

**LAW OF MONGOLIA  
ON  
TRADE MARKS AND GEOGRAPHICAL INDICATIONS**

**CHAPTER ONE**

**General Provisions**

**Article 1. Purpose of the Law**

1.1. The purpose of this law shall be to ensure the legal guarantees for trademarks and service marks (hereinafter referred to as "trademarks") and geographical indications, to protect the rights and legitimate interests of their owners and users, and to govern relations arising in connection with the ownership, use and disposal of trademarks and the use of geographical indications.

**Article 2. Legislation on Trademarks and Geographical Indications**

2.1. The legislation on trademarks and geographical indications shall consist of the Constitution of Mongolia<sup>1</sup>, the Civil Code<sup>2</sup>, this Law and other legislative acts enacted in conformity with them.

2.2. If an international treaty to which Mongolia is party provides otherwise than in this Law, then the provisions of that international treaty shall prevail.

**Article 3. Definitions of Terms in the Law**

3.1. The following terms used in this Law shall be interpreted in the below mentioned meanings:

3.1.1. "**Trademark**" means distinctive expression used by a natural or a legal person, engaged in the manufacturing of goods or the provision of services, in order to distinguish the goods or services from those of others;

3.1.2. "**Collective mark**" means a trademark used by manufacturers and service providers under the associated control;

3.1.3. "**Certification mark**" means a trademark authorized to be used by others, when its owner attests quality, method of production and other characteristics of certain goods or services;

3.1.4. "**Geographical indication**" means the geographical name of a country, region or locality which identifies a good as originating therein, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin;

3.1.5. "**Registered trademark or geographical indication**" means a trademark or geographical indication for which a registration has been effected by the Intellectual Property Office according to procedures stipulated by the law and in respect of which a certificate has been issued;

3.1.6. "**Certificate**" means a document issued by the State which recognizes the exclusive rights of a registered trademark owner or a user of a registered geographical indication;

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<sup>1</sup> Constitution of Mongolia – published in the "State Gazette" No. 1 of 1992;

<sup>2</sup> Civil Code – published in the "State Gazette" No. 7 of 2002.

3.1.7. "**Owner of a trademark**" means a person who has obtained the right to own, use and dispose of a registered trademark according to procedures stipulated by the law;

3.1.8. "**User of a geographical indication**" means a person who has obtained the right to use a geographical indication according to procedures stipulated by the law;

3.1.9. "**Application**" means a request for registration of a trademark or a geographical indication and other relevant documents required by the law, which are filed with the Intellectual Property Office by a natural person or a legal person;

3.1.10. "**Examination**" means examination of a trademark or a geographical indication for previous registration of identical or similar trademarks or geographical indications and for compliance with the requirements stipulated in this Law carried out by a qualified examiner of the Intellectual Property Office;

3.1.11. "**Well-known mark**" means a trademark that has become well known in the territory of Mongolia in the relevant sector;

3.1.12. "**License**" means a permission given to another person by the owner of a trademark to use the registered trademark;

3.1.13. "**Filing date**" means the date on which a trademark application is filed to the Intellectual Property Office in accordance with Article 6 of this Law;

3.1.14. "**Priority date**" means the date on which a trademark application is filed for registration in any country party to the Paris Convention or a Member of the World Trade Organization and a priority claim is requested in accordance with article 4 of the Paris Convention;

3.1.15. "**International Classification**" means the International Classification of Goods and Services for the Purposes of the Registration of Marks, established by the Nice Agreement of June 15, 1957;

3.1.16 "**International registration of trademarks**" means a registration effected by the International Bureau of the World Intellectual Property Organization under the provisions of the Madrid Agreement and the Madrid Protocol;

3.1.17. "**Paris Convention**" means the Paris Convention for the Protection of Industrial Property, concluded on March 20, 1883, as revised and amended;

3.1.18. "**Madrid Agreement**" means the Madrid Agreement Concerning the International Registration of Marks, concluded on April 14, 1891, as revised and amended;

3.1.19. "**Madrid Protocol**" means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted on June 28, 1989;

3.1.20. "**Regulations under the Madrid Agreement and Madrid Protocol**" means the Common Regulations under the Madrid Agreement and the Protocol, as in force on April 1, 2002.

#### **Article 4. Functions of a Public Administrative Authority in Charge of Intellectual Property Matters in Respect of Trademarks and Geographical Indications**

4.1. A public administrative authority in charge of intellectual property matters (hereinafter referred to as "the Office") shall carry out the following functions in respect to the registration of trademarks and geographical indications:

4.1.1. receive applications for trademarks and geographical indications and render decisions thereupon;

4.1.2. carry out the registration of trademarks and geographical indications, and issue certificates;

4.1.3. provide reference for the court hearings of disputes concerning trademarks and geographical indications;

4.1.4. render decisions on petitions and complaints within its jurisdiction as provided by the law;

4.1.5. specify the design of the certificate of trademarks and geographical indications;

4.1.6. maintain the consolidated State Register of trademarks and agreements related thereto and geographical indications, establish an integrated database and publish the data related thereto;

4.1.7. invalidate trademarks and geographical indications on the grounds and according to the procedures as stipulated by the law;

4.1.8. other functions as stipulated by the law.

## **CHAPTER TWO**

### **Trademarks, Their Registration, Issue of Certificates**

#### **Article 5. Registrability of Trademarks and Requirements Related Thereto**

5.1 Trademarks may be expressed in words, figures, letters, numerals, three-dimensional configurations, colors, sounds, scents, and/or any combinations thereof.

5.2. The following items shall not be considered as trademarks:

5.2.1. generally known terms, shapes or any signs, letters or numerals devoid of distinctive character;

5.2.2. generic names of the goods or services, words or figures indicating the quantity, size, weight, quality, purpose, price, or place, time or method of manufacturing;

5.2.3. ordinary shapes of goods or their packaging;

5.2.4. geographical map or a location shown on the geographical map.

5.3. The following items shall not be registered as trademarks:

5.3.1. denominations that consist of, or identical with or similar to, the State coat of arms, flags or other State symbols of Mongolia and/or foreign countries, or official emblems, the full or abbreviated names of international organizations, governmental or non-governmental organizations;

5.3.2. reproductions of the full or abbreviated names, portraits, pictures or signatures of famous persons, if used without the consent of those particular persons or their heirs;

5.3.3. reproductions of the names, pseudonyms, portraits or pictures of historical persons of Mongolia or suggested names directly related thereto, if used in a manner disparaging them;

5.3.4. reproductions of names or representations of Mongolian historical or cultural monuments, if used in a manner disparaging them;

5.3.5. signs identical with, or similar to the State decorations (orders), medals or other awards, or to official signs and hallmarks indicating control and warranty;

5.3.6. indications, the content of which is contrary to public order or morality;

5.3.7. indications liable to deceive or mislead consumers as to the nature, quality, geographical origin or other characteristics of the goods or services.

5.4. The following trademarks shall not be registered:

5.4.1. if it is identical with a trademark registered or applied for registration in Mongolia in respect of identical goods or services;

5.4.2. if it is identical with, or similar to, a trademark registered or applied for registration in Mongolia in respect of similar goods or services where its use would result in a likelihood of confusion on the part of consumers;

5.4.3. if it is identical with, or similar to, a trademark which has become well-known among the public, regardless of the nature of the goods or services, even if that trademark is not registered, and where the use would result in a likelihood of confusion on the part of consumers, take unfair advantage of, gain profits from, cause damages, or be detrimental to, the repute of the well-known trademark;

5.4.4. if it would conflict with a copyrights or industrial property rights of other authors.

### **Article 6. Filing of Trademark Applications**

6.1. A trademark application (hereinafter referred to as "the application") shall be filed in Mongolian with the Intellectual Property Office by a natural or a legal person wishing to register the trademark, and shall contain the following:

6.1.1. a request for registration of the trademark;

6.1.2. a surname, a name of father /mother/, given name and address of the applicant, a citizenship, a name of the country where that person's permanent residence or activities are carried out, and the date of filing of the application;

6.1.3. if the applicant is a legal person, then its official name and address, its organizational form, its seal or stamp, and a signature of a competent official;

6.1.4. if the applicant has an official representative (power of attorney), then his/her surname, name of father /mother/, given name and address, and a signature of the applicant or his/her official representative;

6.1.5. if the applicant wishes to claim the priority date, then a declaration claiming the priority of an earlier application;

6.1.6. if the applicant wishes to claim colour or a trademark is a three-dimensional mark, then a statement to that effect;

6.1.7. if the trademark is a collective or certification mark, then a statement to that effect;

6.1.8. figure of the trademark;

6.1.9. where the trademark is expressed in characters other than Cyrillic or Latin script, or where it is in a foreign language, a transliteration of the mark into Cyrillic script or a translation thereof;

6.1.10. the names of the goods and services pertaining to the trademark, grouped according to the International Classification.

6.2. An application shall relate to one single trademark only.

### **Article 7. According Filing Date of Applications**

7.1. The Intellectual Property Office shall, within 20 days from the date of receipt of the application, examine the application as to form and, if the application meets the requirements provided for in Article 6.1. of this Law, the filing date of the application shall be accorded as of the date of receipt of the application.

7.2. Where the Intellectual Property Office finds that the application does not meet the requirements provided for in Article 6.1. of this Law, the applicant shall be notified in

writing to make the necessary amendments or corrections within 2 months and, if the applicant furnishes proper amendments or corrections within the time limit, the filing date of the application shall be accorded as of the date of initial receipt of the application.

7.3. Where the amendments or corrections failed to be submitted within the time limit specified in Article 6.1. of this Law, the Intellectual Property Office shall consider the application as withdrawn and, if the amendments or corrections are furnished after the expiry of the time limit, the filing date of the application shall be accorded in compliance with the procedures prescribed for a new filing.

7.4. Where a natural or a legal person wishing to register a trademark files the trademark application within 6 months following the date of the display of the goods at an official exhibition, the filing date shall be accorded as of the date of the display of the goods, provided that the application is accompanied by the document certifying the participation in the exhibition.

#### **Article 8. Examination of Trademark Applications**

8.1. According a filing date in compliance with Article 7 of this Law, the Intellectual Property Office shall examine whether the mark could be considered as a trademark and whether it is eligible for registration.

8.2. The applicant may, in the course of examination, make any changes to the application except a modification of the trademark, however, a new application must be filed if the list of goods or services is extended after the decision on the registration of the trademark has been taken

8.3. The applicant may, in the course of examination, divide the application related to more than one class of goods or services and file separate applications.

8.4. The Intellectual Property Office shall, based on the findings of the examination, decide whether to register a trademark within 12 months from the filing date of the application; if necessary, this period may be extended for up to 6 months.

8.5. If a trademark does not meet the requirements stipulated in this Law, then the Intellectual Property Office shall accordingly notify in writing; if, within 3 months, the applicant fails to present a reasoned response, the decision shall be taken to refuse the registration of the trademark.

8.6. If the decision has been taken to refuse the trademark registration, then the Intellectual Property Office shall, within 1 month from the date of that decision, transmit to the applicant a copy of the findings of examination together with the application.

8.7. If the applicant objects to the findings of examination, an appeal against thereof may be filed with the Intellectual Property Office within 30 days following the date of the receipt of the decision.

## **Article 9. Registration of Trademarks, Issue of Certificate**

9.1. If the decision has been taken to register the trademark, then the Intellectual Property Office shall record that trademark with the State Registry of Trademarks, issue a certificate and keep the application in the trademarks files.

9.2. The State Registry of Trademarks and a certificate shall contain data on the family name, surname, name, the official designation of a legal person, address, the establishment of the owner of the trademark, reproduction of the trademark, specific nature of the trademark, a list of the goods and/or services pertaining to the trademark, grouped according to the International Classification, the filing date of the application and the period of validity of the certificate.

9.3. The Intellectual Property Office shall effect the publication of reproductions of registered trademarks and related bibliographic data.

## **Article 10. Period of Validity of Trademark Registration, Renewal of Registration**

10.1. A trademark registration shall be valid for a period of 10 years following the filing date and may be renewed each by 10-year periods at the request of the owner.

10.2. The request for renewal of the period of validity of the registration shall be submitted to the Intellectual Property Office during the last year of validity of the registration.

10.3. If the request for renewal of the period of validity of the registration has not been submitted during the period specified in Article 10.2 of this Law, such request may be submitted within 6 months from the expiry of the period of validity of the registration.

10.4. No changes in the trademark or extension in the list of goods or services shall be made on the renewal of the period of validity of the registration.

10.5. Where the name or address of the owner of a trademark changes, the Intellectual Property Office must be notified in writing within 6 months after the day the change occurs; the relevant changes shall be recorded in the State Register and a certificate shall be reissued.

10.6. The Intellectual Property Office shall effect the publication of each renewal of the period of validity of the trademark registration and changes in the State Registry of Trademarks.

## **Article 11. Trademark Registration Fees**

11.1. Fees under a tariff prescribed by the Law of Mongolia on Stamp Duties shall be payable for the issue of certificates and renewal of the period of validity of the registration.

11.2. The fees shall be paid within 3 months following the date of the decision on the issue of a trademark certificate or the renewal of the period of validity of the registration.

## **Article 12. Collective Marks**

12.1. The application for a collective mark shall be filed in compliance with Article 6 of this Law by a person wishing to register the trademark as a collective mark and shall be accompanied by the following:

12.1.1. regulations governing the use of collective marks;

12.1.2. names of manufacturers or service providers entitled to use the collective mark under the associated control.

12.2. The regulations governing the use of a collective mark shall specify the name, address and purpose of a person which controls use of the collective mark, the conditions of membership, the purpose and conditions of use of the collective mark, prescriptions and control of use, and the liabilities to be imposed in the event of infringement of the regulations.

12.3. The owner of a collective mark shall be a person which controls its use, while members manufacturers or service providers shall be entitled only to use the collective mark under the associated control.

12.4. The owner and user of a collective mark shall be entitled to take preventive measures against unlawful use of the mark.

12.5. The owner and user of a collective mark shall be entitled to claim compensation for the damage caused by unlawful use of the collective mark or a mark similar thereto.

## **Article 13. Certification Marks**

13.1. The application for a certification mark shall be filed in compliance with Article 6 of this Law by a person wishing to register the trademark as a certification mark and shall be accompanied by the following:

13.1.1. regulations governing the use of certification marks;

13.1.2. evidence to the effect that a person is a certification organization.

13.2. The regulations governing the use of a certification mark shall specify the name and address of the certification organization, the requirements relating to the quality, standards, specifications or other characteristic of the goods or services, the rules of the certification of the goods or services, the conditions of use of the certification mark, prescriptions and control of use, and the liabilities to be imposed if used for other purposes.

13.3. The owner of a certification mark shall be a certification organization which attests specific characteristics of the goods or services, while natural or legal persons authorized thereby shall be entitled only to use the certification mark.

13.4. The person authorized to use a certification mark shall be entitled to take preventive measures against unlawful use of the mark only with the permission of the owner of the mark.

13.5. The owner of a certification mark shall, on behalf of a person authorized to use the mark, be entitled to claim compensation for the damage caused by unlawful use of the certification mark or a mark similar thereto by others.

13.6. For the certification mark which consists of a geographical indication and attests an origin of the goods, the provisions of this Law relating to geographical indications shall be applicable.

**Article 14. Issuing a certificate and examination on the application to register a collective and a certification marks.**

14.1. Articles 7 and 8 of this Law shall be followed in examining application for and issuing a certificate of collective and certification mark

14.2. The Intellectual Property shall publish bibliography and rules governing the use of collective and certification marks in.

### **CHAPTER THREE**

#### **Geographical Indications, Registration of Geographical Indications, Issue of Certificate**

**Article 15. Geographical Indications and Requirements Related Thereto**

15.1. A name of a locality that identifies a good as originating therein shall be registered as a geographical indication.

15.2. A following indication shall not be considered as a geographical indication if:

15.2.1. it does not fall into the definition provided for in Article 3.1.4 of this Law;

15.2.2. it has become a generic name in the territory of Mongolia to denote goods of a certain kind irrespective of the place of manufacturing thereof.

15.3. A geographical indication shall not be registered if:

15.3.1. it is identical with a geographical indication or a trademark registered in Mongolia in respect to identical goods;

15.3.2. it is identical with, or similar to, a geographical indication or a trademark registered in Mongolia in respect of similar goods where its use would result in a likelihood of confusion on the part of consumers;

15.3.3. it is identical with, or similar to, a trademark which has become well-known among the public, regardless of the nature of the goods, even if that trademark is not registered, and where the use would result in a likelihood of confusion on the part of consumers, take unfair advantage of, gain profits from, cause damages, or be detrimental to, the repute of the well-known trademark;

**Article 16. Filing of Applications of Geographical Indications**

16.1. An application for the registration of a geographical indication shall be filed with the Intellectual Property Office by a natural or legal person who manufactures goods in the indicated locality where the characteristics of the goods are associated with that locality, and shall contain the following:

16.1.1. a request for registration of the geographical indication;

16.1.2. a surname, name of father /mother/, given name and address of the applicant, the citizenship, a name of the country of permanent residence or manufacturing activities;

16.1.3. if the applicant is a legal person, then its official name and address, and its organizational form;

16.1.4. if the applicant has an official representative, then his/her surname, name of father /mother/, given name and address;

16.1.5. the name of the geographical indication;

16.1.6. the geographical locality of the place;

16.1.7. the designation of the goods;

16.1.8. an account of the characteristics of the goods and their association with the geographical environment and inherent human factors.

16.2. The application for a geographical indication shall be accompanied by the following:

16.2.1. a document issued by the Governor's Office of a province or the capital city certifying that the production activity is carried on in the geographical locality concerned;

16.2.2. if the application is filed by a foreign natural or legal person, then a document certifying that the geographical indication of a country, region or locality where the goods are originating or manufactured is protected;

16.2.3. if the application is filed by a domestic legal person, then a certified copy of the state registration certificate.

16.3. The application for a geographical indication may be filed by several persons.

16.4. Where a Mongolian natural or legal person who has registered a geographical indication in compliance with the procedure stipulated in this Law wishes to have a legal protection of that geographical indication in a foreign country, the legislation of this country shall be applicable to that legal protection.

#### **Article 17. According Filing Date of Applications for Geographical Indications, Examination.**

17.1. For according the filing date of the application for a geographical indication and the examination of the application, the procedure stipulated in Articles 7 and 8 of this Law shall be applicable.

#### **Article 18. Registration of Geographical Indications, Issue of Certificate**

18.1. Where the decision has been taken to register the geographical indication, the Intellectual Property Office shall record the geographical indication in the State Registry of Geographical Indications, issue a certificate and keep the application in the files of geographical indications.

18.2. The State Registry of Geographical Indications and a certificate shall contain data on the family name, surname, name, the official designation of a legal person, address of the user of the geographical indication, the name of geographical indication, characteristics, the designation of goods, the date and number of decision on the issue of the certificate and the filing date.

18.3. Fees for the registration of geographical indications shall be paid in compliance with provisions of Article 11 of this Law.

18.4. A registration of geographical indication shall be valid beginning from the filing date and shall be unlimited in time.

18.5. The Intellectual Property Office shall effect the publication of names of geographical indications and related bibliographic data.

## **CHAPTER FOUR**

### **Rights of Trademark Owners and Users of Geographical Indications, Use of Trademarks and Geographic Indications**

#### **Article 19. Rights of Trademark Owners**

19.1. The owner of a registered trademark shall have the following exclusive rights in respect of the mark:

19.1.1. to own /hold, use and dispose of/ the registered trademark;

19.1.2. to use the registered trademark for the goods and services;

19.1.3. to permit others the use of the trademark by means of a license agreement;

19.1.4. to transfer the trademark to others;

19.1.5. to request reference or evidence documents in respect of the registered trademark from the Intellectual Property Office;

19.1.6. where the registered trademark is used unlawfully by others and the rights in the trademark are infringed, to request to discontinue that act and to protect the infringed rights;

19.1.7. to request to discontinue the use of a mark, identical with, or similar to, the registered trademark and claim compensation for damages caused.

19.2. The rights provided for in Article 19.1.7. of this Law shall not prejudice the rights of a person who used a mark, identical with, or similar to, the registered trademark before the filing date of that mark.

19.3. The exclusive rights of the trademark owner shall be exercised within the scope of the list of the goods or services in respect of which the trademark is registered.

#### **Article 20. Use of Trademarks**

20.1. The following acts shall be deemed to constitute use of a trademark:

20.1.1. using the trademark on the goods, packaging or containers thereof, or in services;

20.1.2. supplying, offering for sale the goods or stocking them for such purposes, or offering services under the trademark;

20.1.3. importing or exporting the goods bearing the trademark;

20.1.4. using the trademark in correspondence, prospectus or other documents and in advertising or in Internet;

20.2. The trademark owner may use a circled Latin letter R alongside the trademark to show that the trademark is registered.

20.3. The use by others of a trademark identical with, or similar to, the registered trademark in relation to identical or similar goods or services without the consent of the owner of the trademark shall constitute the infringement of the owner's rights.

## **Article 21. Transfer of Trademark Rights to Others and Lapse of Trademark Rights**

21.1. A trademark owner may transfer the right to own a trademark by means of inheritance or other means in respect of all or some of the goods or services.

21.2. The right to own the trademark shall be transferred by means of a written agreement signed by two parties and notarized, if the parties chose to do so.

21.3. The agreement transferring the right to own the trademark shall be recorded with the Intellectual Property Office, and the transfer of rights shall be effective by virtue thereof.

21.4. The right to own the trademark shall lapse on the following grounds:

21.4.1. full transfer to others in compliance with law or by contract;

21.4.2. in case of the death of the owner or if the owner has been declared deceased;

21.4.3. liquidation of the legal entity where there is no transfer;

21.4.4. other grounds stipulated in law.

## **Article 22. License Agreement**

22.1. Any interested person may use a trademark in respect of all or some of the goods or services by concluding a license agreement with the trademark owner, which shall be effective upon recordation with the Intellectual Property Office.

22.2. In the license agreement the following shall be specified:

22.2.1. the method, scope and duration of the use of the trademark, requirements as to the quality of the goods or services concerned and control thereof;

22.2.2. the rights and obligations of the parties;

22.2.3. the amount and procedure of payment for the use of the trademark;

22.2.4. the territorial coverage of the license agreement.

22.3. Fees under a tariff prescribed by the Law of Mongolia on Stamp Duties shall be payable for the recordation of the license agreement.

## **Article 23. Rights of Users of Geographical Indications**

23.1. The user of a geographical indication shall have the following rights:

23.1.1. to use the geographical indication for the goods;

23.1.2. to request reference or evidence documents in respect of the geographical indication from the Intellectual Property Office;

23.1.3. if the registered geographical indication is used by others in respect to goods not manufactured in the locality indicated and where such use would create confusion as to the true origin of the goods, to request to discontinue that act, to protect the infringed rights and claim compensation for damages caused;

23.1.4. if the registered geographical indication is used by others in respect to similar goods and therefore takes unfair advantage of, or is detrimental to, the repute of the geographical indication, to request to discontinue that act, to protect the infringed rights and claim compensation for damages caused;

## **Article 24. Use of Geographical Indications**

24.1. The following acts shall be deemed to constitute use of geographical indications:

24.1.1. using the geographical indication on the goods, packaging or containers thereof;

24.1.2. importing or exporting the goods bearing the geographical indication;

24.1.3. using the geographical indication in correspondence, prospectus or other documents associated with the activities related to the goods, and in advertising or in Internet

24.2. Only the person who has registered a geographical indication shall have the right to use it in his production, provided that the place of permanent residence thereof is the place of manufacturing the goods.

24.3. Any person who carries on the production activity in the locality concerned and who has, before the registration of the geographical indication, been continuously manufacturing the goods indicated in the application shall be entitled to continue the use of that geographical indication.

#### **Article 25. Expiry of Period of Validity of Registration of Geographical Indications**

25.1. The period of validity of the registration of a geographical indication shall expire where the relationship between the characteristics of the goods and the geographical environment and inherent human factors no longer exists.

### **CHAPTER FIVE**

#### **International Registration of Trademarks**

##### **Article 26. International Registration of Trademarks**

26.1. The international registration of a trademark designating Mongolia shall have the same effect as if directly applied for, examined and registered in Mongolia; however, the filing shall be accorded as of the date of the international registration or of the date of the request for territorial extension of the registration.

26.2. The owner of a trademark recorded in the State Registry in Mongolia who has obtained the international registration of that trademark having effect in Mongolia may submit a request with the Intellectual Property Office for renouncement of the national registration.

##### **Article 27. International Registration of Domestic Trademarks**

27.1. Any Mongolian natural or legal person or any person with permanent residence or who is engaged in the manufacturing of goods or the provision of services in Mongolia who has applied for or registered the trademark in compliance with the procedure stipulated in this Law, wishing to apply for the international registration, shall file the international trademark application to the International Bureau of the World Intellectual Property Organization (hereinafter referred to as "the International Bureau") through the Intellectual Property Office.

27.2. The international trademark application shall be compiled in compliance with the requirements of the Madrid Agreement and the Madrid Protocol.

27.3. Request for renewal of the international trademark registration, transfer of the trademark owner's rights, renouncement or territorial extension shall be submitted to the International Bureau through the Intellectual Property Office.

27.4. International trademark registration fees shall be paid by the applicant to the International Bureau in compliance with the Common Regulations of the Madrid Agreement and the Madrid Protocol.

## **CHAPTER SIX**

### **Miscellaneous**

#### **Article 28. Invalidation and Cancellation of Registration of Trademarks and Geographical Indications**

28.1. Any interested person may request the court to invalidate the registration of a trademark or geographical indication where the trademark has been registered in violation of the provisions of Articles 5.2, 5.3, 5.4, or the geographical indication has been registered in violation of the provisions of Articles 15.2, 15.3 of this Law.

28.2. if the court finds that the request is well founded, then a decision shall be taken to invalidate the registration of the trademark or geographical indication and the Intellectual Property Office shall be notified accordingly.

28.3. The Intellectual Property Office shall cancel the registration of the trademark or geographical indication in respect of the owner or user concerned in the following cases:

28.3.1. if the request for renewal of trademark registration has not been submitted within 6 months from the expiry of the period of validity of the registration;

28.3.2. if the trademark owner or user of a geographical indication renounces the right to own the trademark or use the geographical indication by means of a written declaration;

28.3.3. if a legal person the trademark owner or user of a geographical indication has been liquidated and the right to own the trademark or use the geographical indication has not been transferred to others or the trademark has not been assigned by means of a license agreement;

28.3.4. if the trademark has not been used during a period of 5 consecutive years unless otherwise justifiable reasons exist;

28.3.5. if the geographical indication has become the generic name of a product.

28.4. Any interested person who disagrees with the decision of the Intellectual Property Office to cancel the registration of a trademark or geographical indication, may apply to the court within 2 months from the date of the receipt of the decision.

28.5. Any interested person may, on the grounds provided for in Article 28.3.4 of this Law, submit to the Intellectual Property Office a request for cancellation of the trademark registration.

28.6. If the registration of a trademark or geographical indication has been cancelled or invalidated, then the Intellectual Property Office shall record in the State Registry the relevant changes and effect the publication thereof.

## **Article 29. Consideration of Appeals and Disputes**

29.1. The Intellectual Property Office shall examine and decide the following complaints or disputes in respect of trademarks and geographical indications concerning:

29.1.1. the findings of examination of applications for trademarks or geographical indications;

29.1.2. according the filing or priority dates;

29.1.3. the state registration of trademarks or geographical indications.

29.2. The Intellectual Property Office shall consider appeals or disputes and communicate the decisions taken thereon within 1 month from the date of receipt of a request to this effect.

29.3. Where the disputing parties disagree with the decision of the Intellectual Property Office, they are entitled to apply to the court within 2 months from the date of receipt of the decision.

29.4. Any other appeals or disputes, not assigned under this Law to the jurisdiction of the Intellectual Property Office, shall be considered and decided by the court.

## **Article 30. Liability for Breach of Legislation on Trademarks and Geographical Indications**

30.1. Where a violation of the legislation on trademarks and geographical indications is held not to constitute a criminal offence, a state inspector shall impose on an offending natural person or business entity or organization a fine of up to 50 000 or 250 000 togrogs respectively; a judge shall impose on an offending person or business entity or organization a fine of up to 500 000 or 2 500 000 togrogs respectively and shall order to grant gains received from unlawful use of a trademark or geographical indication to the trademark owner or user of the geographical indication, or to confiscate gains received from the product sales in favor of the State and suspend the production or service activities.

30.2. Compensation for damages caused by the infringement of the rights of a trademark owner or a user of geographical indication shall be awarded in accordance with the Civil Code.

**VICE SPEAKER  
OF THE STATE GREAT HURAL  
(PARLIAMENT) OF MONGOLIA**

**J.BYAMBADORJ**