

THE ACT ON PROTECTION OF GEOGRAPHICAL INDICATIONS

CHAPTER ONE: DEFINITIONS

Article 1 - For the purpose of this Act:

- A- “Geographical Indication” means an indication that identifies a good as originating in the territory, a region or locality of the country, provided that the quality, reputation or other characteristics of the good is essentially attributable to its geographical origin.

- B- “Good” means any natural or agricultural product, or any product of handicraft and industry.

- C- “Paris Convention” means the Paris Convention for the Protection of Industrial Property dated 1883 and its latest revisions as approved by the Government of Islamic Republic of Iran.

- D- “Producer” means any person who is engaged in production and processing of agricultural, livestock and food products or produces industrial tools and hand made articles or manipulates natural materials for the purpose of production or a trader of the said products.

CHAPTER TWO:
PROTECTION OF GEOGRAPHICAL INDICATIONS

Article 2 -Any interested person or group may institute proceedings in the court to prevent the following actions or to claim damages resulting therefrom in respect of geographical indications:

A- False and deceptive introduction of or attribution to the geographical origin of the good.

B- Any use of the geographical indication that under Article 10 *bis* of the Paris Convention constitutes an act of unfair competition.

Article 3

A- A geographical indication shall be protected regardless of whether it has been registered or not. It shall be protected if it fulfills the conditions set forth in Article 1(A) above, and in the proceedings initiated under this Act, where the geographical indication has been registered, it shall raise the legal assumption that such an indication is a geographical indication within the meaning as prescribed in Article 1(A).

B- A geographical indication which complies with the definition set forth in Article 1(A) of this Act shall be protected against geographical indications which, although their place of origin has been truly indicated, falsely represent to the public that the goods originate from another place.

Article 4- In respect of homonymous geographical indications, subject to Article 1(A) of this Act, each indication shall be separately protected subject to provisions of Article 3 (B).

In order to prevent confusion and not to mislead the consumers and to ensure equitable and fair treatment of the concerned producers, the Organization for Registration of Deeds and Estates shall determine the necessary conditions under which homonymous indications will be distinguished from each other.

Article 5- The following geographical indications shall not be protected:

- A- Indications that do not correspond to the definition in Article 1(A).
- B- Indications which are contrary to the principals of Sharia, public order or morality.
- C- Indications that are not protected in their country of origin or their protection has been ceased or indications that have fallen into disuse in their country of origin within the framework of the conventions to which Iran has acceded.

Article 6- Any person who performs any of the acts referred to in Article 2 shall be guilty of an offence and in addition to remedying the damages caused, shall be sentenced to payment of a fine between 10 million Rials to 50 million Rials or imprisonment for a term of 91 days to 6 months, or both.

Note: If required, the court may, at the request of the private claimant, issue the respective injunction order.

CHPATER THREE:

REGISTRATION OF GEOGRAPHICAL INDICATIONS

Article 7 - The application for registration of a geographical indication shall be filed by the following persons with the Organization for Registration of Deeds and Estates.

- A- Any natural person or legal entity or groups of such persons or entities who are engaged in the production of the goods indicated in the application in the geographical area specified in the application.
- B- Any competent authority in production, distribution or policymaking for the goods being registered.

Article 8- The following items shall be specified in the application:

- A- Name, address and nationality and the legal capacity of the applicant.
- B- The geographical indication registration of which is applied for.
- C- The geographical area to which the geographical indication relates.
- D- The goods the geographical indication relates to.
- E- The quality, reputation or other characteristics of the goods for which the geographical indication is used.

Note: The applicant shall pay the prescribed application fees.

Article 9- Manner and stages of filing the application is as follows:

- A) The Organization for Registration of Deeds and Estates shall examine the application to determine if it complies with the requirements of Articles 5(B), 7 and 8 and the Regulations pertaining thereto and then shall proceed with its publication provided that it fulfills the required conditions.
- B) Where the provisions of paragraph (A) above are not fulfilled, the interested party or competent authority may, in line with the Regulations of the present Act, submit his opposition to the application for registration of the geographical indication to the Organization for Registration of Deeds and Estates.
- C) The Organization for Registration of Deeds and Estates shall notify a copy of the opposition to the applicant. The applicant shall respond to the opposition within the prescribed period. Failure to send a response by the applicant within the prescribed period shall be considered as withdrawal of the application.
- D) If the applicant sends a counter –statement, the Organization for Registration of Deeds and Estates shall furnish a copy of the same to the person filing the opposition and, after hearing the parties, shall make a decision about the opposition.
- E) Where the Organization for Registration of Deeds and Estates finds that the conditions set forth in paragraph (A) are fulfilled, and no opposition has been filed against the application or the opposition has

been rejected, the said Organization shall register the geographical indication, publish a notice to that effect and shall issue to the applicant the certificate of registration.

Article 10 - Producers shall be allowed to use a registered geographical indication if the following conditions are fulfilled:

- A- The good has the quality, reputation and other characteristics as mentioned in the respective certificate of registration.
- B- Place of activities of the producers is the geographical area indicated in the certificate of registration.

Article 11- Any interested person or any competent authority may request the followings from the Court:

- A- The cancellation of registration of a geographical indication about which the requirements of Article 5 have not been met.
- B- The rectification of the registration of geographical indication on the ground that the indication mentioned in the registration certificate does not correspond to the concerned indication, or on the grounds that the quality, reputation or other characteristics of the goods for which the geographical indication is used are not duly mentioned in the respective certificate of registration.

In any proceedings initiated under this Article, the petition requesting cancellation or rectification shall be served on the owner of the Indication or his successor in title and shall be published in the Official Gazette and

a local newspaper at the expense of the claimant for the attention of the public.

Article 12 - The Organization for Registration of Deeds and Estates may decide and then correct any formal error, after notification to the interested party and having examined the documented evidences.

Note: If rectification of the error requires a change in the registration of the indication, the said rectification shall be carried out in accordance with the provisions of Articles 5(B), 7, 8 and 9 of the present Act.

Article 13- Examination of disputes which under this Act and the Regulation thereto are to be referred to the Court shall fall within the jurisdiction of the Public Court of Tehran.

Article 14- The Organization for Registration of Deeds and Estates shall refuse to register any trademark for the goods that is falsely attributed to a geographical origin or shall mislead the public as to the real origin of the goods. Any interested party may request the court to cancel registration of such trademarks.

Article 15 - Exceptions regarding prior users:

A) This Act shall not prevent continuous or similar use of a geographical indication for goods and services belonging to another country by nationals or persons domiciled in Iran who have in good faith used that geographical indication in a continuous manner for the same

goods and services for a period of at least 10 years preceding the date of entry into force of this Act.

- B) Where a trademark has been applied for or registered in good faith where the rights to a trademark have been acquired through use in good faith, if the said cases have taken place before the date of entry into force of this Act or before the geographical indication is protected in its country of origin, this Act shall not prejudice the registrability of or the validity of the registration of a trademark or the right to use a trademark, on the basis that such trademark is identical with, or similar to, a geographical indication.
- C) This Act shall not apply in respect of a geographical indication belonging to another country with respect to goods and services for which the relevant indication is identical with the term customary in common language in Iran as the common name for such goods or services.
- D) Any request made under Part Two of this Act in respect of the use or registration of a trademark must be presented within five years after the adverse use of the protected indication has become publicly known in Iran or five years after the date of registration in Iran, provided that the registered trademark has been published by such date and the said date is earlier than the date on which the adverse use became publicly known in Iran and provided that the geographical indication has not been used or registered in bad faith.

E) This Act shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such manner as to mislead the public.

Article 16 - The Regulations for implementation of this Act that shall include details and fees relating to applications for registration of geographical indications, shall be prepared by The Organization for Registration of Deeds and Estates within 6 months from the approval of this Act with due observation of provisions of the present Act and those of the respective conventions to which the Government of Iran has acceded. The said Regulations shall then be approved by the Head of the Judiciary. The said details and tariffs may be revised once every three years.

The above Act comprising of 16 Articles and 3 Notes was approved in the open session of the Islamic Consultative Assembly on 7 Bahman 1383 (25 January 2005) and was endorsed by the Guardian Council on 31/1/1384 (20 April 2005).