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+ Amending authorities and incorporations

LAW OF THE REPUBLIC OF ARMENIA ON INDUSTRIAL DESIGN

LAW

OF THE REPUBLIC OF ARMENIA

Adopted on 3 March 2021

ON INDUSTRIAL DESIGN

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 industrial design.

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) **Locarno Agreement** — Locarno Agreement Establishing the International Classification for Industrial Designs (ICID), signed on 8 October 1968 in Locarno;
 - (3) **Geneva Act of Hague Agreement Concerning the International Registration of Industrial Designs (Hague Agreement)** — Hague Agreement Concerning the International Registration of Industrial Designs, as amended and adopted on 2 July 1999 in Geneva;
 - (4) **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;
 - (5) **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;
 - (6) **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 industrial design and, consequently, the exclusive right to the industrial design;
 - (7) **person** — a natural person, an individual entrepreneur, an organisation;
 - (8) **applicant** — a person in the name whereof the patent is claimed;

- (9) **patent holder** — a person disposing the patent;
- (10) **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;
- (11) **representative** — a person authorised to represent the applicant, the patent holder or another interested person in the state authorised body;
- (12) **date** — day, month, year;
- (13) ***mutatis mutandis*** — with respective amendments (within the meaning of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement));
- (14) **registered industrial design** — industrial design, which is protected by a patent granted in accordance with this Law or on the basis of application filed under the international procedure;
- (15) **unregistered industrial design** — an industrial design that is — in accordance with this Law — protected without filing an application;
- (16) **international application** — an application for international registration of industrial design filed with the state authorised body in accordance with Hague Agreement;
- (17) **international registration** — registration of industrial design, which has been carried out in accordance with Hague Agreement;
- (18) **Protocol to the Eurasian Patent Convention** — Protocol to the Eurasian Patent Convention on the Protection of Industrial Designs, signed on 9 September 1994 in Moscow;
- (19) **Eurasian application** — an application for obtaining a Eurasian patent filed with the state authorised body in accordance with the Protocol to the Eurasian Patent Convention;

- (20) **Eurasian patent** — a patent issued in accordance with the Protocol to the Eurasian Patent Convention.

Article 3. Legislation on industrial design

1. The legislation on industrial design 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. Grounds for legal protection of industrial design

1. The following shall be protected within the territory of the Republic of Armenia:
 - (1) industrial design patented as prescribed by this Law, the right to which is certified by the patent;
 - (2) industrial design having international registration under Hague Agreement — in accordance with this Law;
 - (3) unregistered industrial design where it has been made available to the public in accordance with this Law.
2. The industrial design protected under this Law may be — starting from the day of its creation or fixation in any form — granted protection also in accordance with the legislation on copyright as an object of exclusive right of the patent holder or other person upon his or her consent.
3. Recognition of the rights provided for by this Law shall not exclude or restrict the rights to intellectual property objects, granted to the same person or to other

person upon his or her consent by other legal acts, particularly relating to trademarks, geographical indications, inventions, integrated circuit topographies, printing fonts, prevention of unfair competition.

4. In accordance with the Protocol to the Eurasian Patent Convention, the rights arising from the Eurasian patent shall be recognised and protected in the territory of the Republic of Armenia.

Article 5. Rights of foreign persons

1. Foreign natural persons and organisations (hereinafter referred to as “foreign person”) 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 6. State authorised body

1. Within the framework of this Law the main functions of the state authorised body shall be as follows:
 - (1) acceptance and consideration of applications for industrial design, conducting examinations thereof, publication of applications, state registration of industrial design, issuance of patents on behalf of the state;
 - (2) receiving written notices of International Bureau of the World Intellectual Property Organization (hereinafter referred to as “International Bureau”) on international registrations of industrial design, conducting examinations thereof and granting of legal protection in the territory of the Republic of Armenia;

- (3) carrying out the maintenance and keeping of the State Register of Industrial Designs and other registers provided for by this Law;
 - (4) registration of transfer of rights to industrial designs and of the licenses for industrial designs;
 - (5) provision of information related to industrial designs provided for by this Law;
 - (6) acting as a receiving office as prescribed by this Law for international applications filed under the procedure of Hague Agreement and Eurasian applications filed under the procedure of the Protocol to the Eurasian Patent Convention;
 - (7) representing the Republic of Armenia in foreign and international organisations in the field of industrial design;
 - (8) filing an objection against granting of a Eurasian patent.
2. The state authorised body shall have an Official Journal entitled "Industrial Property", where it shall publish information on applications for industrial designs and patents issued, as well as other information on its activities.
 3. The state authorised body shall ensure the availability of the data on applications and patents for industrial designs 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 7. Provision of information to public

1. Any person, subject to paying of the state duty established 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 8 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 8. Confidentiality of application processing

1. Determination of the degree of confidentiality of industrial designs containing information constituting state and official secret, their use and the publication of information thereon shall be carried out under the procedure established by the Government.
2. All the documents of the application containing information about an object considered confidential 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 industrial designs 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, as well as materials considered confidential for getting familiar with by the bodies conducting preliminary investigation in criminal cases shall be made available only upon the written consent or permission of the applicant, and for 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. Prior to publication of information on the application for industrial design 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 (if available) (with an indication of individual entrepreneur), place of record-registration, in case of an organisation: name, place of location).

Article 9. Consequences 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 have been 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 10. 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 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 notices and inquiries have been sent to the applicant by non-postal delivery, he or she may receive the relevant notice or inquiry in person in the state authorised body within three months from the date of sending it.

CHAPTER 2

TERMS FOR LEGAL PROTECTION OF INDUSTRIAL DESIGN

Article 11. Object of protection

1. The solution characterising the outward appearance of a product, which is new and unique (protectability terms of industrial design) shall — as prescribed by law — be protected as an industrial design.
2. Within the meaning of this Law, "industrial design" shall be the outward appearance of a product or a part thereof, constituting the product of its characteristic features, in particular contours, colours, shapes, structure, as well as materials and (or) its ornament.

3. Within the meaning of this Law, "product" shall be any industrial or handmade product, including parts intended to unite in a composite (complex) production: packaging, patterns, graphic symbols and typographic fonts, except for computer programs. Within the meaning of this Law, "composite (complex) product" shall be a product comprising several components, which may be replaced in case of permissible dismantling and assembling of "the product".
4. The object of protection may be two-dimensional or three-dimensional, as well as the combination thereof.
5. A part of a composite (complex) product may be a protectable industrial design if it:
 - (1) remains visible during normal use of the product;
 - (2) meets the protectability terms of industrial design as to novelty and uniqueness.
6. Within the meaning of point 1 of part 5 of this Article "the normal use" shall be the use by the last consumer, except for exploitation, maintenance and repair works.

Article 12. Novelty of industrial design

1. An industrial design shall be considered new, where no identical industrial design has been made available to the public in accordance with provisions of Article 14 of this Law:
 - (1) in case of registered industrial design — before the filing date of the application with the state authorised body, and in case of claiming priority — before the priority date;
 - (2) in case of unregistered industrial design — before the first disclosure date thereof.

2. For the purposes of part 1 of this Article, an industrial design shall be considered identical, where all their features coincide or differ in insignificant details.

Article 13. Uniqueness of industrial design

1. An industrial design shall be considered unique, where the overall impression it produces on the informed consumer differs from the overall impression produced by any other industrial design, which has been previously made available to the public in accordance with the provisions of Article 14 of this Law:
 - (1) in case of registered industrial design — before the filing date of the application with the state authorised body, and in case of claiming priority — before the priority date;
 - (2) in case of unregistered industrial design — before the first disclosure date thereof.
2. In assessing the uniqueness of the industrial design, the degree of freedom of the author during the creation thereof shall be taken into consideration, taking into account the nature of the product and the characteristics (peculiarities) of industrial or homemade sector.

Article 14. Disclosure of industrial design

1. For the purposes of Articles 12 and 13 of this Law an industrial design shall be deemed to have been made available to the public, where it has been exhibited, published, used, sold or otherwise disclosed, except for the cases when the information thereon could not be made available to natural persons and organisations of the Republic of Armenia specialised in relevant field on reasonable grounds:

- (1) in case of registered industrial design — before the filing date of the application with the state authorised body, or where priority is claimed — before the priority date;
 - (2) in case of unregistered industrial design — before its first disclosure.
2. An industrial design shall not be deemed to have been made available, where it has been disclosed to a third party under direct or assumed condition for maintaining confidentiality.
3. For the purposes of Articles 12 and 13 of this Law the disclosure of industrial design shall not be taken into consideration, if the industrial design for which protection is being sought, has been disclosed:
 - (1) by the author, his or her legal successor or a third party due to the information provided by the author, actions undertaken by the author or his or her legal successor, unfair actions performed against the author or his or her legal successor, and
 - (2) if it has occurred within a 12-month period preceding the filing date of the application, and in case of claiming earlier priority — within 12 months preceding the given priority date.

Article 15. Industrial design not subject to protection

1. An industrial design shall not be subject to protection, where:
 - (1) it is characterised solely by technical function;
 - (2) it must necessarily be reproduced in its identical form and dimensions in order to permit the product in which the industrial design is embodied or applied to be mechanically connected to or placed in any other product, provided that either product may perform its function;

- (3) it contradicts public interests, principles of humanity and morality.
2. Except for the cases provided for by point 2 of part 1 of this Article a new and unique industrial design may be protected, if it serves the purpose of allowing multiple assembly or connection of interchangeable elements within a modular system.

CHAPTER 3

EXTENT AND TERM OF PROTECTION OF INDUSTRIAL DESIGN

Article 16. Extent of protection of industrial design

1. The extent of protection of industrial design shall be determined by the overall impression that the image of outward appearance of the product generates on the informed consumer.
2. In assessing the extent of protection of industrial design, the degree of freedom of the author during the creation thereof shall be taken into consideration.
3. The extent of protection of registered industrial design shall be determined by the combination of its essential features, reflected in the graphic images indicated in national or international registration. The description elucidating graphic images shall not affect the extent of protection of industrial design.

Article 17. Term of protection of industrial design

1. Validity period of a patent for protection of industrial design shall be five years from the filing date of the application. The validity period of a patent for industrial design may be extended for once or more times, each time with a five-

year period, in general until the expiry of 25 years from the filing date of the application.

2. An unregistered industrial design shall be protected for a period of three years from the date on which the design was first disclosed in the Republic of Armenia in accordance with parts 1 and 2 of Article 14 of this Law.

CHAPTER 4

RIGHTS TO INDUSTRIAL DESIGN, THE AUTHOR, THE PATENT HOLDER

Article 18. Rights to industrial design

1. The right to the industrial design shall belong to the author or his or her legal successor.
2. The author shall be the natural person with the creative work whereof the industrial design has been created.
3. If the industrial design 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.
4. Assistance of a non-creative nature provided to the creation of an industrial design (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. If the same industrial design has been created by different people independently, the right to obtain a patent shall belong to the person whose application, pursuant to Article 38 of this Law, has an earlier filing date, and if priority is claimed — earlier priority date.
7. If during the examination it becomes clear that the industrial designs referred to in part 6 of this Article have the same priority date, the applicants shall be notified about that, stating also the opportunity to grant the applicants a single patent upon their consent. In case of failure to reach an agreement within a six-month period 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 mentioned as such.

Article 19. Service industrial design

1. The right to an industrial design created by an employee in course of fulfilment of his or her professional duties or tasks of the employer (service industrial design) shall belong to the employer, unless otherwise provided for under the contract concluded between them.
2. The employee, who is the author of the industrial design, cannot claim additional remuneration for his or her achievements except for cases, when his or her personal contribution to the service industrial design and its importance for the employer are evident and exceed the requirements provided for under the contract referred to in part 1 of this Article. The amount, conditions and procedure for payment of remuneration to the author of the service industrial design shall be determined under the contract concluded between the author and the employer and, in the absence of such a contract, under judicial procedure.

3. The employee shall be obliged to notify the employer in writing of the service industrial design within a period of one month from the day of its creation. Where within a three-month period from the day of notifying the employer of the creation of the industrial design the latter or his or her legal successor fails to file an application with the state authorised body, the right to file an application and obtain a patent shall transfer to the author. In this case the employer shall enjoy a priority right for receiving a non-exclusive license to use the given industrial design.
4. In case of receiving by the employer a patent for industrial design, the author shall enjoy a priority right for receiving a non-exclusive gratuitous license to use the given industrial design.
5. The right to file an application and obtain a patent, the exclusive right to use the industrial design, as well as the right to derive proceeds from its use shall be transferred heritably as prescribed by law.
6. The right to obtain a patent for the industrial design created by a lecturer or a research worker, researcher (hereinafter referred to as "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.
7. The lecturer or the research worker who is the author of the industrial design shall be obliged to notify the educational institution or scientific centre about any industrial design created in accordance with the terms of part 6 of this Article within a period of one month.
8. 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 industrial design 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 educational institution or a scientific centre.

9. The higher educational institution or scientific centre may transfer the right to obtain a patent for industrial design to the lecturer or research worker who is the author of it by maintaining the right to non-transferable, non-exclusive gratuitous license.
10. The higher educational institution or scientific centre shall have the right to use the benefits that have been received by the lecturer or the research worker due to the use of the industrial design or the transfer of the exclusive right (patent) to it in cases provided for in part 9 of this Article. The share of benefit, conditions and amount shall be determined by the charter of a higher educational institution or a scientific centre.
11. In the case, when the lecturer or research worker creates an industrial design due to performance of a contract with a public or private organisation, the contract must specify the party to the contract, which shall have the right to obtain the patent for industrial design.

Article 20. Claiming the right to industrial design

1. A person, in whose name the industrial design has been registered or on whose behalf the application for industrial design has been filed before its registration, shall be deemed to be the person entitled to conduct processing with the state authorised body and any other bodies, unless proven otherwise.
2. Where an unregistered industrial design has been disclosed or submitted for registration, or where the registered industrial design has been registered or submitted for registration by a person who is not entitled to act so in accordance with Articles 18 and 19 of this Law, the person having a right to industrial design

may — according to the mentioned Articles — claim to be recognised as the patent holder of the given industrial design, without prejudice to respective rights or actions of any other person.

3. The actions referred to in part 2 of this Article may be implemented within three years, which shall be calculated accordingly:
 - (1) in the case of registered industrial design — from the day of publication of information on registration in the Official Journal;
 - (2) in the case of unregistered industrial design — from the day of its disclosure.

The provision set forth in this part shall not apply, if the person not having a right to industrial design has acted in bad faith at the time, when the relevant industrial design has been disclosed, presented or entrusted to him.

4. In respect of performance of actions referred to in Articles 10 and 21 of this Law, the record on filing a claim, judicial act having entered into legal force or any other act on completion of the process, as well as any change of the patent holder on the basis of a court decision having entered into force or any other act on completion of the process, shall be entered into the database of applications for industrial designs and the State Register. The information on records and changes made in the State Register of Industrial Design shall be published in the Official Journal "Industrial Property".

Article 21. Consequences of the judicial act having entered into legal force regarding the new patent holder of the registered industrial design

1. In case the change of the patent holder has taken place under the judicial act having entered into legal force pursuant to part 2 of Article 20 of this Law, any

license and other rights granted to third parties by the first patent holder shall be deemed to be invalid from the day of registering the data of the new patent holder in the State Register of Industrial Design.

2. The patent holder and the person having obtained a license before filing a court claim, who have started the use of the industrial design prior to registration of the new patent holder in the State Register of Industrial Design or have made effective and specific steps for that purpose, may continue their activities, provided that they apply to the new patent holder with a request for obtaining a non-exclusive license. The former patent holder may apply with a request for obtaining a non-exclusive license within two months from the day of registration of information on the new patent holder in the State Register of Industrial Design, and the person having obtained a license — within four months from the day of receiving the written notice of the state authorised body on the new patent holder. The license must be granted for a reasonable period of time and on reasonable terms.
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 industrial design or has taken steps to do so.

Article 22. Rights of the author

1. In the case of registered industrial design:
 - (1) the author shall have the right to be indicated as such in the application for industrial design, in the patent, as well as in documents on procedures being carried out in the state authorised body related to the given industrial design;
 - (2) if the industrial design is created by a number of persons, then all co-authors shall be indicated;

- (3) the author shall, pursuant to point 1 of this part, have the right to refuse to indicate his or her name by submitting a statement thereon to the state authorised body.
2. The author may protect his violated rights through a judicial procedure.
3. The right to authorship (to be recognised as an author) shall be a personal non-transferable and inalienable right and shall be protected for an indefinite period of time.
4. The appropriation of authorship, the coercion to co-authorship, the disclosure of industrial design before the official recognition of that right without the permission of the author shall be considered as violation of the rights of the author and shall be punished in accordance with the Criminal Code of the Republic of Armenia.

Article 23. Exclusive right to industrial design

1. In the case of registered industrial design, its patent holder shall be granted an exclusive right to use it and to prohibit third parties to use it without his or her consent. The use may, within the meaning of this Law, concern particularly its manufacture, offer for sale, sale, import and export or use of the product including or embodying the design, as well as storage thereof for mentioned purposes.
2. During the time period between the date of publication of application for industrial design and the date of publication of information on granting a patent, the industrial design shall be granted temporary legal protection, the extent whereof shall be determined by the combination of essential features of the industrial design reflected in the graphic images of the industrial design defined in the decision of the state authorised body on granting a patent.

3. In the case of unregistered industrial design, its legal owner may prohibit the actions referred to in part 1 of this Article only in case, when the contested use is the product of imitation of the protected industrial design. The contested use shall not be considered to be the product of imitation of the protected industrial design, where it is the product of independent creation of the author, which may be confidently stated, if he or she has not been familiar with the industrial design disclosed by the legal owner.
4. 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 industrial design 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.
5. 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 industrial design has been withdrawn or recognised as withdrawn or the application has been refused, and the possibilities for its appeal provided for by this Law have been exhausted.
6. In case of several patent holders (when the patent is granted in the name of more than one person) relations with regard to protected industrial design shall be regulated under a contract concluded between them. In case of absence of such a contract, each of them shall have the right to use the industrial design in its whole scope, on his or her own discretion, to file a claim before the court — in case of violation of his or her exclusive rights — against any person who uses the protected industrial design without the permission of other patent holders, but shall not be entitled to conclude a license agreement without the consent of the latter and to carry out any action on transfer of a right without notifying other patent holders on abandoning the patent for industrial design thereby.

7. The patent holder may apply a warning marking in the form of capital letter “D” in a circle, indicating his or her name or the number of the patent.

Article 24. Limitation of rights to industrial design

1. The rights referred to in part 1 of Article 23 of this Law shall not apply to:
 - (1) any equipment of a 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 (or) organisations of the Republic of Armenia;
 - (2) spare parts and accessories imported to the Republic of Armenia for repair of transport means referred to in point 1 of this part;
 - (3) actions of reproduction of the industrial design for the purposes of making citations or of teaching, provided that such actions are compatible with fair trade practice and the source is indicated, and that they do not unlawfully prejudice the normal use of the industrial design;
 - (4) actions performed for personal and non-commercial purposes;
 - (5) actions undertaken for conducting experiments;
 - (6) in case of disasters, epidemics and other emergencies.
2. The use of an industrial design 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 registered industrial design 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 industrial design.

3. The actions of state bodies shall not be considered as violation of the right to industrial design in case they act in good faith when applying this Law.

Article 25. Exhaustion of rights

1. The patent holder of a protected industrial design 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 protected industrial design or embodying it, if this product has been legally put into civil circulation in the Republic of Armenia through sale by the patent holder or upon his or her consent.
2. Import of a product including an industrial design or embodying it into the territory of the Republic of Armenia shall also not be considered as violation of an exclusive right to industrial design, if it has been legally put into civil circulation by the patent holder or upon his or her consent in the foreign country, with which there is an international agreement on a common market or common customs border in effect.

Article 26. Right to prior use

1. Any person who, before the priority date of an industrial design, 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.

CHAPTER 5

REFUSING THE APPLICATION FOR INDUSTRIAL DESIGN, DECLARING THE RIGHT TO INDUSTRIAL DESIGN INVALID

Article 27. Refusing the application for industrial design and declaring the right to industrial design invalid

1. The application for industrial design may be refused upon decision of the state authorised body pursuant to Article 48 of this Law, or due to contesting the decision of the state authorised body upon the judicial act having entered into legal force.
2. The right to registered industrial design shall be declared invalid on the basis of the claim on declaring the patent for industrial design invalid, filed with the court or the relevant counterclaim in the case for protection of rights.
3. The right to unregistered industrial design shall be declared invalid on the basis of a claim or a counterclaim filed with the court.

Article 28. Grounds for refusing the application for industrial design and declaring the right to industrial design invalid

1. The application for industrial design shall be refused, and the right to registered or unregistered industrial design shall be declared invalid where:
 - (1) the industrial design does not meet the characterisation provided for by Article 11 of this Law;
 - (2) the industrial design does not meet the requirements prescribed by Articles 12-15 of this Law;

- (3) it has been established on the basis of a criminal judgement having entered into legal force in the manner prescribed by law that the applicant or the patent holder has no right to industrial design within the meaning of Articles 18 and 19 of this Law;
 - (4) the industrial design includes any element referred to in Article 6ter of Paris Convention without the authorisation of the relevant competent body;
 - (5) the industrial design includes or imitates signs, emblems, armorial bearings other than those covered by Article 6ter of the Paris Convention and which are of special public interest, including objects of cultural heritage (including ethnic and religious objects), the names or images of their recognisable parts, except for the cases when the authorisation of the relevant competent body for registration thereof is available;
 - (6) in terms of requirements prescribed by this Law the industrial design contradicts the previous (earlier) industrial design, which has been made available to the public before the filing date of the application with the state authorised body, and in case of claiming priority — before the priority date, and which is protected having an earlier filing date of the application, and in case of claimed priority — earlier priority date;
 - (7) the industrial design includes, without a relevant authorisation, a creative work protected under the legislation on copyright;
 - (8) the industrial design contains a protected means of identification, which entails violation of the rights of its legal owner envisaged by the legislation;
 - (9) the registration contradicts other legal acts.
2. A claim on declaring the exclusive right to industrial design invalid on the grounds referred to in part 1 of this Article may be filed only by an interested person.

3. In case of refusing the application for industrial design or declaring the rights thereto reserved under the patent invalid on the grounds referred to in points 2, 5, 7 or 8 of part 1 of this Article, the industrial design may be registered or the patent may remain in effect with the appearance of adjusted industrial design, if such an appearance meets the patentability terms and the essence of the industrial design is maintained. The registration of adjusted industrial design shall imply registration of industrial design, which has been carried out in the appearance of the industrial design for which an application has been filed and which the applicant has partially withdrawn. Maintaining the patent for adjusted industrial design in effect shall imply entering into the State Register of Industrial Design the judicial act having entered into legal force on declaring the patent for industrial design partially invalid.

CHAPTER 6

PRIORITY OF INDUSTRIAL DESIGN

Article 29. Right of priority

1. The priority of industrial design 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 industrial design has been filed with the state authorised body within six 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 thereon mentioning the date of claimed priority, pay the state duty established by law for each claimed priority and submit to the state authorised body, within nine months after the filing date of the first application (and in case first applications are several, within nine months after the date of the earliest filing of such applications), the copy of the first application certified by the receiving office. In case of failure 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 after the day of sending the request.
5. Several priorities may be claimed on the basis of several first applications filed in one or several countries. Where several priorities have been claimed, the time limit for claiming priority shall be calculated from the earliest priority date.
6. When determining one or more priorities, the right of priority shall apply only to industrial designs included in the first application or applications on the basis of which the priority is claimed.
7. The priority of an industrial design may be determined by the filing date of the initial (earlier filed) application of the same applicant identifying the essence of the same industrial design (internal priority), provided that it is not withdrawn or considered 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 six months from the filing date of the initial application.
8. The priority cannot be determined by the application by which an earlier priority has already been claimed.

9. The priority of industrial design, the application whereof has been filed as a result of its division (divisional application) from the initial 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 — by the date of earlier claimed priority, if the initial application is not withdrawn or considered withdrawn as of the filing day of the divisional application, the divisional application has been filed prior to exhaustion of possibilities to appeal the decision on refusing to grant a patent by the initial application, and in case of the decision on granting a patent by the initial application — not later than prior to the state registration of industrial design.
10. The priority can be determined by a few initial applications filed earlier, observing the procedure provided for by parts 7 and 9 of this Article with respect to each of them.

Article 30. Temporary legal protection at some international exhibitions

1. Any person exhibiting the outward appearance of the product or a part thereof (first exhibition) 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 first exhibition, file an application with the state authorised body claiming a priority which shall be defined as of the first exhibiting date of the product 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 a three-month period from 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 failure 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 29 of this Law.

Article 31. 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 nine months from the priority date, or, if the adjustment or supplementation causes change of the priority date — within nine months from the changed priority date, provided that such a request is submitted to the state authorised body within three 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. Where adjusting or supplementing the claimed priority causes change of the priority date, the established time limits shall be calculated from the changed priority date.

Article 32. 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 six 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 by the applicant has taken place due to circumstances beyond his or her control.

2. The request on restoration of the right of priority shall be submitted to the state authorised body within two months following the expiry of the time limit for claiming priority date. A 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 29 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 29 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 request for a copy of the first application has been submitted to the office having received the given application not later than within eight 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.

CHAPTER 7

EXTENSION OF ESTABLISHED TIME LIMITS AND RESTORATION OF RIGHTS

Article 33. 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 with up to maximum six months.
2. The established time limits shall not — according to part 1 of this Article — be extended in cases provided for by part 1 of this Article, as well as in cases provided for by point 2 of part 3 of Article 14, part 2 of Article 29, part 1 of Article 30, part 1 of Article 31, parts 2 and 3 of Article 32, part 2 of Article 34, parts 2 and 4 of Article 35, part 3 of Article 37, part 1 of Article 47, part 1 of Article 49, Article 51, part 1 of Article 52, part 2 of Article 65 of this Law.
3. The request on extension of the established time limits may not be refused if the requesting party has not been notified in advance in writing of the possible refusal of the application within three months from the day of sending the notice, with a suggestion to submit its considerations.

Article 34. 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 obtaining the rights to the industrial design within the established time limit and 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 two 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 breach 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 breach of the time limits for the payment of state duties for keeping the patent in effect.
4. The request on further processing of the application may not be refused if the requesting party has not been notified in advance in writing of the possible refusal of the request within two months from the day of sending the notice, with a suggestion to submit its considerations.

Article 35. Restoration of rights

1. Any party representing the processing in the state authorised body who has 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, refusal 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 unintentionally.

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 a breach of the time limit — within a two-month period from the day of sending 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. The request on restoration of rights should be substantiated and contain facts and evidence justifying non-observance of the time limits. In case of failure to meet the mentioned requirements the request shall be considered not submitted.
3. The request on restoration of rights may not be refused in full or in part if the requesting party has not been notified in advance in writing of the possibility of refusal 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 state duties for extension of rights — not later than within one year after the expiry of the additional six-month period prescribed by the Law “On state duty”.
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 on restoration of rights, the party shall submit the given data within a three-month period following the day of sending the written notice thereon by the state authorised body.

CHAPTER 8

FILING THE APPLICATION AND REQUIREMENTS TO IT

Article 36. Requirements to the application

1. The application for industrial design may concern one or several industrial designs, provided that they are related to one class of ICID, except for ornaments.
2. The application must include:
 - (1) request for obtaining a patent;
 - (2) information allowing to identify the applicant;
 - (3) the photograph(s) or graphic image(s) fully disclosing the outward appearance of the product or several products included in the application and having possibilities for reproduction;
 - (4) indication of the product, in which the industrial design may be embodied or used.
3. The application may include:
 - (1) information allowing to identify the author (authors). In case the author refuses to be indicated in the application — the statement of the applicant that the author has refused to be indicated as such in the application;

- (2) information which identify the patent attorney or other representative (if any) of the applicant;
 - (3) information on claimed priority (where appropriate);
 - (4) ICID index in accordance with Locarno Agreement;
 - (5) request on deferment of publication of the application for industrial design in accordance with part 2 of Article 44 of this Law.
4. The following shall be attached to the application:
- (1) a letter of authorisation in case of filing the application through a patent attorney or other representative;
 - (2) the description of industrial design if so wished by the applicant;
 - (3) the document certifying the priority of industrial design in case of claiming priority;
 - (4) receipt of payment of the state duty established by law, in relevant cases also the grounds for payment at a reduced rate, in accordance with Article 28 of the Law “On state duty”.

Article 37. Formulation and forms of filing of the application

1. The application shall be filed with the state authorised body by the person entitled thereto in accordance with Articles 18 and 19 of this Law in person or through his or her representative.
2. The application for obtaining a patent and other documents shall be filed in Armenian.
3. Other documents of the application may be filed also in other languages. 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 filing day of the application.

4. In case of failure to submit the translation of the application documents to the state authorised body within the established time limit, the application shall be considered withdrawn, and the applicant shall be notified about it.
5. The state authorised body shall conduct the processing of the application in Armenian.
6. The procedure for formulation, filing and consideration of the application for industrial design (hereinafter referred to as "the Procedure") shall be established by the Government.

Article 38. Filing date of the application

1. The state authorised body shall determine the filing date of the 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 industrial design;
 - (2) information allowing to identify the applicant;
 - (3) photograph(s) or graphic image(s) disclosing the outward appearance of the product or several products or a part thereof included in the application;
 - (4) receipt of payment of the state duty as prescribed by law.
2. The filing date of an international application shall be determined in accordance with Hague Agreement.
3. The filing date of the application converted in accordance with Article 17 of the Protocol to the Eurasian Patent Convention shall be established in accordance with the given Article.

Article 39. Withdrawal of an application or a request

1. The applicant may, at any stage of processing, withdraw the application or any request submitted to the state authorised body.
2. The applicant may withdraw any request on the application submitted by him or her within five working days after the day of submission.
3. The application or the request shall be deemed to be withdrawn from the day when the state authorised body receives the request for its withdrawal.
4. The state authorised body shall — on the basis of the request of the applicant on withdrawal of the application — publish an information on completion of the processing of the given application.
5. The application including several industrial designs may be withdrawn for all of them or a part thereof.
6. In case of several applicants the application or the request may be withdrawn only upon the written consent of all of them.

Article 40. 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, of which the applicant or the patent holder shall be informed.

CHAPTER 9

PROCESS PRIOR TO GRANTING A PATENT

Article 41. Examination of the application

1. The state authorised body shall, in accordance with the Procedure, verify the compliance of the application and the industrial design that is the subject thereof, with the requirements prescribed by this Law. For this purpose, the state authorised body shall conduct formal and preliminary examination of the application and, in the case prescribed 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 patentability terms, which it deems necessary.

Article 42. 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 Article 38 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 38 of this Law, the state authorised body shall notify the applicant thereon in writing within three working days from the day of receiving them, suggesting to submit the missing documents and (or) information within a two-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 38 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 industrial designs.

Article 43. 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 10 working days.
2. Within the framework of the preliminary examination, the state authorised body shall verify the following:
 - (1) the compliance of the application and documents thereof with the requirements prescribed by part 2 of Article 36 of this Law and the Procedure;
 - (2) the content of additional materials (if any) to find out whether they modify the essence of the industrial design or not;
 - (3) fulfilment of the requirements established for claiming priority provided for by this Law and, if necessary, define the claimed priority;

- (4) fulfilment of the requirements related to the representation prescribed by this Law.
3. Where the preliminary examination reveals that the application or additional materials contain parts or documents which are missing or do not meet the requirements established by the Procedure, 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 two-month period from the day of sending the inquiry. In this case the time limit prescribed by part 1 of this Article shall be suspended until the receipt of the response to the inquiry, but not later, than the expiry of the time limit for submission of the response to the inquiry.
4. Within a two-month period from the filing date of the application the applicant may — at his or her initiative or based on the inquiry — make corrections or adjustments in the application materials by submitting additional materials, without modifying the essence of the submitted industrial design.
5. Additional materials shall be considered as modifying the essence of the industrial design, if essential features of the industrial design have been submitted, which have been missing in the industrial design as of the filing date, or images of the product have been submitted, from which essential features of the industrial design have been removed, which had been present as of the filing date of the application. Part of additional materials modifying the essence of the industrial design shall not be taken into account during the examination.
6. Where the requirement of point 1 of part 3 of Article 36 is violated, the application lacks sufficient information for identification of the author, and no statement has been submitted that the author has refused to be mentioned as such, and that omission has not been eliminated within a two-month period from the day of sending the inquiry thereon by the state authorised body, the application shall be considered 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 application has been filed for several industrial designs, which are not related to one class of ICID, the applicant shall be suggested to inform, within a two-month period from the day of sending the notice thereon, which of the industrial designs should be considered, and make necessary adjustments to the application documents. In case of not responding to the notice by the applicant within the mentioned time limit, the industrial design being the first in the application shall be considered.
9. The application including more than one industrial designs, which are not related to one class of ICID, may — at the initiative of applicant or upon the suggestion of the state authorised body, within the time limits mentioned in part 9 of Article 29 of this Law — be separated by filing one or several divisional applications, dividing the industrial designs introduced in the initial application among those applications.
10. The divisional application meeting the requirements established by part 9 of Article 29 of this Law shall maintain the filing date of the initial application and the determined priority date.
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 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 considered withdrawn, except for the cases referred to in Articles 64 and 65 of this Law.

13. If the state authorised body considers that the application documents and additional materials meet — in their content and form — the requirements prescribed by this Law, it shall render a decision on publication of the application within the time limit established by Article 44 of this Law, notifying the applicant about it.
14. The applicant may — at any stage of consideration of the application, subject to payment of the state duty established by law — submit a request on making changes in the application, which shall not entail modification of the essence of the industrial design.

Article 44. Publication of the application

1. On the basis of the decision on publication of the application taken in accordance with part 13 of Article 43 of this Law, the state authorised body shall — within 15 working days from the day of rendering the decision — publish the application in the Official Journal “Industrial Property”. The list of information on the application subject to publication shall be established by the state authorised body.
2. The publication provided for by part 1 of this Article may — according to the request of the applicant, subject to payment of the state duty established by law — be deferred for not more than six months from the filing date of the application.
3. The applications, which have been refused, withdrawn or considered withdrawn in the manner prescribed by this Law shall not be published.
4. The application divided in accordance with part 9 of Article 43 of this Law shall not be published if the industrial designs included therein have already been published within the framework of the initial application.

Article 45. Objections of third parties

1. Any interested person may file a written substantiated objection to the state authorised body against granting of the patent for industrial design within a two-month period from the date of publication of the application on the following grounds:
 - (1) the industrial design does not meet the requirements prescribed by Article 11 of this Law or contradicts the public interests or the principles of morality;
 - (2) the industrial design includes an object protected under copyright, if those rights have been acquired prior to the filing date of the application for the given industrial design or the priority date (if any), or any other protected object of industrial property having an earlier priority date, without the permission of the legal owner;
 - (3) the applicant is not a person entitled to file an application in accordance with Articles 18 and 19 of this Law.
2. The objection shall be deemed as filed where the receipt of payment of the state duty established by law is attached thereto.
3. Within three working days following the receipt of the objection, the state authorised body shall examine it and shall — in case of compliance of the application with the terms prescribed by parts 1 and 2 of this Article — notify the applicant thereon in writing within a one-month period from the day of sending the mentioned written notice, with a suggestion to submit his or her considerations. In case of failure by the applicant to submit his or her considerations within the mentioned time limit, the objection shall be further considered on the basis of available materials.
4. The objection not complying with the terms prescribed by parts 1 and 2 of this Article shall be considered not filed, and the state authorised body shall notify the person filing it thereon in writing.

Article 46. Consideration of objections

1. During the consideration of objections the state authorised body shall assess the substantiation thereof, taking into account the considerations (in case of receiving such) submitted by the applicant.
2. The consideration of the objection may be suspended in accordance with a substantiated request thereon submitted by the applicant, before the expiry of the time limit mentioned in the application.
3. The consideration of the objection shall be suspended in the following cases and with the following time limits:
 - (1) an application for industrial design with earlier priority has been objected — until rendering of the decision on final refusal thereof or, where appropriate, until granting of a patent for industrial design with earlier priority;
 - (2) one of the parties has submitted a substantiated request — until the expiry of the time limit mentioned therein, but not more than three months.
4. The consideration of the objection shall be resumed upon elimination of the grounds for suspension thereof.
5. As a result of consideration of the objection the state authorised body shall render one of the following decisions:
 - (1) on granting the objection in full or in part, if all claimed industrial designs or a part thereof are not subject to granting a patent;
 - (2) on refusing the objection.

Article 47. Examination of the industrial design on the merits

1. The state authorised body shall — within a period of three months from the day of publication of the application and under the procedure established by the

Government — conduct examination of the application on the merits to verify the compliance of the industrial design to the protectability terms established by this Law.

2. The mentioned time limit shall be suspended upon receipt of each objection on the given application in accordance with part 1 of Article 45 of this Law with the time limits stated in part 3 of the same Article.
3. Examination on the merits of the application divided according to parts 9 and 10 of Article 43 of this Law, which has been divided from the initial application for which the conduct of the examination on the merits has started and the state duty established by law has been paid, shall be conducted immediately after the end — with positive results — of the preliminary examination of the application envisaged by Article 46 of this Law. In this case, the state duty established for conducting examination of the industrial design on the merits shall not be paid.
4. According to part 1 of this Article, the state authorised body shall verify the existence of grounds for refusal provided for by part 1 of Article 28 of this Law, taking into account the results of consideration of the objections filed.
5. The compliance with protectability terms of industrial design shall be verified taking into account the information at the immediate disposal of the state authorised body.
6. The state authorised body shall have the right to request from the applicant any information it deems necessary to identify the applicant or the author, to fill in the application correctly, to ensure compliance with the protectability terms. The applicant shall submit the information within a two-month period from the day of sending the notice, and it should not modify the essence of the industrial design. In case of failure to submit — within the established time limit — a response or a request on extension of the established time limit, the application shall be considered withdrawn, provided that it is impossible to conduct examination on

the merits without the requested information, and the applicant shall be notified about it.

7. Granting of a patent for industrial design cannot be refused without providing an opportunity to the applicant to withdraw the application or make changes thereto or provide arguments in favour of granting of a patent for industrial design within a two-month period from the day of sending the notice on the results of examination (possible refusal or partial refusal). The arguments submitted by the applicant shall be considered by the state authorised body within a one-month period from the day of their receipt.

Article 48. Decisions on granting a patent

1. The state authorised body shall — based on the results of examination of the industrial design on the merits, taking into account the decisions taken in accordance with part 4 of Article 46 of this Law — render a decision:
 - (1) on granting a patent, where it has been found out that the industrial design complies with the protectability terms, or
 - (2) on refusing to grant a patent on the grounds for refusal to grant a patent envisaged by Article 28 of this Law.
2. Where only a part of the industrial designs submitted under one application complies with the protectability terms, the decision on granting a patent shall be rendered only for the given part.
3. The decisions on refusal to grant a patent taken by the state authorised body shall be reasoned and substantiated.

Article 49. Appealing decisions of the state authorised body

1. In case of disagreement with any decision rendered by the state authorised body during the consideration of the application and the conduct of examination of the industrial design on the merits, the applicant may, within a three-month period from the day of sending the decision, 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 for industrial design;
 - (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 its receipt.

CHAPTER 10

GRANTING A PATENT AND FURTHER PROCESS

Article 50. Granting a patent and publication of information thereon

1. In case of payment of the state duty established by law for granting a patent within a three-month period from the day of sending the decision, on the basis of the decision on granting a patent, or within a later period provided for by law, the state authorised body shall register the industrial design in the State Register of Industrial Design and grant a patent.
2. In case of not receiving the receipt of payment of the state duty established by law within the mentioned period or within a later period provided for by law, the state authorised body shall consider the application withdrawn, and the applicant shall be notified about it.
3. Where 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.
4. The form of the patent and the list of information to be indicated therein shall be established by the Government.
5. Simultaneously with registering the industrial design in the Register, the state authorised body shall publish information on granting of a patent in its Official Journal, which shall include the name, surname of the author (if the author has not refused to be mentioned as such), name, surname of the patent holder or name of the patent holder organisation, title of the industrial design and other information.

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

6. The date of granting a patent shall be deemed to be the date of publication of information on granting of a patent in the Official Journal of the state authorised body.

Article 51. Extension of the validity period of the patent for industrial design

1. The validity period of a patent for industrial design may be extended on the basis of the request of the patent holder or his or her representative subject to payment of the established state duty.
2. The validity period of a patent on composite (complex) product may be extended in full, as well as in part, only for a few of its components.
3. The validity period of a patent for more than one industrial designs may be extended also for a part thereof.
4. The request on extension of the validity period of a patent for industrial design referred to in part 1 of this Article shall be submitted to the state authorised body during the last year of the current five-year validity period of the patent.
5. The validity period of a patent for industrial design may be extended also within six months after the expiry of the established time limit on the basis of the submitted request and in case of payment of additional state duty.
6. The state authorised body shall — not later, than until the end of the ninth month of the last year of the current five-year validity period of the patent — notify the patent holder with reminder on non-payment of the state duty prescribed by part 1 of this Article and on the need to make a payment under part 5 of this Article and on consequences in case of failure to make the payment.

7. Failure to pay the state duties within the established time limits or leaving the reminder of the state authorised body indicated in part 6 of this Article unaddressed, shall lead to termination of the validity period of the patent.
8. The extended validity period of the patent shall be calculated from the day following the preceding five-year period.
9. The state authorised body shall make a record on extension of the validity period of the patent in the State Register of Industrial Design, in the patent (if so wished by the patent holder) and publish information in the Official Journal “Industrial Property”.

Article 52. Restoration of rights to industrial design and the right to later use

1. The rights to industrial design, which have been terminated according to part 7 of Article 51 of this Law, may be restored upon the request of the legal owner. It is necessary to submit the request to the state authorised body within 12 months after the expiry of the time limit prescribed by parts 3 and 4 of Article 51 of this Law. The document certifying the payment of the state duty established for restoration of the patent validity, as well as the payment of unpaid state duties for maintaining the validity of the patent shall be attached to the request. The rights shall not be restored, if prior to submitting a request on restoration of rights other person has already acquired the right to identical industrial design.
2. The state authorised body shall publish information on restoration of the validity of the patent for industrial design in its Official Journal.
3. Any person, who has — under part 7 of Article 51 of this Law, starting from the date of termination of legal protection of the industrial design until the date of publication of information on restoration of rights to the patent validity in the Official Journal of the state authorised body — started to use in good faith the

industrial design protected in accordance with this Law or made necessary preparatory works for the use thereof, shall reserve the right to further gratuitous use thereof without extension of the scope of such use (right to later use).

4. With respect to the time period between losing of the right referred to in part 1 of Article 35 of this Law and publication of the statement on 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 industrial design has taken place or the necessary preparatory works for such use have been made.

CHAPTER 11

DECLARING THE PATENT INVALID AND TERMINATION OF RIGHTS

Article 53. Declaring the patent invalid

1. The patent for industrial design may be declared invalid in full or in part on the basis of a request of any interested person, upon a judicial act having entered into legal force, where:
 - (1) the industrial design does not comply with the requirements prescribed by Article 27 of this Law;
 - (2) the combination of essential features generating the image of the outward appearance of the product exceeds the essential features generating the image of the outward appearance described in the initial application filed;

- (3) the patent holder of the industrial design was not entitled to obtain the patent according to this Law.
2. Only the person entitled to obtain the given patent may apply to court in the case provided for by point 3 of part 1 of this Article.
3. Failure to comply with one or more formal requirements to 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.

Article 54. Consequences of declaring the right to industrial design invalid

1. In case of declaring the right to industrial design invalid, it shall be considered that the rights provided for by this Law have not been valid from the beginning.
2. Declaring the right to industrial design invalid shall not affect:
 - (1) judicial acts having entered into legal force, enforced before the taking of the decision on declaring the right to industrial design invalid;
 - (2) contracts concluded before the taking of the decision on declaring the right to industrial design invalid to the extent that they have been performed before the taking of the decision. At the same time, due to fair circumstances, compensation may be claimed for reasonable amount of expenses made under the contract.

Article 55. Termination of rights reserved under the patent for industrial design

1. The rights under the patent for industrial design shall be terminated in full or part, where:

- (1) the patent holder has submitted a request on full or partial waiver thereof to the state authorised body. In this case he or she shall lose the relevant rights to the patent from the day following the submission of the request.

Where only one of the patent holders waives the rights to registered industrial design in full, the validity of the patent shall not be terminated and the mentioned rights shall transfer to other patent holders.

Where all patent holders waive the rights to registered industrial design in full, they must also notify the author thereon. In this case the author shall have a priority right to obtain a patent in his or her name, if he or she applies with such a request to the state authorised body within three months after being notified by the patent holder;

- (2) the 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 according to Article 53 of this Law;
 - (4) the validity period of the patent has expired.
2. In case of failure to pay the state duty for maintaining the validity of the patent 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 the patent validity (rights granted by the patent).

CHAPTER 12

TRANSFER OF RIGHTS, GRANTING OF A LICENSE, RESTRICTION AND PLEDGE OF PROPERTY RIGHTS TO INDUSTRIAL DESIGN

Article 56. Transfer of rights

1. The rights of the patent holder may be transferred to another person in full or in part through legal succession or by the patent holder, under a contract.
2. The transfer of rights of the patent holder shall be registered in the database of applications for industrial designs or the Register and shall enter into force with respect to third parties from the moment of registration.
3. In order to register the transfer of rights of the patent holder in the State Register of Industrial Design, one of the parties carrying out the transfer shall submit to the state authorised body:
 - (1) a request on registering the transfer of rights;
 - (2) the document certifying the transfer of rights;
 - (3) receipt of payment of the state duty established by law, in relevant cases also the 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).
4. The transfer of a right shall be subject to registration in the state authorised body under the procedure established by the Government. The contract on transfer of rights not registered in the state authorised body shall be null and void.
5. Data on the transfer of rights to registered industrial design shall be published in the Official Journal “Industrial Property”.

6. Parts 1-3 of this Article shall also apply to the rights of the applicant *mutatis mutandis*.

Article 57. Granting of a license

1. Under a license agreement, the patent holder (the licensor) shall authorise another person (the licensee) to use the patented industrial design protected under a patent within the scope, time limit and territory specified in the agreement, and the licensee shall be obliged to pay the licensor fees established under the agreement and to fulfil other actions envisaged by the agreement.
2. In case of an exclusive license, the exclusive right to use the industrial design shall be granted to the licensee within the framework determined by the agreement (scope, time limit and territory); moreover, the licensor shall retain the right to use the industrial design in the part not granted to the licensee.
3. In case of a non-exclusive license, the licensor shall, while granting the licensee the right to use the industrial design, retain all of his or her rights, including the right to grant non-exclusive licenses to third parties.
4. The license shall be subject to registration in the state authorised body under the procedure established by the Government, for which one of the parties to the license agreement shall submit to the state authorised body the following documents:
 - (1) a request on registration of the license;
 - (2) the license agreement, the excerpt from the license agreement or the statement on granting of a license signed by the licensor and the licensee;
 - (3) receipt of payment of the state duty established by law;
 - (4) the document certifying the powers of the representative (if any).

The license not registered in the state authorised body shall be considered invalid.

5. The license agreement, the excerpt from the license agreement and the statement on granting 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 industrial design for which the license is to be granted;
 - (4) type of the license;
 - (5) industrial designs for which the license is to be granted;
 - (6) validity period of the license;
 - (7) territory where the license is in effect.
6. Within seven working days after receiving the documents referred to in part 4 of this Article, the state authorised body shall carry out the examination thereof and, shall, in case of compliance thereby with the requirements of this Article, register the license in the relevant state register.
7. Further changes to the terms of the license mentioned in part 5 of this Article, as well as declaring the license invalid shall be registered in the relevant 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.

8. The forms of requests mentioned in this Article, the procedure for filling them in, submission and consideration thereof shall be established by the Government.
9. The requests provided for in this Article may not be refused without providing an opportunity to the applicant to submit arguments in favour of registration of the license or changes thereto.
10. According to this Article, in case of reasonable doubts as to the authenticity of any indication or document of the submitted requests, the state authorised body may request to submit relevant evidence.
11. Provisions of this Article shall apply to sublicenses and, in cases prescribed by law, to franchising *mutatis mutandis*.
12. Decisions of the state authorised body regarding the registration of the license agreement, including franchising, and the contract on the transfer of rights, may be appealed to the Board of Appeals of the state authorised body or under judicial procedure within a three-month period from the day of their adoption.

Article 58. Property rights to industrial design, restrictions and pledge

1. The relations pertaining to the registration of secured rights to the property rights to an industrial design 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 industrial design shall be regulated by the Law "On state registration of rights to property", as well as by other laws and legal acts.

CHAPTER 13

STATE REGISTER

Article 59. State Register and its maintenance

1. The state authorised body shall maintain the State Register of Industrial Design. The State Register shall be open to public, unless otherwise provided for by this Law.
2. The state authorised body shall provide excerpt from the State Register to any person upon request and subject to payment of the state duty established by law.
3. The content of the State 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 State Register shall be established by the Government.

Article 60. Content of the State Register

1. The State Register of Industrial Design shall include, in particular, registration number of the industrial design (number of the patent for industrial design), number and filing date of the application, date of claimed priority, date of publication of the application, date of entry in the Register and date of granting (publishing) the patent, data concerning the patent holder (in case of a natural person — name, father's name (if available), 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), data concerning the author (name, surname and place of residence) (where the author has not submitted a

statement on not being indicated as such), title of the industrial design, data on validity of the patent, date of termination of the patent validity.

2. The Register shall also include information on judicial acts regarding the registered industrial design having entered into legal force.

Article 61. Making changes in the State Register

1. All further changes related to rights and patent holders shall be entered into the State 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 State Register upon the request of one of the parties to the agreement.
3. The person indicated in the State 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 62. Procedure for making changes

1. Making of several changes in the State Register may be claimed by 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 State Register or within a two-month period from receipt of the relevant notice of the state authorised body.

3. Where the changes are claimed by the person indicated in the State Register as a patent holder, the state authorised body shall enter the change in the relevant register.
4. Where the changes are claimed by the person not registered in the State 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 request 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 14

REPRESENTATION

Article 63. 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 where 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 defined by Article 64 of this Law.

Article 64. Representation of foreign persons

1. Foreign persons having neither permanent place of residence nor real and effective industrial or commercial establishment in the territory of the Republic of Armenia 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 of 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 related to the filing date of the application, pay state duties for the conduct of the processing, submit the certified copy of the first application in case of claiming a right of priority under Article 29 of this Law, and receive a written notice from the state authorised body related to the given 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 notification.
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 conducting 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 65. 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 the given 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 the given 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 termination of the powers of the representative or due to the decision of the representative on renunciation of his or her powers, part 5 of Article 64 of this Law shall apply *mutatis mutandis*.

Article 66. Patent attorneys

1. The applicant may fulfil the actions related to filing an application for industrial design, maintaining correspondence in respect to the application, as well as those related to the acquisition and disposition of 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) an organisation operating in the territory 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 an 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 67. Registration of patent attorneys in the relevant register

1. The state authorised body shall maintain a relevant register of patent attorneys.
2. A state duty established by law shall be paid for being registered in the relevant register. After the payment of the state duty, the state authorised body shall render a decision on registration of the patent attorney.
3. Patent attorneys may be removed from the relevant register if:
 - (1) a request has been submitted thereon;
 - (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 relevant register: 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 relevant register and data on the person meeting the requirements of point 1 of part 2 of Article 66 of this Law and being employed by the patent attorney on a permanent 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 15

INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGN

Article 68. Patenting an industrial design in foreign countries

1. The industrial design created in the Republic of Armenia may be patented in foreign countries by filing an application directly to the office of the country, where the patent for industrial design is being claimed, or in accordance with the international treaties of the Republic of Armenia.
2. International applications shall be filed with the International Bureau according to Hague Agreement, and Eurasian applications shall be filed with the Eurasian Patent Organisation according to the Protocol to the Eurasian Patent Convention directly or through the state authorised body. An international application must be filed in English, and a Eurasian application — in Russian.
3. The state authorised body shall act as a receiving state body for international applications filed with the International Bureau under the procedure of Hague Agreement and for Eurasian applications filed with the Eurasian Patent

Organisation under the procedure of the Protocol to the Eurasian Patent Convention, only for citizens and organisations of the Republic of Armenia, as well as for natural persons having permanent place of residence in the Republic of Armenia.

4. The state authorised body shall verify the availability of necessary documents of received applications and compliance thereof with the established requirements, based on the results whereof it shall establish the filing date of the international or Eurasian application, after which it shall deliver the applications to the International Bureau within a one-month period under the Hague Agreement Directive or to the Eurasian Patent Office within the time limit established by the Patent Instruction to the Eurasian Patent Convention.

Article 69. Eurasian applications having the effect of applications filed under the procedure established by this Law

1. Based on the refused Eurasian application, in accordance with Article 17 of the Protocol to the Eurasian Patent Convention, the application for granting of a 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 36 and 37 of this Law.

Article 70. Process related to international registration notified by the International Bureau

1. With respect to any notice on international registration received from the International Bureau in which the Republic of Armenia is mentioned, the process of filing an objection under Article 45 of this Law and the process of conducting

examination of the application on the merits under Article 47 of this Law shall apply on the same conditions envisaged by this Law for applications directly filed with the state authorised body.

2. The objections against international registration in which the Republic of Armenia is mentioned, may be submitted to the state authorised body within a three-month period after the date of official publication by the International Bureau of information related to the given international registration. Filed objections shall be considered under the procedure established by Article 46 of this Law.
3. Where in accordance with part 1 of this Article the examination reveals that the international registration does not meet the requirements of this Law, or where an objection has been submitted against the given international registration, which has been granted in full or in part, the state authorised body shall render a decision on refusal or partial refusal to grant legal protection to the industrial design in the Republic of Armenia and shall notify the International Bureau thereon.
4. After the decision on refusal or partial refusal mentioned in part 3 of this Article any process provided for by this Law between the state authorised body and the patent holder shall be carried out through the representative of the latter, unless otherwise provided for by an international treaty of the Republic of Armenia.
5. The state authorised body may, at any time, withdraw in part or in full any refusal sent thereby.
6. The state authorised body shall — in the manner prescribed — notify the International Bureau on all judicial acts regarding the international registration.

CHAPTER 16

TRANSITIONAL PROVISIONS AND FINAL PART

Article 71. Transitional provisions

1. Certificates on industrial design 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 patents for industrial design granted in accordance with this Law.
2. The effect of the certificate on industrial design, which is terminated at the time of entry into force of this Law due to non-payment of the relevant state duty, shall be restored in accordance with the provisions prescribed by this Law for restoration of the validity of patents.
3. The consideration of applications for industrial design being at the stage of examination at the time of entry into force of this Law shall be carried out in accordance with the provisions prescribed by this Law for the conduct of examination of applications for industrial design.
4. Further processing of applications for industrial designs, based on the results of examination whereof a decision has been rendered before the entry into force of this Law, shall be carried out in accordance with the provisions established by this Law.
5. Disputes arisen in relation to registration of industrial designs registered before the entry into force of this Law shall be resolved in accordance with the provisions of the law in force before the entry into force of this Law.
6. The Law HO-111-N of 28 June 2008 "On inventions, utility models and industrial designs" shall be repealed.

7. The Government shall — within six months following the adoption of this Law — adopt the procedures provided for by part 4 of Article 6, part 1 of Article 8, part 6 of Article 37, part 1 of Article 47, parts 4 and 5 of Article 50, part 4 of Article 56, parts 4 and 8 of Article 57, part 3 of Article 59, part 4 of Article 66 and part 5 of Article 67 of this Law.

Article 72. Final part

1. This Law shall enter into force from 1 July 2021.

**President
of the Republic**

A. Sargsyan

30 March 2021

Yerevan

HO-109-N

Day of official promulgation: 31 March 2021.