**IRAN**

**TRADEMARK**

**Rights Afforded by Registration**

Registration is mandatory to establish rights to a trademark; this is a "first to file" jurisdiction.

Use of an unregistered mark for the following specified goods only is not legal:

 Pharmaceutical products;

 Foodstuffs and cosmetics.

Although no legislation regarding plain packaging has yet been enacted in this jurisdiction, it is being considered. The expected date of enactment is not known.

**Time Frame for Obtaining Registration**

The approximate time from application to registration (for a regular prosecution, without opposition) is about six to eight months.

**Classification**

This jurisdiction uses the Nice Classification System. If a trademark covers more than one class of goods and/or services then one application can cover multiple classes of goods or services but for a multi-class application, the applicant must pay class fees on a **per-class basis.**

**INTERNATIONAL TREATIES**

Iran is a member of the following international treaties relating to intellectual property:

 Paris Convention;

 Madrid Agreement;

 Madrid Protocol;

 Nice Agreement;

 Lisbon Agreement.

**Advantages of Registration**

The following are the benefits of registering a trademark:

 It is the sole means of obtaining right or title to the trademark;

 It provides prima facie evidence of ownership and validity;

 It provides regional/national/local protection;

 It allows use of "Registered Trademark" or other suitable abbreviations to demonstrate ownership of the trademark;

 It allows access to bring actions in particular courts;

 It helps to deter others from unlawfully using the trademark;

 It provides a defense to infringement;

 It confers the ability to recover maximum monetary damages for infringement;

 It encourages licensees and provides the opportunity to generate royalties through licensing.

**Registrable Trademarks**

The following can be reproduced graphically and are capable of distinguishing the goods or services of one person or entity from another are registrable as a trademark:

 words;

 names;

 devices;

 certain three-dimensional shapes;

 colors;

 slogans;

 trade dress/get-up;

 holograms.

 The special requirements for the registration of three-dimensional shapes are: Multiple images of the mark from different perspectives, sufficient to show its different dimensions, must be submitted.

 There are no special requirements for the registration of colors.

 The special requirements for the registration of trade dress are: Multiple images of the mark from different perspectives, sufficient to clearly represent the mark, must be submitted.

 There are no special requirements for the registration of holograms.

 Marks registered in black and white or gray scale are construed broadly to protect the mark both as registered and in other color combinations.

**In addition to regular trademark registrations, the following types of trademarks are registrable:**

 collective marks;

 certification marks;

 well-known marks;

 service marks.

 Retail services are registrable provided that the nature of the retail services is clearly identified.

**The following are not registrable as trademarks:**

 marks contrary to moral standards or public order;

 generic terms;

 names, flags or symbols of states, nations, regions, or of international organizations;

 non-distinctive trademarks absent a showing of acquired distinctiveness (secondary meaning);

 marks that function principally as surnames;

 marks that function principally as geographic location names (but not geographical indications or appellations of origin).

**Geographical indications (GIs) are protected in this jurisdiction.**

GIs are protected by way of:

 special laws for the protection of geographical indications or appellations of origin.

 The following products or categories are subject to GI protection in this jurisdiction: There are no specific categories or products that are subject to protection.

**Requirements of Registration of Trademark**

- A Power of Attorney signed by the applicant company’s representative and legalized by any Iranian Consulate abroad

- Certified copy of the extract from the commercial register is required.

Or a notarized copy of the Commercial extract

- Certified copy of priority documents (if claimed).

• Please note that certified color copy of the applicant’s passport will be required for filing a trademark in the name an individual.

**Trademark Application (required Information)**

1. Name of Applicant
2. Address of Applicant

3. Legal Type of company
4. Registration Number of Company;

a. for U.S applicants, company tax number also required

5. Sample of trademark in JPG

6. Please indicate the color that should be claimed

• Note: If black & white, device in JPG format, must be in black & white

7. Goods and Services with the related Serial Number must be provided (approved by the IIPO list of goods attached)

**PATENT REGISTRATION REQUIREMENTS**

For patent registration the following must be submitted at our offices (via-email or courier):

1.  Name of Applicant

2. Address of Applicant

3. Nationality of Applicant

4. Name of Inventor/s

5. Address of Inventor/s

6. Nationality of Inventor/s

7. Title of Patent

8. Priority Information (if any), Number, date, Country

9. PCT information (if any)

10. Patent Specification in WORD format.

11. Patent Drawings, (if any) in WORD format.

**DOMAIN NAME**

A domain name may be protected as a trademark only if the domain name is not merely a Web address but is used or intended to be used in connection with goods or services.

 The following approved registrars can register a domain name in this jurisdiction: [www.nic.ir](http://www.nic.ir).

 Availability of domain names in this jurisdiction can be searched through the following website(s): [www.nic.ir](http://www.nic.ir).

 The Country Code Top-Level Domain (ccTLD) for this jurisdiction is: .ir; .co.ir; .net.ir; .gov.ir; .edu.ir; .org.ir; .gov.ir; .sch.ir; .ac.ir.

 To obtain a domain name under the ccTLD in this jurisdiction there are no requirements of locus with this jurisdiction, such as a local address or local business activity.

 Domain name registrations can be assigned.

 Domain name registrations can be licensed.

 A domain name registration may be contested in this jurisdiction through the following mechanisms:

 a Uniform Domain-Name Dispute-Resolution Policy (UDRP) proceeding, filed through an ICANN-approved domain-name dispute resolution service provider (see <http://www.icann.org/en/help/dndr/udrp>).

 the following other mechanisms, whether local dispute resolution mechanism or otherwise: The Courts of Tehran.

 One may institute a UDRP proceeding with the following ICANN-approved domain-name dispute resolution service providers:

 WIPO (World Intellectual Property Organization).

 If a registration lapses due to failure to renew, it can be revived or restored in the following way: paying a fee during the one-month grace period after the renewal deadline to restore the domain name.

 The application to register a domain name as a trademark will be examined for conflicts with prior trademarks.

 An earlier-filed domain name registration can create rights effective against a later-filed trademark registration application filed by another.

 In general, the courts apply the same principles for domain name disputes as are applied for trademark disputes.

**DESIGNS**

To register a Design in IRAN the following must be provided at our offices:

1. Name of applicant
2. Type of company (Limited, joint stock, etc…)
3. Type of business
4. Company registration number
5. Nationality
6. Principal location
7. Address with postal code
8. Telephone
9. Fax
10. Email
11. Description of design
12. International classification & Goods
13. Goods
14. Pictures or drawings of design
15. Certified assignment document from designer to applicant (If applicable)
16. Certified copy of priority documents (If claimed)
17. Certified and legalized power of attorney
18. Certified copy of the extract from the commercial register is required.  Or a notarized copy of the Commercial extract.

Time limit to complete: 60 days from filing date, extendable only once if approved by the IIPO for additional 60 days.