shall conduct the processing on the basis of the application in Armenian.

Article 43. Filing date of the application

1. The state authorised body shall determine the filing date of an application by the date of receipt of the application and assign a regular registration number to the application if it contains at least:
 - (1) reference (request) on claiming a patent for an invention or short-term patent for an invention by the application;
 - (2) information allowing to identify the applicant or to communicate with him or her;
 - (3) element, indicating by its outward appearance the description of the invention.
2. The filing date of an international application shall be determined in accordance with the PCT.

Article 44. Content of requirements to the application

1. The application for obtaining a patent (a short-term patent) for an invention shall contain data on the applicant (name, surname and place of residence, or name and place of location of the organisation), the title of the invention characterising its subject and other data established by the state authorised body.
2. The description of the invention shall include the title of the invention, the field of technology to which the invention relates, information on the state of the art, and the reasons known to the applicant that cause barriers to achieving the required technical result, the technical problem, for the solution of which the invention is intended, the description of the technical solution to the technical problem and the technical result which may be achieved through application of the invention.

3. If an invention relates to biological material, which is not available to the public and cannot be described in a manner to be sufficiently carried out by a person skilled in the given field, the description of the given invention shall be supplemented by a certificate on the deposit of biological material issued under Article 7 of the Regulations of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure or issued by the institution for deposit of microorganisms authorised by the Government. The deposit date must precede the filing date of the application, and in the case of claiming a priority - the priority date of the invention.
4. Definition of the claim of the invention shall — through the totality of technical features — determine the subject of the invention for which legal protection is sought. Definition of the claim, which is submitted in one or more points must be clear and concise and be totally based on the description.
5. The drawings and other materials shall serve to understanding the essence of the invention.
6. A brief summary of the invention (paper) shall be a short description of the content of the invention and shall serve solely for patent search. The brief summary shall include the name of the invention, the field of technology to which the invention relates and/or its application field, if it is not clear from the name of the invention, as well as the description of the essence of the invention indicating the achieved technical result. The brief summary may not be used for any other purpose, in particular for the purpose of interpreting the legal scope of the invention.

Article 45. Disclosure of the invention

1. From scientific and technical point of view, the invention must be disclosed in the application in a manner sufficiently clear, complete and accurate for it to be carried out by a person skilled in the given field.

Article 46. Conversion of the application

1. Before the publication of the application, but not later than 10 working days before the publication of the application, and in case of a decision on refusing to grant a patent for an invention or on considering the application as withdrawn as a result of the preliminary examination of the application — before the complete exhaustion of possibilities to appeal the mentioned decision in accordance with the procedure provided for by this Law, the applicant may submit a request to the state authorised body to convert the given application into an application for obtaining a short-term patent for an invention.
2. Upon the request of the applicant, the state authorised body shall convert the application for obtaining a patent for an invention into an application for obtaining a short-term patent for an invention.
3. An application for obtaining a short-term patent for an invention may be converted into an application for obtaining a patent for an invention prior to making of the decision by the state authorised body on granting a short-term patent for an invention, and in case of a decision on refusing to grant a patent or on considering the application as withdrawn — before the complete exhaustion of possibilities to appeal the mentioned decision in accordance with the procedure provided for by this Law.
4. During the conversions referred to in parts 1 and 3 of this Article, the priority defined by the initial application and the filing date of the application shall be maintained.

Article 47. Requirement of unity of the invention

1. The application for an invention may refer to one invention or to a group of inventions forming a single general inventive concept (the requirement of unity of the invention).

2. Where a group of inventions is represented in the application for an invention, the requirement of unity of the invention shall be deemed to be met only when there is a technical interrelation among those inventions involving one or more of the similar or relevant “special technical features”, that is, technical features determining the contribution each of the inventions makes over the state of the art.
3. The application for an invention not meeting the requirement prescribed by part 1 of this Article may, at the initiative of the applicant or at the proposal of the state authorised body, within the time limit specified in part 11 of Article 31 of this Law, be divided by way of filing one or several divisional applications.
4. A divisional application may be filed only for elements of the invention not falling outside the scope of the initial (earlier) application and in the form in which it has been filed.
5. A divisional application meeting the requirement prescribed by part 3 of this Article shall maintain the priority determined by the initial (earlier) application and the filing date of the application.
6. The procedure for ensuring the application of the provisions referred to in part 3 of this Article and requirements, which must be met by the divisional application, shall be established by the Procedure.

CHAPTER 6

PROCESS PRIOR TO GRANTING A PATENT

Article 48. Examination of the application

1. The state authorised body shall, in accordance with the Procedure, verify the compliance of the application and the invention that is the subject thereof with the requirements defined by this Law. For this purpose, the state authorised body shall conduct formal and preliminary examination of the application and, in the case defined by this Law, examination on the merits.
2. During the examination of the application, the state authorised body shall have the right to request from the applicant additional materials related to the identification of the applicant or the author, the correctly formulated national application or the fulfilment of the patentability terms, which it deems necessary.

Article 49. Formal examination of the application

1. During the conduct of formal examination the state authorised body shall verify the compliance of the application with the requirements for determining the filing date of the application in accordance with part 1 of Article 43 of this Law.
2. If the results of the verification reveal that the received documents do not comply with the requirements specified in part 1 of Article 43 of this Law, the state authorised body shall notify the applicant about it within three working days from the day of receiving them, suggesting to submit the missing documents and/or information within a three-month period from the day of sending the notice. In case the required documents and/or information are not submitted to the state authorised body within the established time limit, the application shall be considered not filed, and the applicant shall be notified about it.

3. If the results of the verification reveal that the received documents comply with the requirements specified in part 1 of Article 43 of this Law, the state authorised body shall determine the filing date of the application as of the date of their receipt. If, in accordance with part 2 of this Article, the application documents have been brought into compliance with the established requirements, the state authorised body shall determine the filing date of the application as of the date of receipt of the last one of them, if the required documents and/or information have not been submitted to the state authorised body at the same time. In case of determining the filing date of the application, the state authorised body shall register the application in the database of applications for inventions.
4. In case the state authorised body — when determining the filing date of the application — finds that part of the description of the invention or the drawing to which it refers is missing, it shall notify the applicant about it suggesting to submit the missing materials within a three-month period from the day of sending the notice.
5. In case of submitting by the applicant the missing part of the description or the missing drawing mentioned in the notice within the specified three-month period, they shall be included in the composition of the application. In this case, the filing date of the application shall be determined as of the date of receipt of that part of the description or the drawing. If the required documents are not submitted at the same time, the filing date of the application shall be determined as of the date of receipt of the last one of them. In case the required documents are not submitted within the established time limit, the application shall be considered not filed, and the applicant shall be notified about it.
6. According to point 3 of part 1 of Article 43 of this Law, instead of an element indicating by its outward appearance the description of the invention, the applicant may submit a request stating that, for determining the filing date of the application, the description of the invention has been replaced by a reference

made to an application (initial or previous) filed by the applicant earlier. The request must be filed in Armenian and contain the number and the filing date of the earlier filed application. If the initial or previous application is filed by another person, the document certifying the legal succession of the applicant shall be attached to the request.

7. The state authorised body shall — after determining the filing date of the application — notify the applicant about it in writing, indicating the application number.

Article 50. Preliminary examination of the application

1. After determining the filing date of the application, the state authorised body shall conduct a preliminary examination of the application within a three-month period.
2. Within the framework of the preliminary examination, the state authorised body shall verify the following:
 - (1) compliance of the application with the requirements prescribed by Article 40 of this Law;
 - (2) the content of additional materials (if any) to find out whether they change the essence of the invention or not;
 - (3) the patentability of the subject of the invention within the meaning of Article 13 of this Law;
 - (4) the compliance of the application with the requirements prescribed by Article 47 of this Law at first sight;
 - (5) fulfilment of the requirements established for claiming priority provided for by this Law and, if necessary, define the claimed priority;
 - (6) fulfilment of the requirements related to the representation prescribed by this Law.

3. If the preliminary examination reveals that there are missing parts or documents in the application or additional materials, the state authorised body shall send an inquiry to the applicant with a suggestion to submit the corrected or missing parts or documents within a three-month period from the day of sending the inquiry. In this case, the time limit specified in part 1 of this Article shall be suspended until the receipt of the response to the inquiry, but not longer than the expiry of the time limit for submission of the response to the inquiry.
4. Within two months after the date of filling the application the applicant may — at his or her own initiative or based on the inquiry — make corrections or clarifications in the application materials by submitting additional materials without modifying the essence of the invention, if the applicant has not waived in advance the right to submit additional materials at his or her own initiative.
5. Additional materials shall be considered as modifying the essence of the invention if they contain features to be included in the definition of the claim, which were not available in the initial materials of the application. Part of additional materials modifying the essence of the invention shall not be taken into account during the examination.
6. If the requirement of part 3 of Article 40 of this Law is violated, that is, the application lacks sufficient information for identification of the author, and that omission has not been eliminated since the filing date of the application, and if priority is claimed — within 16 months from the priority date, the application shall be deemed to be withdrawn, and the applicant shall be notified about it.
7. Failure by the applicant to meet the requirements set forth in this Law for claiming priority shall result in loss of the right of priority for the given application.
8. If the results of the examination reveal that the subject of the invention for which an application has been filed under the definition of the claim proposed by the applicant, and if a group of inventions is filed - the subject of any of the

inventions of that group, is not patentable within the meaning of Article 13 of this Law, a substantiated written notice shall be sent to the applicant about the possibility of refusing to grant a patent for the given application, with a suggestion to submit — within a three-month period from the day of sending the mentioned notice — his or her considerations and/or possible limitations of his or her claims.

9. If within the established three-month period the applicant fails to respond to the notice referred to in part 8 of this Article or responds, but the state authorised body considers that the submitted response does not refute the arguments on refusal to grant a patent referred to in the notice, or the claims have not been limited, a decision shall be made on refusing to grant a patent for the application filed, stating in the decision the results deriving from the analysis of the arguments of the applicant. After complete exhaustion of possibilities of appealing the mentioned decision on refusing to grant a patent in the manner prescribed by this Law, the state authorised body shall publish information in its Official Journal.
10. If the application has been filed in violation of the requirement of unity, the applicant shall be suggested to report, within a three-month period from the day of sending the notice thereon, which of the inventions must be discussed and make necessary adjustments to the application documents. In case of not responding to the notice on the violation of the requirement of unity by the applicant within the mentioned time limit, the invention being the first in the definition of the claim, shall be discussed. In this case, the applicant shall be sent an inquiry with a suggestion to make adjustments to the application documents within a three month period from the day of sending it.
11. In case of violation of the requirements for the formulation and filing of the divisional application provided for by the Procedure and failure to submit the necessary adjustments and corrections by the applicant within the established

time limit, the divisional application shall be considered not filed, and the applicant shall be notified about it.

12. In case of non-payment of the additional state duty in accordance with part 3 of Article 41 of this Law, the application shall be deemed to be withdrawn, and the applicant shall be notified about it.
13. In case of non-submission of translation of the application documents to the state authorised body within the time limit established by part 2 of Article 42 of this Law, the application shall be deemed to be withdrawn, and the applicant shall be notified about it.
14. In case of failure by the applicant to eliminate all deficiencies referred to in the inquiry mentioned in part 3 of this Article within the established time limit, the application shall be deemed to be withdrawn, except for the cases referred to in Articles 80 and 81 of this Law.
15. If the state authorised body considers that the application documents and additional materials meet — in their content and form — the requirements provided for by this Law, and the subject of the invention is patentable within the meaning of Article 13 of this Law, the state authorised body shall:
 - (1) in case of an application for obtaining a patent for an invention — make a decision on the publication of the application within the time limit established by Article 51 of this Law, and notify the applicant about it;
 - (2) in case of an application for obtaining a short-term patent for an invention, taking into account the solutions, at its disposal, in the relevant field of technology made available to the public — verify the compliance of the invention with the requirements set forth in part 3 of Article 12 of this Law, as a result of which it shall make a decision on granting a short-term patent or refusing to grant a short-term patent. The scopes of solutions in the relevant field of technology at the disposal of the state authorised body made available to the public shall be determined by the Procedure.

16. In case of an application for obtaining a short-term patent for an invention, the provisions of Articles 53 and 54 of this Law shall apply *mutatis mutandis*.

Article 51. Publication of an application

1. In accordance with point 1 of part 15 of Article 50 of this Law, in case of making a decision on the publication of the application, the state authorised body shall publish the application after the expiry of 18-month period from the date of filing the application, and if priority is claimed, from the priority date. The list of information about the application to be published in the Official Journal shall be established by the Government.
2. Subject to payment of the state duty established by law, the application may — at the request of the applicant — be published before the expiry of the 18-month period specified in part 1 of this Article, but not earlier than before the expiry of three months from the filing date, provided that the state authorised body has, in accordance with point 1 of part 15 of Article 50 of this Law, made a decision on the publication of the application.
3. Information on international applications shall be published after the expiry of six months from the day of transfer to the national stage, subject to compliance with the requirements set forth in part 1 of Article 59 of this Law. Part 2 of this Article shall apply to international applications *mutatis mutandis*.
4. The publication provided for in part 1 of this Article shall include the bibliographic data and the definition of the claim of the invention as submitted as of the date of filing the application or as amended — in the manner prescribed by this Law — by the applicant not later than 10 working days before the publication of the application.
5. The publication of information on the application may be postponed if the applicant has waived the right of priority, provided that the request for waiver

has been submitted not later than 10 working days before the day of publication of the application. If the request for waiver has been submitted by the applicant later than the mentioned time limit, the information on the application shall be published after the expiry of 18 months from the date of the previously claimed priority, with further publication of the information on waiver of the right of priority.

6. Information on applications that have been refused, withdrawn or considered as withdrawn shall not be published if the possibilities for appeal provided for by this Law have been exhausted with respect to them not later than 10 working days before the day of publication of the application.
7. The application divided in accordance with part 3 of Article 47 of this Law shall not be published if the subject of the invention included therein has already been published within the framework of the initial (earlier) application.

Article 52. Examination of the invention on the merits

1. After the publication of the application, on the basis of a written request submitted by the applicant or any third party, which may be submitted to the state authorised body within five years from the filing date of the application or the date of transfer of the international application to the national stage, examination of the invention on the merits shall be conducted.
2. The state authorised body shall notify the applicant of the request received by a third party on conducting an examination of the invention on the merits.
3. In case of submission of requests on conducting examination of the invention on the merits by several persons, those with a later submission date shall be deemed not submitted, if they relate to the invention (inventions) to which the earlier submitted request (requests) relates (relate), and those having submitted these requests shall be notified about it.

4. The request on conducting an examination of the invention on the merits shall be deemed to have been submitted in case of payment of the state duty established by law and may not be withdrawn.
5. After receiving the request on conducting an examination of the invention on the merits, the state authorised body shall verify the conformity of the paid state duty to the defined amount. If the amount paid does not correspond to the established amount, the applicant shall be suggested to make a supplementary payment or limit his or her claims. In case of bringing, within the established time limit, the state duty paid by the applicant in compliance with the established amount or limiting his or her claims, the state authorised body shall notify the applicant within three working days of starting to conduct examination of the invention on the merits. The sending date of the notice shall be considered to be the beginning of conducting examination of the invention on the merits. If the request on conducting examination of the invention on the merits and the document certifying the payment of the state duty for conducting the examination on the merits are not submitted within the time limit specified in part 1 of this Article, the application shall be deemed to be withdrawn, and the applicant shall be notified about it.
6. The examination of the invention on the merits shall not be conducted if the request submitted on conducting examination on the merits relates to an application withdrawn or deemed to be withdrawn earlier.
7. Examination on the merits of the application divided according to part 3 of Article 47 of this Law, which has been divided from the initial (earlier) application for which the conduct of the examination on the merits has started and the state duty established by law has been paid, the examination on the merits shall be conducted immediately after the end — with positive results — of the preliminary examination of the application envisaged by Article 50 of this Law. In this case, the state duty established for conducting examination of the invention on the merits shall not be paid.

8. Within the framework of conducting an examination of the invention on the merits, particularly the compliance with the requirements prescribed by Articles 12-17, parts 2, 9 and 10 of Article 24, parts 3 and 4 of Article 44 and Article 45 of this Law shall be verified.
9. The person having submitted a request on conducting examination of the invention on the merits, who is not an applicant, shall not participate in the consideration of the application.
10. If the examination of the invention on the merits reveals that the invention for which an application has been filed does not comply with the requirements set forth in the articles referred to in part 8 of this Article, the state authorised body shall send an inquiry to the applicant to submit considerations and make changes in the application materials within three months from the day of sending it in accordance with the requirements for additional materials defined by Article 50 of this Law.
11. If the applicant fails, within the established time limit, to respond to the inquiry sent in accordance with part 10 of this Article or, to apply, in accordance with Article 35 of this Law, for the extension of the established time limit, the application shall be deemed to be withdrawn.
12. If the examination of the invention on the merits reveals that the requirement for unity of the invention has been violated, the provisions of part 10 of Article 50 of this Law shall apply.
13. If the application is withdrawn by the applicant before the end of the examination on the merits, the state authorised body shall notify the third party having submitted the request for conducting the examination of the invention on the merits about it.
14. Based on the results of the examination of the invention on the merits, taking into account the objections and considerations of the applicant received in

accordance with Article 56 of this Law, the state authorised body shall make a decision on granting a patent or refusing to grant a patent.

15. The decision made by the state authorised body in accordance with part 14 of this Article shall be provided to the applicant. If the examination on the merits has been conducted according to the request of a third party, he or she shall be provided with a copy of the decision of the state authorised body.
16. The decision referred to in part 14 of this Article on granting a patent for an invention may also be based on the opinion or the patent issued by the foreign national or regional patent office based on the results of the examination of the same invention on the merits, in accordance with the terms provided for by the Procedure. The state authorised body may also receive the opinion on patentability from the mentioned offices on a contractual basis.

Article 53. Decision on granting a patent

1. If the results of the examination reveal that the invention for which an application has been filed under the definition of the claim proposed by the applicant or agreed with the applicant during the examination, and if an application is filed for a group of inventions - each of the inventions of that group complies with the patentability terms provided for by this Law, and there is no need to make adjustments in the definition of the claim, description or the drawings of the invention, the state authorised body shall make a decision on granting a patent to the invention under the definition of the claim proposed by the applicant or agreed with him or her during the examination.
2. If the results of the examination reveal that the invention for which an application has been filed under the definition of the claim proposed by the applicant or agreed with the applicant during the examination, and if an application is filed for a group of inventions - each of the inventions of that group complies with the

patentability terms provided for by this Law, but it is necessary to make adjustments in the definition of the claim, description or the drawings of the invention, the state authorised body shall send a substantiated written notice to the applicant on the results of verification of patentability of the invention for which an application has been filed and on the possibility to grant a patent under the mentioned definition of the claim, with a suggestion to make adjustments — referred to in the notice — within a three-month period from the day of sending it.

3. After receiving the response of the applicant on making adjustments within the time limit specified in accordance with the notice referred to in part 2 of this Article, the state authorised body shall make a decision on granting a patent to the invention under the definition of the claim proposed by the applicant or agreed with him or her during the examination.
4. In case of failure by the applicant to make adjustments within the specified time limit in accordance with the notice referred to in part 2 of this Article, the application shall be deemed to be withdrawn, and the state authorised body shall notify the applicant about it.
5. The decision on granting a patent shall, in accordance with parts 1 and 3 of this Article, be sent by the state authorised body to the applicant within three months from the day of sending it, with a suggestion to pay the state duty prescribed by law for granting a patent. The mentioned state duty may also be paid within six months after the expiry of the established time limit, in which case its amount shall be increased by 50 percent.
6. In case of failure to pay the state duty within the time limit established in accordance with part 5 of this Article, the application shall be deemed to be withdrawn, and the state authorised body shall notify the applicant about it.

Article 54. Decision on refusing to grant a patent

1. If the state authorised body finds out that the invention for which an application has been filed under the definition of the claim proposed by the applicant, and if an application is filed for a group of inventions - any of the inventions of that group does not meet any of the patentability terms provided for by this Law, a substantiated written notice shall be sent to the applicant on the results of verification of patentability of the given invention and on the possibility of refusing to grant a patent, with a suggestion to submit, within a three-month period from the day of sending the mentioned notice, his or her considerations and/or possible limitations of his or her claims.
2. If within the established three-month period the applicant fails to respond to the notice referred to in part 1 of this Article or responds, but the state authorised body considers that the submitted response does not refute the arguments on refusal to grant a patent referred to in the notice, or the claims have not been limited, a decision shall be made on refusing to grant a patent, stating in the decision the results deriving from the analysis of the arguments of the applicant. After complete exhaustion of possibilities of appealing the mentioned decision on refusing to grant a patent in the manner prescribed by this Law, the state authorised body shall publish information in its Official Journal.
3. If with the response submitted within the established three-month period in accordance with the notice referred to in part 1 of this Article the applicant substantially refutes the arguments for refusal to grant a patent, or limits his or her claims, the state authorised body shall make a decision on granting a patent in accordance with the procedure established by parts 2 and 3 of Article 53 of this Law.
4. The state authorised body shall make the decision on granting a patent within a two-month period from the day of receiving the response of the applicant provided for by part 2 of this Article, and in case of not receiving it within the

three-month period specified in the same part — within 10 working days after the expiry of that time limit.

Article 55. Claiming of two protection documents

1. The same invention may be a subject of an application for obtaining a patent for an invention and an application for obtaining a short-term patent for an invention.
2. Claiming of two protection documents can be made by the same applicant by way of submitting the relevant applications at the same time.
3. If the applicant has filed — for the same invention — an application for obtaining a patent for an invention and an application for obtaining a short-term patent for an invention:
 - (1) the validity of the short-term patent for an invention shall be deemed terminated upon granting the patent for an invention;
 - (2) the application for obtaining a short-term patent for an invention, the processing of which continues as of the date of making the decision on granting a patent for an invention, shall be deemed to be withdrawn from that date.
4. The provisions of part 3 of this Article shall not apply in the case when the rights granted by the patent have been terminated in accordance with point 1 or point 2 of part 1 of Article 66 of this Law.

Article 56. Objections of third parties

1. Any third party may file an objection to the state authorised body against granting of the patent for an invention upon the given application on the grounds specified in points 1-3 of part 1 of Article 65 of this Law after the day of

publication of the application, but not later than before any decision is made by the state authorised body based on the results of the examination on the merits of the invention, for which an application has been filed.

2. The state authorised body shall notify the applicant about the objection received in accordance with part 1 of this Article, with a suggestion to submit his or her considerations thereon within a two-month period from the day of sending the written notice.
3. The state authorised body shall publish the objection received pursuant to part 1 of this Article and the considerations submitted by the applicant received pursuant to part 2 of this Article within a one-month period after their receipt.
4. The objections and considerations of the applicant received in accordance with this Article shall be taken into consideration during the examination on the merits of the invention of the given application conducted in accordance with the procedure defined by Article 52 of this Law.

Article 57. Appealing decisions of the state authorised body

1. In case of disagreement with any decision made by the state authorised body on examination of applications for obtaining a patent for an invention or a patent for a short-term invention, the applicant may, within three months from the day of sending the decision, personally or through his or her representative file an appeal to the Board of Appeals of the state authorised body.
2. In case of filing an appeal to the Board of Appeals against the decision of the state authorised body, the effect of the given decision shall be suspended.
3. An appeal shall be deemed as filed in case of submitting the document certifying the payment of the established state duty.
4. The appeal must contain substantiated arguments confirming the unlawfulness of the decision.

5. The appeal shall be considered within a two-month period from the day of receipt.
6. Based on the results of consideration of the appeal, the Board of Appeals shall deliver one of the following decisions:
 - (1) on granting the appeal in full or in part, revoking the decision on examination in full or in part and continuing the processing of the application;
 - (2) on granting the appeal in full or in part, revoking the decision on examination in full or in part and granting a patent (short-term patent) for an invention;
 - (3) on rejecting the appeal and upholding the decision on examination.
7. The applicant may appeal the decision of the Board of Appeals under judicial procedure within a two-month period from the day of receiving it.

CHAPTER 7

PATENTING AN INVENTION IN FOREIGN COUNTRIES

Article 58. Filing of application for patenting an invention in foreign countries

1. An invention created in the Republic of Armenia may be patented in foreign countries.
2. Before filing an application for an invention created in the Republic of Armenia with a foreign country, including within the frameworks of the international treaties of the Republic of Armenia, the applicant shall be obliged to file the application for the given invention with the state authorised body.

3. If the process of granting of a patent is — under the international treaty of the Republic of Armenia — carried out by an international authority in whole or in part, the application on an invention created in the Republic of Armenia shall be filed with the mentioned international authority only through the state authorised body in case of its conformity to the requirements of national security.
4. Where within three months after the filing date of the application for an invention with the state authorised body according to part 2 of this Article, the state authorised body does not notify that patenting in foreign countries is prohibited on the grounds provided for by part 1 of Article 9 of this Law, the applicant may act at his or her discretion.
5. The violation of the requirements of part 2 of this Article shall entail liability as prescribed by legislation of the Republic of Armenia.
6. The state authorised body shall act as a receiving office for the international applications filed with the International Bureau of WIPO (hereinafter referred to as “the International Bureau”) under the PCT procedure, as well as for the Eurasian applications filed with the Eurasian Patent Organisation under the procedure of the Eurasian Convention, only for citizens and organisations of the Republic of Armenia, as well as for natural persons permanently residing in the Republic of Armenia. An international application shall be filed in English or in Russian and a Eurasian application - in Russian.
7. The state authorised body shall verify the availability of necessary documents of received applications and their conformity to the established requirements, based on the results of which it shall establish the filing date of the international or Eurasian application, after which shall deliver them, within the time limit established accordingly by the PCT Directive or the Patent Instruction to the Eurasian Patent Convention, accordingly to the International Bureau or the Eurasian Patent Office.

Article 59. International and Eurasian applications having the effect of applications filed under the procedure established by this Law

1. An applicant for an international application wishing to obtain a patent for an invention or a short-term patent for an invention in the Republic of Armenia within 31 months from the priority date of the international application must submit to the state authorised body:
 - (1) a request for obtaining a patent (short-term patent) in accordance with Article 40 of this Law, indicating also the number and filing date of the international application;
 - (2) the copy of the international application ratified by the relevant receiving office, if the international application has not been delivered yet under the procedure provided for by Article 20 of the PCT;
 - (3) the document certifying the payment of the state duty established by law for filing an application.
2. The state authorised body shall start the consideration of the application for the invention filed in accordance with the PCT after the expiry of the time limit specified in part 1 of this Article. At the request of the applicant, in case of payment of the state duty established by law, the state authorised body shall start the consideration of the international application prior to the time limit specified in part 1 of this Article.
3. According to part 3 of Article 51 of this Law, the invention shall be granted temporary legal protection from the day of publication of the international application, in accordance with Article 30 of this Law.
4. If the documents prescribed by part 1 of this Article are not submitted to the state authorised body within 31 months, the effect of the international application under the PCT procedure shall be terminated for the Republic of Armenia.

5. Based on the refused Eurasian application, in accordance with the Eurasian Convention, the application for granting of a patent (short-term patent) in the manner prescribed by this Law shall be considered by the state authorised body from the day of receipt of the certified copy of the given application from the Eurasian Patent Office. The applicant shall be obliged to submit — within two months after the mentioned day — the necessary materials of the application defined by Articles 40 and 44 of this Law.

Article 60. Eurasian patent and patent of the Republic of Armenia granted to identical inventions

1. Where the Eurasian patent and the patent of the Republic of Armenia granted to identical inventions have the same filing date, and if priority has been claimed — the same priority date, and belong to different patent holders, such inventions may be used only by retaining the rights of all patent holders thereof.
2. Where the Eurasian patent and the patent of the Republic of Armenia granted to identical inventions have the same filing date, and if priority has been claimed — the same priority date, and belong to the same person, the right of use of such inventions may be granted to any person according to only the license (including franchising) agreement concluded on the basis of those patents.

CHAPTER 8

GRANTING A PATENT AND FURTHER PROCESS

Article 61. Granting a patent and publication of information on it

1. In case of payment of the state duty established by law for granting a patent on the basis of a decision on granting a patent, the state authorised body shall register the invention in the relevant state register and grant a patent. If the patent is claimed in the name of several persons, all of them shall be granted a single patent, moreover, in case of payment of the relevant state duty, each of the patent holders may be granted a copy of the patent.
2. The form of the patent and the list of information to be indicated therein shall be established by the Government.
3. Simultaneously with registering the invention in the register, the state authorised body shall publish information in its Official Journal on the granting of a patent, which shall include the name, surname of the author (if the author did not refuse to be mentioned as such), name, surname of the patent holder or name of the patent holder organisation, title of the invention, definition of the claim and other information.

The list of information to be published shall be established by the Government.

4. The publication in the Official Journal of the information on the granting of a short-term patent for an invention referred to in part 3 of this Article and the registration of the relevant invention in the register shall be carried out not earlier than after the expiry of three months from the filing date of the application and, in the relevant case, from the day of transfer of the international application to the national stage.

5. Simultaneously with the publication of information on the granting of a patent, the state authorised body shall publish the full description of the invention attached to the patent (description of the invention, definition of the claim, in appropriate cases, drawings and other materials).
6. The date of granting of a patent shall be deemed the date of publication of information on the granting of a patent in the Official Journal of the state authorised body.

Article 62. Maintaining the validity of the patent

1. For maintaining the validity of the patent annual state duties shall be paid, the amounts and time limits for the payment whereof shall be established by law.
2. Annual state duties shall be paid for each subsequent year prior to the end of the current year of validity. The annual state duty may also be paid within six months after the expiry of the mentioned time limit. In this case, the amount of the annual state duty shall be increased by 50 percent.
3. Annual state duties shall be paid starting from the second year of validity of the patent.
4. If the process of granting of a patent lasts more than one year from the filing date of the application, the first payment of the annual state duty shall be made together with the state duty established by law for granting of a patent. In case of the first payment of the annual state duty, the annual state duties established for the previous years of the patent validity, starting from the year mentioned in part 3 of this Article shall also be paid.
5. The annual state duties paid together with the state duty established by law for granting of a patent shall be paid at the established rates regardless of the time limit for payment.

6. During the ninth month of the current year of the patent validity, the state authorised body shall notify, by way of reminding, the patent holder of the necessity of paying the annual state duty defined in part 1 of this Article and the possibility of paying in accordance with part 2 of this Article, as well as the consequences of not paying the established annual state duty.
7. In case of failure to pay the annual state duty within the established time limits, the validity of the patent shall be terminated, and the state authorised body shall publish information in its Official Journal about it.
8. If the amount of the paid annual state duty does not correspond to the established amount, supplementary payment can be made by the patent holder within two months from the day of sending the relevant written notice by the state authorised body. In case of failure to pay the annual state duty in the amount established and within the specified time limit, the validity of the patent shall be terminated.

Article 63. Restoration of rights to invention and the right to later use

1. The rights to invention, which have been terminated under part 7 of Article 62 of this Law, may be restored on the basis of the request of the patent holder. The request shall be submitted to the state authorised body within 3 years after the expiry of the established time limit referred to in part 2 of Article 62 of this Law, but not later than the expiry of the validity period of the patent established by this Law. The document certifying the payment of the state duty established by law for restoration of the patent validity, as well as the payment of unpaid annual state duties for maintaining the validity of the patent shall be attached to the request.
2. The state authorised body shall publish information on restoration of the patent validity in its Official Journal.

3. Any person who has — under part 7 of Article 62 of this Law, starting from the date of termination of legal protection of the invention until the date the information on restoration of the patent validity is published in the Official Journal of the state authorised body — started the use in good faith of the invention protected in accordance with this Law or made necessary preparatory works for the use thereof, shall retain the right to further gratuitous use thereof without the extension of the scope of such use (right to later use).
4. In case of losing the right referred to in part 1 of Article 37 of this Law and with respect to the time period for publication of the statement on the restoration thereof, part 3 of this Article shall apply *mutatis mutandis*.
5. The right to later use shall be permitted to be transferred to other persons only together with the production unit in which the use of the invention has taken place or the necessary preparatory works for such use have been made.

Article 64. Objection against the granting of a short-term patent for an invention

1. Within six months after the publication of information on the granting of a short-term patent for an invention, any third party may file an objection against the granting of the patent to the Board of Appeals of the state authorised body.
2. The objection may be filed on the grounds referred to in points 1-3 of part 1 of Article 65 of this Law.
3. The objection may be filed in writing, providing the relevant substantiations. The objection shall be deemed as filed in case of payment of the state duty established by law.
4. The filed objection shall have a suspensive effect on the exclusive rights deriving from the patent defined by Article 24 of this Law.

5. The objection shall be considered within a three-month period from the day of receipt thereof.
6. The person (persons) having objected against the granting of the patent, as well as the patent holder may participate in the consideration of the objection.
7. Each objection filed in accordance with part 1 of this Article shall be considered by the Board of Appeals in separate proceedings. In case of receiving several objections on the same ground and with the same substantiation, the Board of Appeals shall accept for consideration the one of them which has been received first notifying the persons having submitted the other ones about the objection received earlier on the given ground and with the given substantiation. Moreover, if the Board of Appeals has already considered the objection received earlier and has rendered a decision, it shall also notify about that decision, and if it has not been considered yet, about the day of consideration of the objection received earlier and about his or her right to participate in that consideration.
8. The Board of Appeals shall notify the patent holder of the objection received against the granting of a short-term patent for an invention, within a one-month period from the day of sending the written notice, with a suggestion to submit its considerations thereon.
9. The Board of Appeals shall notify the person having filed an objection, as well as all persons having filed an objection later on the same ground (if any) about the considerations submitted by the patent holder on the objection in accordance with part 8 of this Article, suggesting, where necessary, to present their position on them within a one-month period from the day of sending the written notice.
10. The Board of Appeals shall make one of the following decisions on the basis of considering the filed objection, as well as the materials received in accordance with parts 8 and 9 of this Article:
 - (1) on granting the objection and declaring the short-term patent for an invention invalid;

- (2) on rejecting the objection and leaving the short-term patent for an invention in effect;
 - (3) on granting the objection in part and making adjustments to the short-term patent for an invention.
11. The Board of Appeals shall render a decision on granting the objection in part and making adjustments to the short-term patent for an invention if the patent holder has agreed to the adjusted definition of the claim, the description of the invention and, where appropriate, the drawings proposed by the Board of Appeals, as well as has paid the state duty established for the publication of a new full description of the invention attached to the patent within a three-month period from the day of sending the above-mentioned suggestion. In case the patent holder fails to pay the established state duty within the established time limit, the patent shall be declared invalid.
 12. The state authorised body shall publish in the Official Journal, together with the publication of information on the decision rendered about the objection received against the granting of a short-term patent for an invention, the new full description of the invention attached to the patent, containing the adjusted description, the definition of the claim and, where appropriate, the drawings.
 13. The decision referred to in part 10 of this Article may be appealed against by the interested party under judicial procedure within a two-month period from the day of receipt thereof.

Article 65. Declaring the patent invalid

1. During the entire period of its validity, the patent may be declared invalid in full or in part by a judicial act having entered into legal force upon the request of any third party, if:

- (1) it is proved that the subject of the patent, within the meaning of Articles 13-17 of this Law, is not patentable;
 - (2) the invention is not understandable and clearly disclosed enough to allow a specialist in the given field to implement it;
 - (3) the subject of the patent exceeds the content of the application in the form in which it has been filed, or if the patent has been granted on the basis of a divisional application or a new application filed in accordance with Article 21 of this Law, the subject of the patent exceeds the content of the initial application in the form in which it has been filed;
 - (4) the patent holder of the invention did not have the right to obtain the patent according to this Law.
2. If the grounds for declaring invalid relate only to a part of the patent, the relevant independent point or points of definition of the claim of the invention shall be declared invalid. The independent point of definition of the claim may not be declared invalid in part.
 3. If the patent has been declared invalid in part, it shall remain to have effect to the extent determined by the independent points of definition of the claim that have not been declared invalid, provided that they may be the subject of a separate patent.
 4. Only the person entitled to obtain the given patent may apply to the court on the grounds provided for by point 4 of part 1 of this Article.
 5. Failure to comply with one or more formal requirements for the application may not constitute a ground for declaring the patent invalid in full or in part, except for the cases when it is a result of intentional fraud.
 6. The actions arising from the patent provided for by Articles 24, 25, 27 and 30 of this Law shall be deemed not to have taken place from the beginning in the part with respect to which it has been declared invalid.

7. Declaring the patent invalid shall not affect:
 - (1) the judicial acts on violation of rights arising therefrom having entered into force prior to rendering of the judicial act on declaring the patent invalid;
 - (2) on contracts concluded prior to rendering of the judicial act on declaring the patent invalid to the extent that they have been performed before rendering of the mentioned judicial act. At the same time, due to fair circumstances, a certain amount of compensation may be claimed, which has been paid according to the contract.
8. The request on declaring the Eurasian patent invalid in the territory of the Republic of Armenia shall be submitted in accordance with the procedures provided for by the Eurasian Convention, the Patent Instruction attached to it, as well as by the national legislation.
9. Based on the judicial act on declaring invalid, the state authorised body shall make an entry in the relevant register and publish the information about it in its Official Journal.

Article 66. Termination of rights granted by the patent

1. The rights granted by the patent shall be terminated if:
 - (1) the patent holder has submitted a request to the state authorised body on abandoning the patent. In this case the rights of the patent holder shall be terminated from the next day of submitting the request;
 - (2) the annual state duty for maintaining the validity of the patent has not been paid within the established time limits;
 - (3) the patent has been declared invalid in accordance with Article 64 or Article 65 of this Law;

- (4) the invention protected under a patent has not been sufficiently used by the patent holder or the licensee within two years after issuance of the first compulsory license;
 - (5) the validity period of the patent has expired.
2. In case of failure to pay the annual state duty within the established time limits, the rights shall be deemed to be terminated from the day following the end of the mentioned time limit.
 3. The state authorised body shall publish information in its Official Journal on the termination of rights granted by the patent.

CHAPTER 9

SUPPLEMENTARY LEGAL PROTECTION

Article 67. Claiming supplementary legal protection

1. If more than five years have passed from the filing date of the application for an invention until the date of issuance of the first permission for the use of the subjects of the invention referred to in part 3 of Article 28 of this Law, the validity period of the exclusive right to the relevant invention shall be extended by the state authorised body upon the request of the patent holder. The request shall be deemed as submitted in case of payment of the state duty established by law.
2. The validity period of the exclusive right to an invention shall be extended for a period of time from the filing date of the application for an invention until the date of issuance of the first permission for the use of the product, minus five years, but not more than for five years.

3. If the subject of the patent is a pharmaceutical product in regard to which paediatric examinations have been carried out and the results of such examinations are reflected in the information on the pharmaceutical product which has received state registration, the time limit referred to in part 2 of this Article shall be extended for six months, moreover, the time limit referred to in part 1 of this Article may be extended only once.
4. The request for claiming supplementary legal protection, to which the permission issued by the competent body mentioned in part 3 of Article 28 of this Law is attached, shall be submitted to the state authorised body within six months from the day of issuance of the first permission for the use of the product or prior to the expiry of six months from the date of granting of the patent, depending on which of the mentioned time limits expires later.
5. The request for claiming supplementary legal protection must comply with the requirements prescribed by the Procedure.

Article 68. Terms for providing supplementary legal protection

1. The validity period of the exclusive right to an invention shall be extended if, in accordance with part 1 of Article 67 of this Law, a request has been submitted and the following terms have been complied with as of the day of its submission:
 - (1) the product is protected by a patent having effect in the Republic of Armenia;
 - (2) the product is the subject of a permission for use in effect referred to in part 3 of Article 28 of this Law;
 - (3) the product has not previously been a subject of supplementary legal protection in the Republic of Armenia;

- (4) the permission mentioned in point 2 of this part is the first permission issued for the use of the product.
2. Within the framework of consideration of the request for claiming supplementary legal protection, the state authorised body may send an inquiry to the patent holder, requesting additional materials, if the consideration of the request is not possible without them. The additional materials must to be submitted by the patent holder within a three-month period from the day of sending the above-mentioned inquiry. If the patent holder fails to submit — within a three-month period — the required materials or a request for extension of the established time limit provided for by part 1 of Article 35 of this Law, the request for claiming supplementary legal protection shall not be granted, and the patent holder shall be notified about it.
 3. If the terms set forth in part 1 of this Article are complied with, the state authorised body shall make a decision on granting of supplementary legal protection, issue a certificate of supplementary protection to the patent holder and register the information thereon in the State Register of Inventions. Information on granting of supplementary protection shall be published in the Official Journal of the state authorised body.
 4. The definition of the claim of the certificate of supplementary protection must include such a combination of the features of the patented invention that characterise the product for which the permission for use has been obtained.
 5. The patent holder of several patents related to the same product may receive supplementary legal protection only under the one of them. However, if two or more requests related to the same product under consideration belong to two or more patent holders of different patents, each of them may receive a certificate of supplementary protection for the given product.

6. The provisions of this Law relating to patents of inventions shall apply to the certificate of supplementary protection *mutatis mutandis* in case of absence of provisions contradicting each other.

Article 69. Declaring the certificate of supplementary protection invalid

1. The certificate of supplementary protection shall be declared invalid if:
 - (1) it has been issued in violation of the terms of Article 68 of this Law;
 - (2) the rights granted by the patent for an invention have been terminated in accordance with Article 66 of this Law until the expiry of the established time limit of protection;
 - (3) the patent for an invention has been declared invalid.
2. If the patent for an invention has been declared invalid only with respect to a part of the product for which the permission was issued, the certificate of supplementary protection shall be considered invalid only with respect to the relevant part.

CHAPTER 10

**TRANSFER OF RIGHTS, ISSUANCE OF A LICENSE,
PLEDGE OF RIGHTS TO AN INVENTION, COMPULSORY LICENSE**

Article 70. Transfer of rights and issuance of a license

1. The patent holder may transfer all or part of his or her rights to another person under a contract and/or grant a permission for the use of the invention, *i.e.* a license (including franchising).

2. Under a license agreement, the patent holder (the licensor) shall authorise another person (the licensee) to use the invention protected under a patent within the scope specified under the agreement, and the licensee shall be obliged to pay the licensor fees established by the agreement and to fulfil other actions provided by the agreement.
3. In case of an exclusive license, the exclusive right to use the invention shall be transferred to the licensee within the framework determined by the agreement (within the scope and in the territory), moreover, the licensor shall retain the right to use the invention in the part not transferred to the licensee.
4. In case of a non-exclusive license, the licensor shall, while granting the licensee the right to use the invention, retain all of his or her rights, including the right to grant licenses to third parties.
5. The patent holder may apply to the state authorised body with a request to publish a statement to the effect that he or she is willing to grant other persons the right to use the invention (open license). In this case the state duties established by law for maintaining the validity of the patent shall be reduced by 50 percent starting from the year following the year of publication of the statement on willingness to issue an open license. Where within two years after publication of the statement, the patent holder does not receive any written proposal on concluding a license agreement, he or she may, after the expiry of the mentioned time limit, apply to the state authorised body asking to withdraw his or her request. In this case, the annual state duties for maintaining the validity of the patent for the time period starting from the publication of the statement until the date of its withdrawal shall be subject to supplementary payment, and for subsequent time periods they shall be paid at full rates. The state authorised body shall publish information on the withdrawal of the request in its Official Journal.

6. The transfer of rights of the patent holder and the license (including franchising) shall be subject to registration in the state authorised body. The transfer of rights of the patent holder and the license (including franchising) shall be registered in accordance with the procedure established by the Government.
7. For registration of the transfer of rights to the invention or the license (including franchising) in the relevant register, the party carrying out the transfer or one of the parties to the license agreement shall submit to the state authorised body:
 - (1) a request on registering the transfer of rights or the license;
 - (2) the document certifying the transfer of rights signed by the person transferring and the one receiving the rights, or the license agreement, the excerpt from the license agreement or the statement on issuance of the license signed by the licensor and the licensee;
 - (3) receipt of payment of the state duty established by law, in the relevant case also grounds for payment at a reduced rate, in accordance with Article 28 of the Law “On state duty”;
 - (4) the document certifying the powers of the representative (if any).
8. The transfer of rights of the patent holder or the license (including franchising) not registered in the state authorised body shall be deemed to be invalid.
9. The license agreement, the excerpt from the license agreement and the statement on issuance of a license must contain the following data:
 - (1) surname, name of the licensor (name of licensor organisation) and the place of location (address) thereof;
 - (2) surname, name of the licensee (name of licensee organisation) and the place of location (address) thereof;
 - (3) number of the patent for which the licence is to be issued;

- (4) type of the license;
 - (5) inventions for which the licence is to be issued;
 - (6) validity period of the licence;
 - (7) territory where the licence is in effect.
10. Within seven working days after receiving the documents referred to in part 7 of this Article, the state authorised body shall carry out the examination thereof and shall, in case of complying by them with the requirements of this Article, register the license in the state register.
 11. Further changes to the terms of the license mentioned in part 9 of this Article, as well as declaring the license invalid shall be registered in the state register, for which one of the parties to the license agreement shall submit the following documents to the state authorised body:
 - (1) a request on registering the change to the license or the declaring of it invalid;
 - (2) a document certifying the change to the license or the declaring of it invalid, or a statement on the change to the license or the declaring of it invalid signed by the licensor and the licensee.
 12. The forms of requests mentioned in this Article, the procedure for filling them in, submission and consideration thereof shall be established by the Government.
 13. The requests provided for in this Article may not be rejected without providing an opportunity to the applicant to submit arguments in favour of registration of the license or changes to it.
 14. According to this Article, in case of reasonable doubts as to authenticity of any indication or document of the submitted requests, the state authorised body may demand relevant evidence.

15. Provisions of this Article shall apply to sublicenses and, in cases prescribed by law, to franchising *mutatis mutandis*.
16. Decisions of the state authorised body regarding the registration of the license, including franchising, and the transfer of rights of the patent holder, may be appealed against to the Board of Appeals of the state authorised body or under judicial procedure within a three-month period from the day of sending thereof.
17. Part 1 of this Article shall also apply to the applicant *mutatis mutandis*.
18. The rights to applications or patents for inventions shall not apply to third parties unless they are registered in the relevant register. No indication may be made on the product about the application or the patent for an invention unless the rights to it are registered in the relevant register. The violation of the provisions of this part shall, as an act of unfair competition, entail liability in the manner prescribed by law.

Article 71. Rights to and restrictions on the property rights to an invention

1. The relations pertaining to the registration of secured rights to the property rights to an invention shall be regulated by the Civil Code of the Republic of Armenia and the Law “On registration of secured rights to movable property”.
2. The relations pertaining to the registration of the right of pledge to and restrictions on the property rights to an invention shall be regulated by the Law "On state registration of rights to property", as well as by other laws and legal acts.

Article 72. Compulsory license

1. Any person or the Republic of Armenia may, without the consent of the patent holder, use the protected invention, plant variety (compulsory license) upon judicial act having entered into legal force where:

- (1) it is so required for the public interest, in particular, the sectors of national security, nutrition, health (including lack of availability and access to medical products) or other sector of vital importance;
 - (2) the patent holder or the licensee does not use the patent rights in good faith, in particular where the manner of use contradicts the customary business practices, by restricting competition;
 - (3) the invention has not been used or has been used insufficiently during the period of four years from filing date of the application or three years from the day of granting the patent (moreover, the later expiring time limit shall be applied).
2. The court shall, based on the request of an interested person, in accordance with part 1 of this Article, issue a compulsory license after getting familiar with the circumstances mentioned in the request and hearing the patent holder.
3. A compulsory license under part 1 of this Article shall be issued where the person submitting the request proves that he or she has made efforts to conclude a license agreement with the patent holder within a reasonable time limit and on reasonable commercial terms and that such efforts have failed to succeed.
4. The provisions of part 2 or part 3 of this Article shall not apply in the event of an emergency situation or other circumstances of extreme necessity or in cases of non-commercial public use. Moreover, the patent holder shall be notified about the judicial act having entered into legal force at the earliest opportunity.
5. The provision of part 3 of this Article shall not apply in case of issuance of a compulsory license, in accordance to point 2 of part 1 of this Article, for correcting the practice of restriction of competition.

Article 73. Terms of issuing compulsory licences

1. According to Article 72 of this Law, a compulsory license shall be issued on the following terms:
 - (1) for a limited time period and scope, based on the purpose of issuing a license;
 - (2) it must be only non-exclusive;
 - (3) it may not be transferred to third parties, except for the cases when the transfer is carried out with the organisation or the production, to which the compulsory license is issued;
 - (4) it shall be issued primarily for satisfying the internal market demand, except for compulsory licenses issued in accordance with point 2 of part 1 of Article 72 and part 4 of this Article of this Law, for correcting the practice of restriction of competition.

2. Where a patent (hereinafter referred to as “the second patent”), cannot be used without infringement of another patent (hereinafter referred to as “the first patent”), in addition to the terms set forth in part 1 of this Article, for obtaining of compulsory license in respect of the “first patent” it shall be necessary that:
 - (1) the invention protected under the “second patent” provides for a technical advantage of higher economic significance compared to the invention protected under the “first patent”;
 - (2) the request of the patent holder of the “second patent” is rejected for the license agreement by the patent holder of the “first patent” or the plant variety holder;
 - (3) the patent holder of the “first patent” is, in case of acceptable terms, entitled to a cross-license to use the invention protected under the “second patent”;

- (4) the right to use the invention protected under the “first patent” is transferred by the person having obtained the compulsory license only with the part of the organisation, where the use of the mentioned invention is carried out.
3. The compulsory license shall be revoked upon a judicial act:
 - (1) if the circumstances which led to it have been eliminated and are unlikely to recur;
 - (2) the licensee did not undertake the necessary preparatory works for the use of the protected invention during one-year period after obtaining the compulsory license.
4. In the case of semiconductor technologies a compulsory license may be issued only to the State for exclusively non-commercial use, as well as for correcting the practice of restriction of competition recognised under judicial or administrative proceedings.
5. A compulsory license may also be issued for the use of an invention relating to a pharmaceutical product for the purpose of manufacturing a product for further export.
6. Where a breeder cannot acquire a right to a plant variety without infringement of a patent having earlier priority, he or she may apply for obtaining a compulsory licence for non-exclusive use of the invention protected under a patent in the scope which is necessary for the use of the protected plant variety.
7. Where the patent holder of a biotechnological invention cannot use the invention without violating an earlier right to plant variety, he or she may apply for obtaining a compulsory licence for non-exclusive use of the plant variety protected under that right.
8. The compulsory licenses referred to in parts 6 and 7 of this Article shall be issued by applying the provisions of Articles 72-74 of this Law *mutatis mutandis*.

Article 74. Remuneration for compulsory licences

1. A compulsory license shall be issued on the condition of paying equivalent monetary remuneration to the patent holder.
2. The amount of the remuneration shall be determined with regard to the circumstances of each case and taking into account the economic significance of such an authorisation. In case of issuance of a compulsory license in accordance with point 2 of part 1 of Article 72 of this Law, the necessity of correcting the practice of restriction of competition must be taken into account when determining the amount of remuneration.

CHAPTER 11

STATE REGISTERS

Article 75. State registers

1. The state authorised body shall maintain the State Register of Inventions. The Register shall be open for public, unless otherwise provided by this Law.
2. The state authorised body shall provide excerpt from the State Register to any person upon request and on the condition of payment of the state duty established by law.
3. The content of the Register, the form of request for making changes therein, the procedure for making changes, the form of the excerpt and the procedure for provision thereof, as well as the procedure for making actions related to maintenance of the Register shall be established by the Government.

Article 76. Content of the Register

1. The State Register of Inventions shall contain primarily registration number of the invention (number of the patent for an invention or the short-term patent for an invention), number and filing date of the application, date of claimed priority, date of publication of the application (in the relevant case), date of entry in the Register and date of granting the patent, data concerning the patent holder (in case of a natural person — name, surname, place of residence; in case of an individual entrepreneur — name, surname, father's name (if available) (with an indication of individual entrepreneur), place of record-registration; in case of an organisation — name, place of location), type of the patent, data concerning the author (name, surname and place of residence), title of the invention, data on validity of the patent, date of termination of the patent validity, as well as data on granting supplementary protection.
2. The State Register of Inventions shall also include information on judicial acts on inventions having entered into legal force.

Article 77. Making changes in the registers

1. All further changes regarding the rights and patent holders shall be entered in the register upon the relevant request. The provisions of this Article shall apply to applications and applicants *mutatis mutandis*.
2. Transfer of rights and the data on granted licenses, including on franchising, shall be entered in the relevant register upon the request of one of the parties to the agreement.
3. The person indicated in the register as a patent holder may, prior to making of changes, appeal through judicial procedure against any change, which has been unlawfully made without his or her consent by submitting relevant evidence.

Article 78. Procedure for making changes

1. Making of several changes in the relevant register may be claimed under a single request. A single request shall also be sufficient where the changes are claimed for more than one application and/or the right of the same person, provided that the change or changes be the same for all applications and rights in question, and the numbers of all applications and rights be indicated in the request.
2. A state duty shall be paid when submitting a request for registering the change to each application or right in the relevant register or within a three-month period from the day of sending the relevant notice.
3. Where the changes are claimed by the person indicated in the register as a patent holder, the state authorised body shall enter the changes in the relevant register.
4. Where the changes are claimed by the person not indicated in the relevant register as a patent holder, the given person shall, when submitting the request or within a three-month period from the day of sending the relevant notice by the state authorised body, submit, at his or her discretion, the consent of the patent holder or other documents constituting the legal ground for making changes. Where the state authorised body has doubts regarding any indication contained in the request submitted for making changes or if the submitted documents are in a foreign language, it may demand to submit additional documents or the Armenian translation of the submitted documents within three months after receiving the request,.
5. If the requesting person fails to submit additional documents or the translation of documents mentioned in part 4 of this Article in time, the request for making changes shall be deemed to be withdrawn.
6. The changes shall be made on the basis of the decision of the state authorised body.

CHAPTER 12

REPRESENTATION

Article 79. Representation in the state authorised body

1. The applicant, patent holder, other interested person may conduct the processing with the state authorised body through a representative based on the letter of authorisation issued thereto.
2. The party assigning a representative may assign one or several representatives for each or all actions, which are provided for by the procedure of the state authorised body. If several representatives are assigned and the assigning party does not name the general representative with whom the state authorised body must conduct the processing, the state authorised body shall send the notices and decisions to the representative having filed the application, and in case it is impossible, to one of the assigned representatives.
3. The party assigning a representative may, with a single letter of authorisation, authorise a representative to fulfil the actions in respect of all applications of the same applicant, already filed or to be subsequently filed with the state authorised body.
4. The letter of authorisation of the representative shall be submitted to the state authorised body when filing the application or within two months after filing it. The actions fulfilled by the representative prior to submitting the letter of authorisation, shall be considered not fulfilled and shall not be taken into account, except for filing the application with the state authorised body and paying the state duty. In case of failure to submit the letter of authorisation in the mentioned time limit, the processing shall be conducted directly with the applicant taking into account the requirements set forth in Article 80 of this Law.

Article 80. Representation of foreign persons

1. Foreign natural persons and organisations having neither permanent place of residence nor real and effective industrial or commercial establishment in the territory of the Republic of Armenia (hereinafter referred to as “foreign persons”), shall, in accordance with this Law, conduct the processing with regard to acquisition and protection of their rights with the state authorised body through a representative, unless otherwise provided for by the international treaties of the Republic of Armenia.
2. Regardless the requirements of part 1 of this Article and taking into account the requirements of part 3 of this Article, foreign persons may — without a representative — file an application with the state authorised body, perform actions relating to the filing date of the application, pay state duties for conduct of the processing, submit the certified copy of the first application in case of claiming a right of priority under Article 31 of this Law, and receive a written notice from the state authorised body relating to that processing.
3. If a foreign person does not have a representative for submitting documents to the state authorised body according to part 2 of this Article, he or she shall provide a postal or electronic address in the territory of the Republic of Armenia for correspondence with the state authorised body. Any notice referred to in part 2 of this Article, which the state authorised body sends to the mentioned address, shall be deemed to be a proper written notice.
4. Regardless of the requirements of part 1 of this Article, any person may pay the annual state duty.
5. If a foreign person fails to assign a representative for the processing with the state authorised body and indicate an address for correspondence in accordance with part 3 of this Article, the state authorised body shall send a notice to him or her with a suggestion to assign a representative and submit a letter of

authorisation or to indicate an address for correspondence in accordance with part 3 of this Article within three months from the day of sending the written notice. If the foreign person fails to assign a representative and submit a letter of authorisation or indicate an address for correspondence in accordance with part 3 of this Article within the established time limit, the application shall be deemed to be withdrawn.

Article 81. Termination of a letter of authorisation of a representative and renunciation of services

1. The party assigning a representative may, at any time, terminate the letter of authorisation, and the representative may, at any time, renunciate his or her assignment informing the state authorised body about it.
2. The decision of the party assigning a representative shall enter into force from the day of receiving it by the state authorised body. The decision of the representative on renunciation of his or her assignment shall enter into force from the day of receiving that decision by the state authorised body, provided that the party assigning the representative is notified about it. In case the assigning party is notified later, the decision of the representative shall enter into force from the day of receiving that decision by the assigning party.
3. If a foreign person is left without a representative due to the decision of the party assigning a representative on terminating the powers of the representative or due to the decision of the representative on renunciation of his or her powers, part 5 of Article 80 of this Law shall apply *mutatis mutandis*.

Article 82. Patent attorneys

1. The applicant may fulfil the actions related to filing an application for an invention, maintaining correspondence in respect to the application, as well as those related to the acquisition and disposition of the rights provided for by this Law through a patent attorney assigned by him or her.
2. The following persons may act as patent attorney:
 - (1) a person having permanent residence in the Republic of Armenia and possessing higher education, who has passed a relevant examination in the state authorised body and has been qualified as a patent attorney;
 - (2) a legal person of the Republic of Armenia, employing at least one person meeting the requirements of point 1 of this Part.
3. Parties implementing — under this Law — actions relating to rights may also be represented in courts and other state bodies through a patent attorney, as well as through an authorised person employed by such attorney, provided that they meet the requirements prescribed by law on representation in courts and other state bodies. In such cases, the patent attorney shall be entitled to remuneration for his or her work and compensation for the costs incurred by him or her.
4. According to part 2 of this Article, the state authorised body shall conduct qualification examinations for patent attorneys. The procedure for conducting qualification examinations for patent attorneys shall be established by the Government.

Article 83. Registration of patent attorneys in the Register

1. The state authorised body shall maintain the Register of Patent Attorneys.
2. A state duty established by law shall be paid for being registered in the Register of Patent Attorneys. After the payment of the state duty, the state authorised body shall make a decision on registration of the patent attorney.

3. Patent attorneys may be removed from the relevant register if:
 - (1) they have submitted a request to that regard;
 - (2) they have been deprived of the right to be engaged in the given activity upon a judicial act having entered into legal force.
4. The following data in particular shall be entered in the Register of Patent Attorneys: registration number of the patent attorney, data on the patent attorney (name, surname or name of a patent attorney organisation, place of residence or location), date of entry in the Register and data on the person meeting the requirements of point 1 of part 2 of Article 82 of this Law and being employed by the patent attorney on a regular or contractual basis (name, surname, place of residence and education).
5. The activities of patent attorneys shall be regulated by the charter approved by the Government. Registration of patent attorneys shall be carried out by the state authorised body under the procedure established by the Government.

CHAPTER 13

TRANSITIONAL PROVISIONS AND FINAL PART

Article 84. Transitional provisions

1. Patents for inventions granted before the entry into force of this Law and having published opinion on patentability, the effect of which has not been terminated before the entry into force of this Law, shall continue to have effect according to the provisions of this Law as patents for inventions granted in accordance with this Law.

2. Patents for inventions granted before the entry into force of this Law, the effect of which has not been terminated before the entry into force of this Law and patents for inventions for which opinion on patentability has not been published, may, upon the request of the patent holder, be converted into short-term patents for inventions in accordance with the procedure established by the state authorised body. The requests may be submitted to the state authorised body within a three-month period after the entry into force of this Law.
3. The patents not converted in accordance with part 2 of this Article, shall be granted a status of a published application provided for by this Law. Requests for examination of such applications on the merits may be submitted before the expiry of nine years from the filing date of the application.
4. In case the request mentioned in part 3 of this Article is not submitted within the established time limit, the application shall be deemed to be withdrawn and the applicant shall be notified about it.
5. Applications for which the provision of written evidence has not been completed at the time of the entry into force of this Law and the state authorised body has been notified about it as prescribed, the processing with respect to the patent shall continue if the written evidence is submitted within three months after the expiry of the ninth year of the validity of the patent.
6. Patents for a utility model granted before the entry into force of this Law, the effect of which has not been terminated before the entry into force of this Law, shall continue to have effect according to the provisions of this Law as short-term patents for inventions granted in accordance with this Law.
7. The rights reserved under the patents for inventions and utility models the effect of which has been terminated before the entry into force of this Law shall be restored in accordance with the provisions prescribed by this Law.

8. The consideration of applications for inventions received before the entry into force of this Law and being at the stage of examination shall continue in accordance with the provisions prescribed by this Law.
9. The decision on granting a patent for an invention as prescribed by this Law with respect to patents obtained before the entry into force of this Law and being at the stage of preparation of the opinion on patentability of the invention at the time of entry into force of this Law, shall be made by the state authorised body, taking into account the available materials of the opinion on patentability or, in the relevant case, based on the results of the examination carried out by the state authorised body.

President of the Republic

A. Sargsyan

30 March 2021

Yerevan

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