

CIVIL CODE OF THE REPUBLIC OF ARMENIA

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DIVISION 10. INTELLECTUAL PROPERTY

CHAPTER 62. GENERAL PROVISIONS

Article 1100. Objects of Intellectual Property

1. Objects of intellectual property include results of intellectual activity and means of individualization of participants in civil commerce, of goods, of work, and of services.
2. Results of intellectual activity are:
 - 1) works of scholarship, literature, and art;
 - 2) performances, phonograms, and transmissions of broadcasting organizations;
 - 3) inventions, utility models, industrial designs;
 - 4) achievements of plant and animal breeding;
 - 5) the topology of integrated microcircuits;
 - 6) undisclosed information, including secrets of production (or know-how).
3. Means of individualization of participants in civil commerce, of goods, of work, and of services are:
 - 1) firm names;
 - 2) trademarks (and service marks);
 - 3) names of places of origin (or designations of origin) of goods.
4. Objects of intellectual property also include other results of intellectual activity and means of individualization of participants in civil commerce, of goods, and of services in cases provided by the present Code and other statutes.

Article 1101. Bases for the Arising of Rights to Objects of Intellectual Property

Rights to objects of intellectual property arise by virtue of the fact of their creation or as the result of the giving of legal protection by an empowered state body in the cases and by the procedure provided by the present Code or by another statute.

The conditions of providing legal protection of undisclosed information shall be determined by a statute.

Article 1102. Personal Non-Property and Property Rights to Objects of Intellectual Property

1. Personal non-property and property rights with respect to the results of creative activity belong to the creator of the results of intellectual activity.
2. Personal non-property rights belong to the creator regardless of his property rights and are retained by him in case of passage of his property rights to the results of intellectual activity to another person.

Article 1103. Right of Creatorship

1. The right to be recognized as the creator of a result of intellectual activity (the right of creatorship) is a personal non-property right and may belong only to the person by whose creative labor a result of intellectual activity has been created.
2. The right of creatorship is inalienable, non-transferable, and is effective without limit of time.
3. If a result is created by the joint creative labor of two or more persons, they shall be recognized as cocreators.

Article 1104. Exclusive Rights to Objects of Intellectual Property

1. The holder of property rights to a result of intellectual activity or to a means of individualization of participants in civil commerce, goods, and services (hereinafter—means of individualization) has the exclusive right of lawful use of this object of intellectual property at his discretion in any form and any way.
2. The use by other persons of objects of intellectual property, with respect to which their rightholder has an exclusive right is allowed only with the consent of the rightholder, unless otherwise provided by statute.
3. The holder of an exclusive right to an object of intellectual property has the right to transfer this right to another person in whole or in part, to permit another person to use this object, and has the right to dispose of it in another manner if this does not contradict the rules of the present Code and other statutes.
4. Limitations on exclusive rights, including by way of giving the right for the use of an object of intellectual property to other persons, the declaration of these rights as invalid and their termination (or annulment) is allowed in the cases, within the limits, and by the procedure established by the present Code and other statutes.

Article 1105. Passage of the Exclusive Rights to Another Person

1. Property rights belonging to the holder of exclusive rights to an object of intellectual property, unless otherwise provided by the present Code or other statute, may be transferred by their rightholder in full or in part to another person by contract, and they also pass by the procedure of universal legal succession by inheritance or as the result of the reorganization of a legal person that is a rightholder.

The transfer of property rights by contract or their passage by way of universal legal succession does not entail the transfer or limitation of the right of creatorship and other inalienable and nontransferable exclusive rights. The conditions of a contract on transfer or limitation of such rights are void.

2.Exclusive rights that are transferred by a contract must be defined therein. The rights that are not indicated in the contract as alienated are presumed not to be transferred, until proved otherwise.

Article 1106. Licensing Contract

1.Under a licensing contract the party holding an exclusive right to the result of intellectual activity or to a means of individualization (the licensor) grants the other party (the licensee) permission to use the respective object of intellectual property.

2.A licensing contract is presumed to be for compensation. The amount of remuneration and/or the procedure for determining the amount of remuneration and the time periods for its payment must be established in the licensing contract.

3.The licensing contract must define the rights given, the limits and the time periods for their use.

4. A licensing contract may provide for giving to the licensee:

1) the rights of use of the object of intellectual property with the retaining by the licensor of the right of use and the right of giving licenses to other persons (a simple, nonexclusive license);

2) the rights of use of the object of intellectual property with the retaining by the licensor of the right of use, but without retaining the right of giving licenses to other persons (an exclusive license);

3) other types of license allowed by statute.

Unless provided otherwise in the licensing contract, a license is presumed to be simple (nonexclusive).

5.A contract on the provision by the licensor of the right of use of an object of intellectual property to another person is a sublicensing contract. The licensor has the right to conclude a sublicensing contract only in cases provided by the licensing contract.

The licensee bears liability to the licensor for the actions of the sublicensee, unless the licensing contract provides otherwise.

Article 1107. Contract for the Creation and Use of the Results of Intellectual Activity

1.A creator may undertake by contract the obligation to create in the future a work, invention, or other result of intellectual activity and to provide to the customer who is not his employer exclusive rights to the use of this result.

2.The contract provided for in Paragraph 1 of the present Article must define the nature of the result of intellectual activity to be created and also the purposes or the means of its use.

3.A contract obligating a creator to provide to any person exclusive rights to the use of any results of intellectual activity that this creator creates in the future is void.

4.Terms of a contract limiting a creator in the future in the creation of results of intellectual activity of a particular type or in a particular area are void.

Article 1108. Exclusive Right and Right of Ownership

The exclusive right to a result of intellectual activity or a means of individualization exists independently of the right of ownership of the material object in which such a result or means of individualization is expressed.

Article 1109. Time Period of Effectiveness of an Exclusive Right

The exclusive right to an object of intellectual property is effective during the time period provided by the present Code or other statutes.

Article 1110. Means of Protection of Exclusive Rights

1.Protection of exclusive rights shall be conducted by the means provided by Article 14 of the present Code. Protection of exclusive rights may be conducted also by:

1) taking of material objects with the aid of which exclusive rights are violated and material objects created as the result of such violation;

2) compulsory publication about a breach committed, with an inclusion therein of information about to whom the right breached belongs;

3) other means provided by statute.

2.In case of breach of contracts on the use of results of intellectual activity and of means of individualization the general rules on liability for breach of obligations (Chapter 26) shall be applied.

CHAPTER 63. COPYRIGHT

Article 1111. Objects of Copyright

1.Copyright extends to works of scholarship, literature, and art that are the result of creative activity regardless of the use and merits of the work and also to means of its expression.

2.The work must be expressed in audible, written or other objective form allowing the possibility of its perception.

A work in written form or otherwise expressed on a material carrier (manuscript, typescript, musical notation, recording with the use of technical means, including sound or video recording, fixation of an image in two dimensional or volume-spacial form, etc.) shall be considered as having objective form regardless of its accessibility by third persons.

An audible work or other work not expressed on a material carrier, shall be considered to have objective form if it has become accessible for perception by third persons (public speaking or public performance, etc.)

3. Copyright extends both to works published (made public, released to the public) and also to unpublished works.

4. Copyright does not extend to ideas, concepts, principles, systems, proposed solutions, nor discoveries of objectively existing phenomena.

Article 1112. Types of Objects of Copyright

The objects of copyright include:

- 1) literary works (literary-artistic, scholarly, instructional, publicistic, etc.)
- 2) dramatic and film script works;
- 3) musical works with words and without words;
- 4) musical-dramatic works;
- 5) choreographic works and pantomimes;
- 6) audiovisual works (motion picture, television, and video films, slide films, transparency films and other motion picture, television and video works), radio works;
- 7) works of painting, sculpture, graphics, design and other works of fine art;
- 8) works of applied decorative and stage-setting art;
- 9) works of architecture, city planning, and garden and park art;
- 10) photographic works and works made by modes analogous to photography;
- 11) geographic, geologic, and other maps, plans, drawings, and plastic works related to geography, topography, and other sciences;
- 12) programs for computers of all types, including applied programs and operating systems;
- 13) kinds of fonts;
- 14) other works meeting the requirements established by Article 1111 of the present Code.

Article 1113. Parts of a Work and Derivative Works

1. Parts of works, their names, and derivative works are objects of copyright if they meet the requirements established by Article 1111 of the present Code.

2. Derivative works include:

- 1) works that are the reworking of other works (revisions, annotations, summaries, resumes, surveys, stage-settings, arrangements, and other similar works of scholarship, literature, and art);
 - 2) translations;
 - 3) collections (encyclopedias, anthologies, databases) and other compiled works, that are by selection or organization of materials the result of creative labor.
3. Derivative works are protected by copyright, regardless of whether or not the works upon which they are based or which they include are objects of copyright.

Article 1114. Works and Similar Results of Activity that are not Objects of Copyright

The following are not objects of copyright:

- 1) official documents (statutes, decrees, decisions, etc.), and also their official translations;
- 2) official symbols and signs (flags, seals, medals, currency, etc.);
- 3) folk works;
- 4) communications on daily news or communications on current events having the nature of ordinary press information;
- 5) results acquired with the use of technical means without the conduct of human creative activity.

Article 1115. Rights to Drafts of Official Documents, Symbols, and Signs

1. The right of authorship to a draft of an official documents, of a symbol, or of a sign belongs to the person who has created the draft (the developer).

2. The developers of drafts of official documents, symbols, and signs have the right to publish such a draft if this is not forbidden by the body upon whose delegation the development of the draft was made. In case of publication of the draft the developers have the right to indicate their names.

3. The draft may be used by the competent body for the making of an official document without the consent of the developer if this draft has been published by him or has been sent by him to the respective body.

4. In the making of official documents, symbols or signs on the basis of a draft, additions and changes may be made to it at the discretion of the body conducting the making of the official document, symbol, or sign.

After approval of the draft by the competent body, it may be used without indication of the name of the developer.

Article 1116. Arising of Copyright. Presumption of Authorship

1. Copyright to a work of scholarship, literature, or art arises by virtue of the fact of its creation. Neither registration of the work nor the observance of any other formalities is required for the arising of copyright.

2. A person indicated as author upon first publication of a work is considered its author unless proven otherwise.

3. If a work is published anonymously or under a pseudonym (with the exception of the case when the pseudonym of the author leaves not doubt as to his identity), the publisher, the name or designation of which is indicated on the work, in the absence of proofs otherwise is considered to be a representative of the author and has the right to protect the rights of

the author and ensure their exercise. This provision shall stay in effect until the author of such a work reveals his identity or declares his authorship.

Article 1117. Coauthorship

1. Copyright to a work made by the joint creative labor of two or more citizens belongs to the coauthors jointly, regardless of whether such a work forms one indivisible whole or consists of parts each of which also has independent significance.
2. A part of a work has independent significance if it may be used independently from other parts of the work.
3. Each of the coauthors shall have the right to use a part of the work created by him that has independent significance at his discretion unless otherwise provided by agreement among them.
4. The relations of coauthors shall be determined on the basis of an agreement. In the absence of such an agreement, copyright to a work shall be exercised by all the authors jointly and remuneration shall be distributed among them equally.
5. If the work of coauthors forms one indivisible whole, then no one of the authors has the right without sufficient bases therefor to forbid the use of the work.

Article 1118. Authors of Derivative Works

1. Authors of derivative works are respectively persons who have made the revision of other works, translators, compilers of collections and other compiled works.
2. The author of a derivative work shall enjoy copyright to this work on the condition of his observance of the right of the author of the work that has undergone revision, translation, or inclusion in a compiled work.
3. The copyright of creators of derivative works shall not prevent other persons from creating their own derivative works on the basis of work already used earlier.

Article 1119. Rights of Persons Organizing the Creation of Works

1. Persons organizing the creation of works (publishers of encyclopedias, makers of films, producers, etc.) shall not be recognized as authors of the respective works. However in the cases provided by the present Code or other statutes, such persons shall acquire exclusive rights to the use of these works.
2. Publishers of encyclopedias, encyclopedic works, periodical or continuing collections of scholarly works, newspapers, magazines, and other periodical publications shall have the exclusive rights to the use of such publications. The publisher shall have the right in case of any use of such designations to indicate its name or demand such an indication. The authors of works included in such publications shall retain the exclusive rights to the use of their works independent of the publication as a whole unless otherwise provided by a contract for the creation of the work.

Article 1120. Symbols of Protection of Copyright

1. The holder of an exclusive copyright may, for notification of his rights, use the symbol of protection of copyright which shall be placed on each copy of the work and consists of three elements:
 - 1) the Latin letter "C" in a circle;
 - 2) the name (or designation) of the holder of the exclusive copyright;
 - 3) the year of first publication of the work.
2. Unless proved otherwise, the rightholder shall be considered to be the person indicated in the symbol of protection of copyright.

Article 1121. Personal Nonproperty Rights of the Author

1. The author of the work shall have the following personal nonproperty rights:
 - 1) the right to be recognized as author of the work (the right of authorship);
 - 2) the right to use or permit the use of the work under his own name, under a pseudonym, or anonymously (the right to the author's name);
 - 3) the right to integrity of the work.
2. A declaration by the author or an agreement by the author with anyone on renunciation of the exercise of personal non-property rights is void.

Article 1122. The Right to Integrity of the Work

1. The author has the exclusive right to make changes and additions to his work and to the protection of the work from the introduction into it by anyone without the consent of the author of changes or additions (the right to integrity of the work).
2. In case of publication, public performance, or other use of the work, the introduction of any changes either in the work itself or in its name or in the indication of the name of the author is allowed only with the consent of the author. It is forbidden without the consent of the author to provide the work upon publication with illustrations, forewords, afterwords, commentaries, or any explanations.
3. After the death of the author the protection of the integrity of the work shall be exercised by the person indicated in the will and the absence of such indications, by the heirs of the author and also by persons to whom the protection of copyrights is entrusted in accordance with statute.

Article 1123. The Right to Publication of the Work

1. The author has the right to open access to the work to an indefinite circle of persons (the right to publication).
2. A work shall be considered published when such access is opened for the first time by the author or with his consent by the publication, public performance, public display of the work, or release of the work to the public in another manner.
3. The author shall have the right to renounce a previously taken decision on publication of a work (the right to recall), on condition of compensation of the persons who have received the right to use the work of the losses, including lost profit, caused by such a decision. If the work has already been published, the author has the duty to give public notice of its recall. In this case he has the right to remove, at his expense, from circulation previously made copies of the work. The provisions of this Paragraph shall also be applied to employee works unless a contract with the author provides otherwise.

Article 1124. The Right of the Author to Use of a Work

1. The author shall have the exclusive rights to the use of the work in any form and by any mode.
2. The use of a work is the reproduction and distribution of the work and its vending by other modes, which include in particular:
 - 1) public display (showing, exhibition) of the work;
 - 2) renting a copy constituting a material carrier of the work;
 - 3) public performance of the work;
 - 4) transmission over the airwaves (broadcast by radio and television), including transmission by cable or communications satellite;
 - 5) technical recording of the work;
 - 6) reproduction of a technical recording of the work, including by radio or television;
 - 7) translation or reworking of a work for its later use;
 - 8) practical realization of city planning, architectural, or design plan.

3. Reproduction is the repeated giving of objective form to a work, even that which it had in the original (publishing a work, running off sound or video recordings, etc.).

4. The distribution of a work is the sale, barter, renting out, or other operations with copies of a work, including their import.

If copies of a work have been alienated by the procedure established by statute, then their further distribution shall be allowed without the consent of the author and without the payment of remuneration with the exception of cases provided by statute.

5. A work shall be considered used regardless of whether it has been used with the purpose of acquiring profit or its use was not directed at this.

6. The practical use of matters constituting the contents of works (inventions, other technical, economic, organizational, etc. solutions) shall not constitute the use of a work in the sense of copyright.

Article 1125. Disposition of the Right to Use of the Work

1. The author or other rightholder may by contract, including contract concluded at public auction, transfer all rights to use the work to another person (alienation of the right to use).

2. The right to use of a work may pass by way of universal legal succession (Paragraph 1 of Article 1105).

3. The rightholder may grant another person permission (a license) for the use of the work within defined limits.

Permission is required for the use of the work both in its original and in a reworked form, in particular as a translation, arrangement, etc.

For each mode of use of the work special permission of the rightholder is required (Paragraph 2 of Article 1105).

Article 1126. Right of Access of the Author to a Fine Arts Work

The author of a fine arts work has the right to demand from the owner of the work the giving of the possibility to exercise the right to reproduce his work (the right of access). However, the owner may not be required to deliver the work to the author.

Article 1127. Limitations Upon Copyrights

Limitations of the exclusive rights of the author shall be applied on the condition that they do not cause unjustified damage to the normal use of the work and do not impinge in an unjustified manner on the legal interests of the author.

Limitation of the exclusive rights of the author and of other persons to the use of the work shall be allowed only in cases provided by statute.

Article 1128. The Right to an Employment Work

1. The copyright to a work created in the course of fulfillment of an employment task (an employment work) belongs to the author of the work.

2. The right of use of an employment work in a manner occasioned by the purpose of the task and within the limits deriving from it belongs to the person for whose task the work was created and with whom the author is in labor relations (to the employer), unless the contract between him and the author provides otherwise. The employer has the right to transfer such a right of use to another person.

The contract of the employer with the author may provide for payment to the author for remuneration for the use of employment work and contain other terms on its use.

3. Upon the expiration of ten years from the time of presentation of the work and—with the consent of the employer—even earlier, the author acquires in full the right to the use of the work and to the receipt of author's remuneration, regardless of the contract concluded with the employer.

4. The right of an author to use an employment work in a manner not occasioned by the purpose of the task is not limited.

Article 1129. Effectiveness of Copyright on the Territory of the Republic of Armenia

1. Copyright to a work first released to the public on the territory of the Republic of Armenia or not released to the public, but one the original of which is on its territory in some objective form, shall be effective on the territory of the Republic of Armenia. In this case, copyright shall be recognized for the author and his heirs, and also for other legal successors of the author regardless of their citizenship.

2. Copyright shall be recognized also for citizens of the Republic of Armenia whose works first were released to the public or exist in some objective form on the territory of a foreign state and also for their heirs and other legal successors.

3. In the giving of legal protection to an author in accordance with international treaties the fact of release of a work to the public on the territory of a foreign state shall be determined according to the provisions of the respective international treaty.

Article 1130. The Beginning of Effectiveness of Copyright

Copyright to a work begins to be in effect from the time a work is given an objective form accessible for perception by third persons regardless of its release to the public. Copyright to an audible work is effective from the time of its communication to third persons.

If a work does not fall under the effect of Article 1129 of the present Code, the copyright to such a work shall be protected from the time of the first publication of the work, if the publication is made in the Republic of Armenia .

Article 1131. Time Period of Effectiveness of Copyright

1. Copyright shall be in effect during the life of the author and for 50 years after his death, counting from January 1 of the year following after the year of death of the author.

2. Copyright to a work made in coauthorship shall be in effect during the life of the coauthors and for 50 years after the death of the last of the authors who has survived the other coauthors.

3. Copyright to a work first released to the public under a pseudonym or anonymously shall be in effect for 50 years, counting from January 1 of the year following the year of release of the work to the public.

If during the course of this time period work the pseudonymous or anonymous author is revealed, then the terms established by Paragraph 1 of the present Article shall be applied.

4. During the time periods indicated in Paragraphs 1-3 of the present Article, copyright shall belong to the heirs of the author and shall pass by inheritance. During these same time periods, a copyright shall belong to legal successors who have received this right by contract with the author, his heirs, or subsequent legal successors.

5. Copyright to a work first released to the public within 50 years after the death of the author shall be in effect for 50 years after its release to the public, counting from January 1 of the year following the release of the work to the public.

6. Authorship, the name of the author, and the integrity of the work shall be protected without limit of time.

Article 1132. Passage of a Work into the Public Domain

1. Upon the expiration of the time period of effectiveness of the copyright to a work it shall enter the public domain. Works that never were given protection on the territory of the Republic of Armenia shall be considered to be in the public domain.

2. Works that are in the public domain may be used freely by any person without payment of author's remuneration. However, the right of authorship, the right to the name, and the right to integrity of the work must be observed.

Article 1133. Author's Contract

1. The author or his heir may transfer the right to use his work to another person by means of conclusion of an author's contract.

2. An author's contract is assumed to be for compensation.

3. An author's contract may be concluded for a ready work or for a work that the author undertakes the duty to create (an order contract). An author's contract also includes a contract concluded by an author or his heirs on permission to use a work within certain limits (an author's licensing contract).

Article 1134. Terms of an Author's Contract

1. An author's contract must provide:

1) the modes of use of the work (the concrete rights transferred under the given contract);

2) the time period for which the right to use the work is transferred;

3) the amount of remuneration and (or) the procedure for determining the amount of remuneration for each mode of use of the work and the time periods for payment.

In the absence in the author's contract of a condition on the territory within the boundaries of which the right to use the work is effective, the effect of the right transferred by the contract is limited to the territory of the Republic of Armenia.

2. Rights to use of the work unknown at the time of conclusion of the contract may not be the subject of an author's contract.
3. The amount of remuneration shall be determined in the author's contract by agreement of the parties. If in an author's contract for publication or other reproduction of the work, remuneration is determined in the form of a fixed sum, then such a contract must establish the maximum number of copies to be made of the work.
4. An agreement on the renunciation by the author or his heirs of the right to receive remuneration is void.
5. Rights transferred under an author's contract may be transferred by any party to the contract in full or in part to other persons only in the case when this is directly provided by such a contract.

Article 1135. Form of the Author's Contract

The author's contract must be concluded in written form.

Article 1136. Liability Under an Author's Contract

1. A party that has not performed or has improperly performed obligations under an author's contract is obligated to compensate for losses caused to the other party, including lost profit.
2. If an author has not presented an ordered work in accordance with the conditions of an order contract, he has the duty to compensate for the actual damage caused to the customer.

Article 1137. Liability for Unlawful Use of a Work Without a Contract

In case of use of a work without a contract with the rightholder, the infringer has the duty to compensate to the rightholder the losses borne by it, including lost profit. The rightholder has the right to recover from the infringer, instead of the losses, the income received by it as a result of the breach.

The use of a work in a mode not provided by the author's contract or upon the termination of effectiveness of such a contract shall be considered a use of the work without a contract.

Article 1138. Legal Regulation of Copyright Relations

Copyright relations shall be regulated by the present Code and by the statute of the Republic of Armenia "On Copyright and Neighboring Rights."

The statute of the Republic of Armenia "On Copyright and Neighboring Rights" shall be applied to relations not regulated by the present Chapter.

CHAPTER 64. NEIGHBORING RIGHTS

Article 1139. The Objects of Neighboring Rights

Neighboring rights extend to staging, performing, sound and videorecordings of a performance (recordings of a performance), transmissions of organizations of over-the-air and cable broadcasting.

For the arising and exercise of neighboring rights there is no requirement of observation of any formalities whatsoever.

Article 1140. Subjects of Neighboring Rights

1. The subjects of neighboring rights are the performers, the makers of recordings of a performance, and organizations of over-the-air and cable broadcasting.
2. The right to a performance belongs to the performers and also to their heirs. The right to the use of such a performance may pass to other legal successors.
3. The right to a recording of a performance belongs to the person who has created such a recording or his legal successors.
4. The right to a transmission belongs to the organization of over-the-air or cable broadcasting that has made the transmission or to its legal successors.

Article 1141. Symbols of Protection of Neighboring Rights

The producer of a recording of a performance and the performer may for notification of their rights use the symbol of protection of neighboring rights, which is placed on each copy of the sound or video recording and/or on each jacket containing it and consists of three elements:

- 1) the Latin letter "P" in a circle;
- 2) the name (or designation) of the holder of the exclusive neighboring rights;
- 3) the year of first publication of the recording.

Article 1142. Time Period of Effectiveness of Neighboring Rights

1. The rights of a performer shall be effective for 50 years from the time of first performance (or presentation) or first recording. The right of a performer to his name and to protection of the performance from distortion shall be protected without limit of time.
2. The right of the creator of a recording of a performance shall be effective for 50 years after its first recording.

3. The right of an organization of over-the-air or cable broadcasting to the transmission shall be in effect for 50 years from the time of its first transmission.

Article 1143. Legal Regulation of Neighboring Rights Relations

Neighboring rights relations shall be regulated by the present Code and by the statute of the Republic of Armenia “On Copyright and Neighboring Rights.”

The statute of the Republic of Armenia “On Copyright and Neighboring Rights” shall be applied to relations not regulated by the present Chapter.

CHAPTER 65. RIGHT TO AN INVENTION, UTILITY MODEL, OR INDUSTRIAL DESIGN

Article 1144. Conditions of Legal Protection of an Invention, Utility Model, or Industrial Design

1. The rights to an invention, utility model, or industrial design shall be protected on the condition of issuance of a patent.

2. Legal protection shall be given

1) to an invention, which is a solution that is new, has an inventive level, and is industrially applicable;

2) to a utility model, which is the design realization of means of production and consumer items;

3) to an industrial design, which is an artistic-design solution for a manufacture defining its external appearance and being new, original, and industrially applicable.

3. The requirements applied to an invention, utility model, and industrial design, according to which the right arises to acquire a patent and also the procedure for its issuance by the patent office shall be established by the statute of the Republic of Armenia “On Patents.”

Article 1145. Right to Use of an Invention, Utility Model or Industrial Design

1. The patentholder has the exclusive right to the use of the protected invention, utility model, or industrial design at his discretion.

2. Other persons do not have the right to use the invention, utility model, or industrial design without the permission of the patentholder, with the exception of cases when such use in accordance with the law of the Republic of Armenia “On Patents” is not a violation of the rights of the patentholder.

Article 1146. Disposition of the Right to a Patent

The right to acquire a patent, the rights deriving from the registration of an application, the right to possession of a patent, and the rights deriving from a patent may be transferred in whole or in part to another person.

Article 1147. Right of Creatorship of an Invention, Utility Model, and Industrial Design

1. The creator of an invention, utility model, or industrial design has the right of inventorship and the right of giving a name to the invention, utility model, or industrial design.

2. The right of creatorship and other personal rights to an invention, utility model, or industrial design arise from the time of arising of rights based on a patent.

3. The person indicated in the application as the creator of the invention, utility model, or industrial design, shall be considered the creator until it is proved otherwise.

Article 1148. Cocreators of an Invention, Utility Model, or Industrial Design

1. The mutual relations of cocreators of an invention, utility model, or industrial design shall be determined by agreement among them.

2. Noncreative support in the creating of an invention, utility model or industrial design (technical or organizational assistance, assistance in formalizing rights, etc.) does not entail cocreatorship.

Article 1149. Employment Inventions, Utility Models, and Industrial Designs

The right to receive a patent for an invention, utility model, or industrial design made by an employee in the fulfillment by him of his employment responsibilities or of a concrete task of the employer (an employment invention) belongs to the employer if this is directly provided in a contract between them.

Article 1150. The Right of the Creator to Remuneration for an Employment Invention, Utility Model, or Industrial Design

The amount, conditions, and procedure for remuneration of a creator for an employment invention, utility model, or industrial design shall be determined by an agreement concluded between him and the employer or, in case of absence of an agreement by decision of a court.

Article 1151. Effectiveness of a Patent on the Territory of the Republic of Armenia

A patent for an invention, patent for a utility model, or patent for an industrial design issued by the patent office of the Republic of Armenia is effective on the territory of the Republic of Armenia.

Patents issued in foreign states or by an international organization are effective on the territory of the Republic of Armenia in the cases provided by international treaties of the Republic of Armenia.

Foreign citizens and legal persons or their legal successors have the right to acquire, in the Republic of Armenia, a patent for an invention, a patent for a utility model, or a patent for an industrial design if a solution that is the subject of an application by the established procedure satisfies the requirements applied by the statute of the Republic of Armenia "On Patents" for an invention, utility model, or industrial design.

Article 1152. Time Period of Effectiveness of a Patent

The time period of effectiveness of a patent is established by the statute of the Republic of Armenia "On Patents."

Article 1153. Form of a Contract on Transfer of the Right to a Patent and Registration of the Rights Arising from the Contract

1. A contract for the assignment of a patent must be concluded in written form and the rights arising from the contract are subject to registration at the patent office.

2. Nonobservance of written form or of the requirement of registration shall entail the invalidity of the contract.

Article 1154. Form of a Licensing and Sublicensing Contract and Registration of Rights Arising From Them

1. A licensing contract or sublicensing contract shall be concluded in written form and the rights arising from these contracts shall be subject to registration at the patent office.

2. Nonobservance of the written form or the requirement of registration shall entail the invalidity of the contract.

Article 1155. Liability for Infringement of a Patent

Upon demand of the patentholder the infringement of a patent must be terminated and the infringer shall be obligated to compensate the patentholder for the losses borne by it.

Article 1156. Limitation of the Rights of a Patentholder

The bases for the limitation of rights of a patentholder, conditions for termination (or annulment) of a patent, of recognizing it as invalid, issuance of compulsory licenses, and compulsory alienation of patents are established by the statute of the Republic of Armenia "On Patents."

CHAPTER 66. RIGHTS TO NEW VARIETIES OF PLANTS AND NEW BREEDS OF ANIMALS

Article 1157. Conditions of the Protection of Rights to New Varieties of Plants and New Breeds of Animals

1. The rights to new varieties of plants and new breeds of animals (achievements of breeding) shall be protected on condition of the issuance of a patent.

An achievement of breeding in plant cultivation is a variety of plant acquired by artificial means or by selection and having one or several economic characteristics that distinguish it from existing varieties of plants.

An achievement of breeding in animal husbandry is a breed, i.e., a whole multiple group of animals of common origin created by man and having a genealogical structure and characteristics that make possible distinguishing it from other breeds of animals of the same type and are quantitatively sufficient for multiplication as a single breed.

2. The requirements upon which the right to obtain a patent arises and the procedure for issuing a patent to achievements of breeding are established by the statute of the Republic of Armenia "On Patents."

3. To relations connected with the rights to achievements of breeding and protection of these rights, the rules of Articles 1146-1151 and 1153-1156 of the present Code are applied correspondingly unless the rules of the present Chapter and the statute of the Republic of Armenia "On the Protection of Achievements of Breeding" do not provide otherwise. In this case the respective rights and duties of the patent office shall be exercised by the state agency to which is assigned the testing and protection of achievements of breeding.

Article 1158. Right of the Breeder to Determine the Name of an Achievement of Breeding

1. The breeder of an achievement of breeding has the right to determine its name, which must comply with the requirements established by the statute of the Republic of Armenia "On the Protection of Achievements of Breeding."

2. In the production, reproduction, offering for sale, sale, and other types of distribution of protected achievements of breeding the use of the names registered for them is obligatory. The application to seeds or breeding material that are produced and/or being sold of a name different from that which is registered is not allowed.

3. The application of the name of a registered achievement of breeding to seeds or breeding material that are produced or being sold that are not covered by it is an infringement of the rights of the patentholder and the breeder.

Article 1159. Rights of the Holder of a Patent to an Achievement of Breeding

The holder of a patent to an achievement of breeding has the exclusive right to the use of the achievement of breeding within the limits established by the statute of the Republic of Armenia "On the Protection of Achievements of Breeding."

Article 1160. Duties of the Patentholder

The holder of a patent to an achievement of breeding is required to maintain the respective variety of plant or respective breed of animal during the time period of effectiveness of the patent in such a manner as to maintain the characteristics indicated in the description of the variety or breed compiled at their registration.

Article 1161. The Time Period of Effectiveness of a Patent to an Achievement of Breeding

The effectiveness of a patent to an achievement of breeding starts from the day of registration of the achievement in the state register of protected achievements of breeding and the issuance of a patent. The time period of effectiveness of the patent shall be established by the statute of the Republic of Armenia "On the Protection of Achievements of Breeding."

Article 1162. Allowance for Achievements of Breeding to be Used

1. Achievements of breeding that have been given legal protection shall be allowed for use. Giving an achievement of breeding legal protection is not a basis for allow its use.

2. Inclusion of varieties of plants and breeds of animals in the state register of achievements of breeding allowed for use shall be done by the state agency responsible for testing and protection of achievements of breeding on the results of state testing for economic utility.

An application for allowance of use of varieties of plants or breeds of animals shall be submitted to the state agency responsible for testing and protection of achievements of breeding.

CHAPTER 67. RIGHT TO THE TOPOLOGY OF INTEGRATED MICROCIRCUITS

Article 1163. Conditions of Protection of Rights to the Topology of Integrated Microcircuits

1. Legal protection of the topology of an integrated microcircuit shall be given on the basis of its registration.

Registration of the topology of an integrated microcircuit shall be conducted by the patent office.

On the basis of registration a certificate of the right of use of the topology of an integrated microcircuit shall be issued.

2. The procedure and conditions for registration of the topology of an integrated microcircuit and the issuance of a certificate shall be established by the statute of the Republic of Armenia "On the Legal Protection of the Topology of Integrated Microcircuits."

3. Relations connected with the topology of integrated microcircuits shall be regulated by the present Code and the statute of the Republic of Armenia "On the Legal Protection of the Topology of Integrated Microcircuits."

CHAPTER 68. RIGHT TO PROTECTION OF UNDISCLOSED INFORMATION FROM ILLEGAL USE

Article 1164. Conditions of Legal Protection of Undisclosed Information

1. A person who lawfully possesses technical, organizational, or commercial information, including secrets of production (or know-how) unknown to third persons (undisclosed information), has the right to protection of this information from illegal use, if the conditions are observed that are established by the Paragraph 1 of Article 141 of the present Code.

2. The right to protection of undisclosed information from illegal use arises independently of the fulfillment with respect to this information of any formalities whatsoever (its registration, acquiring certificates, etc.).

3. The rules on the protection of undisclosed information shall not be applied with respect to information that, in accordance with statute may not constitute an official, commercial, or banking secret (information on legal persons, rights to property subject to state registration, information subject to presentation for state statistical reporting, etc.)

4. The right to protection of undisclosed information shall be effective so long as the conditions provided by Paragraph 1 of Article 141 of the present Code are in effect.

Article 1165. Liability for Illegal Use of Undisclosed Information

1. A person who without legal bases has received, distributed, or is using undisclosed information shall be obligated to compensate the person who lawfully possesses this information for the losses caused by its illegal use.

2. If a person who is illegally using undisclosed information has received it from a person who did not have the right to distribute it, of which the acquirer did not know and should not have known (a good-faith acquirer), the lawful possessor of the undisclosed information has the right to demand from it compensation for losses caused for use of the undisclosed information after the good-faith acquirer learned that it use was illegal.

3. A person lawfully having undisclosed information has the right to demand from a person who is illegally using it the immediate cessation of its use. However, a court, taking into account the funds expended by a good-faith acquirer of undisclosed information toward its use, may permit its further use on the condition of a compensated nonexclusive license.

4. A person who has independently and lawfully acquired information constituting the content of undisclosed information has the right to use this information independently of the rights of the possessor of the corresponding undisclosed information and is not liable to it for such use.

Article 1166. Transfer of the Right to Protection of Undisclosed Information from Illegal Use

1. A person having undisclosed information may transfer all or part of the information constituting the content of this information to another person under a licensing contract (Article 1106).
2. The licensee shall be obligated to take appropriate measures for the protection of the confidential information acquired under the contract and has the same rights to its protection from illegal use by third persons as has the licensor. Unless otherwise provided in the contract, the duty to keep the information confidential remains for the licensee even after the termination of the licensing contract if the corresponding information continues to remain undisclosed information.

CHAPTER 69. MEANS OF INDIVIDUALIZATION OF PARTICIPANTS IN CIVIL COMMERCE, OF GOODS, AND OF SERVICES

§ 1. Firm Name

Article 1167. Right to a Firm Name

1. A legal person has the exclusive right to use its firm name on goods, their packing, in advertising, signs, catalogs, bills, printed publications, official letterheads, and other documentation connected with its activity and also in demonstration of goods at exhibits and fairs.
2. The firm name of a legal person is determined upon the approval of its charter and is subject to registration by the procedure established by statute.

Article 1168. The Use of the Firm Name of a Legal Person in a Trademark

The firm name of a legal person may be used in a trademark belonging to it.

Article 1169. Effectiveness of the Right to a Firm Name

1. On the territory of the Republic of Armenia there is in effect an exclusive right to a firm name registered in the Republic of Armenia as the designation of a legal person.
For a name registered or generally recognized in a foreign state, an exclusive right is in effect on the territory of the Republic of Armenia in the cases provided by statute.
2. The effectiveness of the right to a firm name is terminated only upon the liquidation of the legal person or with a change in its firm name.

Article 1170. Passage of the Right to a Firm Name

Passage of the right to the firm name of a legal person is allowed only in case of its reorganization.

§ 2. Trademark

Article 1171. Conditions of Legal Protection of a Trademark

1. A trademark (or service mark) is a registered verbal, pictorial, spacial, or other designation serving to distinguish the goods or services of one person from the same kind of goods and services of other persons.
2. Legal protection of a trademark is given on the basis of its registration.
3. The right to a trademark is evidenced by a certificate.
4. Designations whose registration as a trademark is not allowed, the procedure for registration of trademarks, for their annulment and declaration as invalid, and also cases in which legal protection of unregistered trademarks may be allowed shall be determined by the statute of the Republic of Armenia "On Trademarks, Service Marks, and Designations of Places of Origin of Goods."

Article. 1172. The Right to Use a Trademark

1. The possessor of the right to a trademark has the exclusive right to use and dispose of the mark belonging to it.
2. The use of a trademark is any introduction of it into commerce: the making, application, import, storage, proposal for sale, or sale of the trademark or of goods designated by this mark, its use in signs, advertising, printed production, or other business documentation.

Article 1173. Legal Protection of a Trademark on the Territory of the Republic of Armenia

A trademark registered by the patent office of the Republic of Armenia or by an international organization by virtue of an international treaty of the Republic of Armenia is granted legal protection on the territory of the Republic of Armenia.

Article 1174. Time Period of Effectiveness of the Registration of a Trademark

The time period of effectiveness of the registration of a trademark shall be established by the statute of the Republic of Armenia "On Trademarks, Service Marks, and Designations of Places of Origin of Goods."

Article 1175. Passage of the Right to a Trademark

1. The right to a trademark with respect to all the classes of goods and services indicated in the certificate or part of them may be transferred by the rightholder to another person by contract.

2.The passage of the right to a trademark, including its transfer by contract or by way of legal succession must be registered at the patent office.

Article 1176. Permission to Use a Trademark

- 1.The right to use a trademark may be given by the holder of the right to the trademark to another person with respect to all classes of goods and services indicated in the certificate or part of them under a licensing contract (Article 1106).
- 2.A licensing contract permitting the licensee to use a trademark must contain a condition to the effect that the quality of the goods or services of the licensee will be not lower than the quality of goods or services of the licensor and that the licensor has the right to exercise supervision of the fulfillment of this condition.
- 3.Upon termination of the effect of registration of the right to a trademark the effect of the licensing contract is terminated.
- 4.The passage of the right to a trademark to another person does not entail the termination of the licensing contract.

Article 1177. Form of Contracts on the Transfer of the Right to a Trademark or on the Giving of a License and the Registration of the Transfer of Rights

- 1.A contract on the transfer of the right to a trademark or on the giving of a license must be concluded in written form and the transfer of rights must be registered in the patent office.
- 2.Nonobservance of the written form or the requirement of registration entails the invalidity of the contract.

Article 1178. Liability for Infringing the Right to a Trademark

- 1.A person who is unlawfully using a trademark must cease the infringement and compensate the holder of the trademark for the losses borne by it (Article 17).
- 2.A person who is unlawfully using a trademark has the duty to destroy reproductions of the trademark that have been prepared, to remove from the goods or their packaging an illegally used trademark or a designation similar to it to the point of confusion.
- 3.In case of the impossibility of fulfilling the requirements established by Paragraph 2 of the present Article, the respective goods are subject to destruction.

§ 3. Designation of the Place of Origin of Goods

Article 1179. Condition for the Legal Protection of the Designation of the Place of Origin of the Goods

1.The designation of the place of origin (indication of origin) of goods is the name of the country, populated point, locality, or other geographic object used for the signification of goods, whose special qualities exclusively or mainly are determined by the natural conditions or other factors characteristic for this region or a combination of natural conditions and these factors.

The designation of the place of origin of goods may be the historical name of a geographic object.

2.Legal protection of the designation of the place or origin of the goods shall be provided on the basis of its registration. Registration of the designation of a place of origin shall be conducted by the patent office.

On the basis of registration a certificate of the right to use the designation of a place of origin shall be issued.

3.The procedure and conditions for issuance of certificates, recognizing as invalid and terminating the effectiveness of registration and certificates shall be determined by the statute of the Republic of Armenia “On Trademarks, Service Marks, and Designations of Places of Origin of Goods.”

Article 1180. The Right to Use Designations of Place of Origin of Goods

A person who has the right to use the designation of a place of origin of goods has the right to place this designation on the goods, packaging, advertising, catalogs, bills, and to use it in another manner in connection with the introduction of the given goods into civil commerce.

Article 1181. Area of Effectiveness of the Legal Protection of the Designation of the Place of Origin of Goods

1.In the Republic of Armenia legal protection shall be provided for the designation of places of origin of goods located on the territory of the Republic of Armenia.

2.Legal protection of the designation of a place of origin of goods that are located in another state shall be provided in the Republic of Armenia in cases provided by statute.

Article 1182. Time Period of Effectiveness of a Certificate of the Right to Use the Designation of a Place or Origin of Goods

The time period of effectiveness of a certificate of the right to use the designation of the place or origin of goods shall be established by the statute of the Republic of Armenia “On Trademarks, Service Marks, and Designations of the Place of Origin of Goods.”

Article 1183. Liability for Unlawful Use of the Designation of the Place or Origin of Goods

1.A person having the right to use the designation of a place of origin of goods and also an organizations for the protection of the rights of consumers may demand, from a person who has illegally used the designation, the termination

of its use, the removal from the goods, their packaging, letterheads, and similar documentation of an illegally used designation similar to it to the point of confusion, the destruction of depictions prepared of the designation and—if this is impossible—the taking and destruction of the goods and/or packaging.

2. A person having the right to use the designation of a place of origin of goods has the right to demand from an infringer of this right the compensation for losses borne (Article 17).