

**Council for Trade-Related Aspects of  
Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY  
LAWS AND REGULATIONS NOTIFIED UNDER  
ARTICLE 63.2 OF THE AGREEMENT**

**BULGARIA**

The present document reproduces the text<sup>1</sup> of the Law on Marks and Geographical Indications, as notified by Bulgaria under Article 63.2 of the Agreement (see document IP/N/1/BGR/1/Add.1).

**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À LA  
PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

**BULGARIE**

Le présent document contient le texte<sup>1</sup> de la Loi sur les marques et les indications géographiques, notifiée par la Bulgarie au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/BGR/1/Add.1).

**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**BULGARIA**

En el presente documento se reproduce el texto<sup>1</sup> de la Ley de Marcas de Fábrica o de Comercio e Indicaciones Geográficas, notificada por Bulgaria de conformidad con el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/BGR/1/Add.1).

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<sup>1</sup> In English only. The text in the original language is available for consultation by interested Delegations at the WTO Secretariat./En anglais seulement. Les délégations intéressées peuvent consulter le texte dans sa langue d'origine, au Secrétariat de l'OMC./En inglés solamente. Las delegaciones interesadas podrán consultar en la Secretaría de la OMC el texto en su idioma original.

## **LAW ON MARKS AND GEOGRAPHICAL INDICATIONS**

(Published in State Gazette No.81 of 14 September 1999,  
in force as of 15 December 1999)

### **Chapter One GENERAL PROVISIONS**

#### **Subject Matter**

**Art. 1** The present Law governs the conditions and procedures of registration of marks and geographical indications, the rights evolving therefrom, and the protection of such rights.

#### **Field of Application**

**Art. 2** (1) The provisions of this Law shall apply to Bulgarian natural persons and legal entities and to foreign natural persons and legal entities from States members of international treaties the Republic of Bulgaria is party to.

(2) With regard to foreign natural persons and legal entities from other countries, the present Law shall apply on the basis of reciprocity as judged by the Patent Office.

#### **Representation**

**Art. 3** (1) Any person having the right under this Law to perform actions before the Patent Office can do this either personally or through a local industrial property representative.

(2) The persons as per paragraph 1 with no residence or headquarters in the Republic of Bulgaria shall perform actions before the Patent Office through a local industrial property representative.

#### **Fees**

**Art. 4** For all actions related to filing applications, priorities, registration, issuance of certificates, registration renewals, entries, correction of mistakes, appeals against rejections, revocation and invalidation, extension of terms, publications, international registrations, information on the mark or geographical indication applied for, inquiries and extracts from state registers, fees shall be collected by the Patent Office under a Tariff endorsed by the Council of Ministers.

#### **State Register of Marks**

**Art. 5** The State register of marks shall be kept by the Patent Office, and it shall contain data on all mark registrations and all subsequent entries related thereto.

#### **State Register of Geographical Indications**

**Art. 6** The State register of geographical indications shall be kept by the Patent Office, and it shall contain data on all geographical indication registrations, user entries and all subsequent changes related thereto.

#### **Access to the State Registers**

**Art. 7** The state registers as per Articles 5 and 6 shall be public. Any person may apply for information or an extract therefrom.

#### File

**Art. 8** (1) The Patent Office shall keep a file of each mark or geographical indication, the file comprising all documents in the registration and the subsequent entries.

(2) The Patent Office shall give other parties information on a mark or geographical indication applied for following instructions by the President of the Office.

(3) The information as per paragraph 2 shall contain only data subject to publication upon registration of the mark or geographical indication.

## Chapter Two MARKS

### Section I Registration

#### Definition

**Art. 9** (1) Marks are signs which are capable of distinguishing the goods or services of one person from those of other persons, and can be presented graphically. Such signs can be words, including names of persons, letters, numerals, drawings, figures, form of the article or the packing thereof, combination of colors, sound signs or any combinations of such signs.

(2) A mark may be a trademark, a service mark, a collective mark or a certification mark.

#### Acquisition of Mark Rights

**Art. 10** (1) Mark rights shall be acquired through the registration thereof as from the filing date of the application.

(2) The right to register shall have the first to file.

(3) The right to a mark shall be an exclusive right.

#### Grounds for Refusal of Registration

**Art. 11** (1) The following shall not be registered:

1. signs which are not marks within the meaning of Art. 9(1).
2. marks which are devoid of any distinctive character.
3. marks consisting exclusively of signs or indications which have become customary in the current language or in the established commercial practice in the Republic of Bulgaria.
4. marks which consist exclusively of signs designating the kind, quality, quantity, composition, intended purpose, value, geographical origin, time or process of manufacture of the goods, manner of rendering the services, or other characteristics of the goods or services.
5. signs which consist exclusively of:
  - a) the shape of the goods resulting from their nature;
  - b) the shape of the goods necessary to obtain a technical result;
  - c) the shape of the goods considerably raising their value.
6. marks which are contrary to the public order and the principles of morality.
7. marks which may deceive the users as to the nature, quality or geographical origin of the goods or services.
8. marks which consist of or comprise coats of arms, flags or other emblems, full or abbreviated official names and imitations thereof of states or international intergovernmental organizations.

9. marks which consist of or comprise official control and warranty signs and stamps, where such signs and stamps serve to mark identical goods.

10. marks which consist of or comprise the coats of arms, the flag, symbols, medals, the name of the Republic of Bulgaria or of Bulgarian state authorities.

11. marks which consist of or comprise the name or the picture of monuments of history and culture of the Republic of Bulgaria as specified by the Ministry of Culture.

12. marks which consist of or comprise religious symbols or equivalents thereof, that are well known in the Republic of Bulgaria.

(2) The provisions of paragraph 1(2, 3, 4) shall not apply where the mark, as a result of its use, has become distinctive in relation to the goods or services for which registration is requested.

(3) The provisions of paragraph 1(8, 9, 10, 11) shall not apply with the consent of the respective competent authority.

#### Additional Grounds for Refusal

**Art. 12** (1) A mark shall not be registered if:

1. it is identical with an earlier mark, and the goods or services of the mark applied for registration and those of the earlier mark are identical;

2. due to its identity with or similarity to an earlier mark, and due to the identity or similarity of the goods or services of the two marks, the users are likely to get confused, including likelihood of association with the earlier mark.

3. it consists of a geographical indication or derivatives thereof.

(2) "An earlier mark", within the meaning of paragraph 2, is:

1. a registered mark with an earlier filing date or an earlier priority date, as appropriate;

2. a mark applied for registration with an earlier filing date or earlier priority date, as appropriate, if it gets registered;

3. a mark which is well known in the territory of the Republic of Bulgaria on the mark filing date or priority date, as appropriate.

(3) A mark shall not be registered if it is identical with or similar to an earlier mark and is intended for goods or services which are not identical with or similar to those of the earlier mark, where the earlier mark is a mark of renown in the territory of the Republic of Bulgaria and where the use without due cause of the mark applied for would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier mark.

(4) The provisions of paragraph 1(2) and paragraph 3 shall not apply with the consent of the prior mark holder.

## Section II

### Legal Effects of Registration

#### Rights Conferred by Registration

**Art. 13** (1) The holder of a mark shall be entitled to use it, to dispose of it, and to prevent other parties from unauthorized use in the course of business activity of any sign which:

1. is identical with the mark in relation to goods or services which are identical with those for which the mark is registered;

2. due to its identity with or similarity to the mark, and the identity and similarity of the goods or services of the mark and the sign, the users are likely to get confused, including likelihood of associating the sign with the mark;

3. is identical with or similar to the mark in relation to goods or services which are not identical with or similar to those for which the mark is registered, where the mark is a mark of renown in the territory of the Republic of Bulgaria, and where the use without due cause of the sign takes unfair advantage of, or is detrimental to, the distinctive character or renown of the mark.

(2) "Use in the course of business activity", within the meaning of paragraph 1, is:

1. affixing of the sign to the goods or to the packaging thereof;
2. offering of the goods bearing that sign for sale, putting them on the market or stocking them for these purposes, as well as offering or rendering services with that sign;
3. import or export of goods bearing that sign;
4. use of the sign in business papers and advertisements.

(3) The exclusive right shall take effect with regard to other parties as from the date of publication of the registration in the Official Bulletin of the Patent Office.

#### Limitation of Mark Rights

**Art. 14** The holder of a mark shall not be entitled to prohibit another party from using the following in the course of business activity, provided that such use is not contrary to the fair practices in business matters:

1. his own name or address;
2. information on the kind, quality, quantity, intended purpose, value, geographical origin, time of manufacture of the goods or rendering of the services, or other characteristics of the goods or services;
3. the mark, where it is necessary to indicate the intended purpose of the goods or services, in particular when they are used as accessories or spare parts.

#### Exhaustion of Mark Rights

**Art. 15** (1) The holder of a mark shall not be entitled to prohibit other parties from using it in relation to goods or services that are put with that mark on the market in the country by himself or with his consent.

(2) Paragraph 1 shall not apply where the right holder has good reason to oppose further selling of the goods, especially where their condition has changed or got worse upon putting them on the market.

#### Jointly Held Marks

**Art. 16** (1) A mark may be held by two or more persons.

(2) Each co-holder may use the mark without the consent of the rest of the co-holders and without accounting for that use before them, unless otherwise agreed on in writing.

#### Indication of Registration

**Art. 17** When using the mark, the holder may indicate its registration by putting a circled letter "R" near the mark.

#### Reproduction of Marks in Books of Reference

**Art. 18** If the reproduction of a mark in dictionaries, encyclopaedia or other reference books creates the impression that the mark represents the generic name of the goods or services for which it is registered, its holder may oblige the publisher of the respective reference book to indicate, in its next edition at the latest, that the mark is a registered one.

#### Obligation to Use the Mark

**Art. 19** (1) If, within a period of five years following registration, the mark holder has not put it to genuine use in the territory of the Republic of Bulgaria in connection with the goods or services for which it is registered, or if such use has been suspended during an uninterrupted period of five years, the registration may be revoked, unless there are convincing reasons for the non-use.

(2) In addition to the use as per Art. 13(2), the following shall also constitute genuine use within the meaning of paragraph 1:

1. use of the mark in a form immaterially differing from the form in which the mark was registered;

2. affixing of the mark to goods or to the packaging thereof in the Republic of Bulgaria, irrespective of the fact that they are intended for export purposes only.

(3) Use of the mark with the consent of its holder shall be deemed to constitute use by the holder himself.

#### Duration of Registration

**Art. 20** (1) Marks shall be registered for a period of ten years following the filing date of the application.

(2) Registration may be renewed, in accordance with Art. 39, for an unlimited number of further ten-year periods.

### Section III Disposition of Mark Rights

#### Transfer of Marks Rights

**Art. 21** (1) A mark may be transferred, independently of the transfer of the enterprise, in respect of all or some of the goods or services for which it is registered.

(2) Jointly held marks shall be transferred only with the consent of all of the co-holders, unless otherwise agreed on.

(3) The transfer shall be recorded in the State Register at the request of one of the parties, the request being accompanied by a transfer document. The new holder shall be given a certificate.

(4) Where the transfer document makes it clear that, due to the mark transfer, the users are likely to get confused with regard to the nature, quality or geographical origin of the goods or services, the Patent Office shall not record the transfer, unless the goods or services are confined to those that are not likely to cause confusion.

(5) The transfer shall take effect with regard to other parties as from the date of recording it in the State Register.

(6) All documents the holder is to be informed of shall be addressed to the person recorded last as a holder in the State Register.

(7) The provisions of paragraphs 1, 2 and 4 shall apply also in cases of transfer of registration applications.

#### License Agreement

**Art. 22** (1) A mark holder may permit the use of his mark with regard to all or some of the goods or services it is registered for in a part or the whole territory of the Republic of Bulgaria by a license agreement in writing.

(2) The use of a jointly held mark shall be permitted by the consent of all of the co-holders in writing, unless otherwise agreed on.

(3) A license may be exclusive or non-exclusive. Where the agreement does not specify the kind of the license, it shall be considered non-exclusive.

(4) An exclusive license holder shall not be entitled to grant licenses with the same subject matter to other persons. He shall be entitled to use the mark only in case this is explicitly agreed on.

(5) A license agreement shall be recorded in the State Register at the request of the licensee, the request being accompanied by an extract from the license agreement with data identifying the licensee and the licensor, the mark and its registration number, the term of the license agreement, and the signatures and seals of both parties affixed thereto. The licensee shall be given a certificate.

(6) The license agreement shall take effect with regard to other parties as from the date of recording it in the State Register.

#### **Section IV**

#### **Termination of Registration, Revocation and Invalidation of Registration**

##### Termination of Registration

**Art. 23** (1) The validity of a registration shall be terminated upon:

1. expiration of the term as per Art. 20;
2. surrender by the holder;
3. final liquidation of the legal entity holding the registration, where there is no transfer.

(2) Termination as per paragraph 1(3) shall be effected at the request of a person concerned.

(3) Termination of the term of validity of a registration shall bring about lapse of the mark right.

##### Surrender of Rights

**Art. 24** (1) A mark holder may surrender his mark in respect of all or some of the goods or services for which it is registered by a written declaration filed with the Patent Office.

(2) A surrender of rights shall have effect as from the date of recording it in the State Register.

(3) If there is a license agreement recorded, surrender shall only be entered if the mark holder furnishes proof that he has notified the licensee of his intention to surrender the mark. Entry of the surrender shall be effected on expiry of two months as from the date of furnishing the proof.

(4) Surrender of rights by one or several of the co-holders of a mark shall not terminate the registration validity with regard to the rest of the co-holders.

##### Revocation of Registration

**Art. 25** (1) Any person concerned may request revocation of a registration, if:

1. the mark has not been used as per Art. 19;
2. as a result of the activity or inactivity of the holder the mark has become a common name of the product or service in respect of which it is registered;

3. As a result of the use made of the mark by its holder or by another person authorized by him in respect of the goods or services for which it is registered, the users get misled as to the nature, quality or geographical origin of the goods or services.

(2) Paragraph 1(1) shall not apply, if the mark holder has started the genuine use of his mark within the period between the expiry of the five-year term and the filing date of the revocation request. The start or resumption of the use within three months before the filing date of the revocation petition shall not be taken into account, if the preparations for such use or the resumption thereof have been made after the holder had learned of the likelihood of such a petition being filed.

(3) Where the revocation petition concerns only some of the goods or services, the registration shall be revoked in respect of those goods or services only.

#### Invalidation of Registration

**Art. 26** (1) Any person may request invalidation of a mark registration, where the mark has been registered in violation of the provisions of Art. 11.

(2) Where the mark has been registered in violation of Art. 11, paragraph 1(2, 3 4), the registration may nevertheless not be declared invalid, if the holder offers proof that, in consequence of the use which has been made of it, the mark has acquired a distinctive character in relation to the goods or services for which it is registered.

(3) A mark registration shall be declared invalid at the request of any person concerned, if:

1. the mark is registered in violation of Art. 12;
2. the mark is registered in the name of a person not meeting the requirements of Art. 2;
3. the mark is registered in the name of an industrial property agent or representative of the holder without the consent thereof;
4. the applicant has acted in bad faith when filing the application, this fact being ascertained by an effective court order;
5. the use of a mark may be prohibited on the grounds of an earlier right of another person, such earlier right enjoying protection under another law, namely:
  - a) right on name and portrait;
  - b) copyright;
  - c) breeder's right to a plant variety or animal breed;
  - d) industrial property right

(4) A mark may also be declared invalid ex officio by the Patent Office, where it is registered in violation of Arts. 11 and 12.

(5) A registration invalidation as per paragraph 3(1) shall not be effected, if the earlier mark has not been used in accordance with Art. 19.

(6) A registration invalidation as per paragraph 3(2, 3) shall not be effected, and the mark shall be transferred to the person concerned at the request thereof.

(7) A registration invalidation as per paragraph 3(5) shall not be effected, provided that the earlier right holder gives his consent during the invalidation procedure.

(8) Where the invalidation grounds concern only some of the goods or services, the registration shall be declared invalid with regard to those goods or services only.



#### Restriction in Consequence of Acquiescence

**Art. 27** (1) Where the holder of an earlier mark within the meaning of Art. 12(2) has acquiesced, for a period of five successive years, in the use of a later mark while being aware of such use, he shall not be entitled, on the basis of his earlier mark, to request invalidation of the later mark or oppose the use thereof in respect of the goods or services the later mark has been used for, unless registration of the later mark was applied for in bad faith.

(2) Paragraph 1 shall apply also to earlier mark holders as per Art. 12(3) or earlier right holders as per Art. 26, paragraph 3(5).

(3) In the cases as referred to in paragraphs 1 and 2, the later mark holder shall not be entitled to oppose the use of the earlier mark, although the earlier mark holder cannot refer to his right to request invalidation of the later mark.

#### Legal Consequences of Revocation and Invalidation

**Art. 28** (1) Revocation of a registration under Art. 25, paragraph 1(1) shall take effect as from the beginning of the five-year period of non-use.

(2) Revocation of a registration under Art. 25, paragraph 1(2, 3) shall take effect as from the filing date of the revocation request.

(3) Invalidation of a registration shall take effect as from the filing date of the application.

(4) Revocation and invalidation of a registration shall not affect:

1. enforced court decisions concerning infringement, as far as executed prior to the revocation or invalidation;

2. license agreements executed prior to the revocation or invalidation, unless otherwise agreed on.

### Section V Collective and Certification Marks

#### Collective Marks

**Art. 29** (1) The collective marks are marks possessed by an association of producers, traders or persons rendering services, the association being a legal entity. They serve to distinguish the goods or services of the association members from the goods of other persons.

(2) The association must adopt Rules for the use of collective marks, specifying: the persons entitled to use the mark; the criteria for membership in the association; the conditions for use of the mark and the grounds for prohibiting an association member from use of the mark.

(3) Collective mark rights shall be non-transferable. Persons who are not members of the association may not get permission to use the collective mark.

#### Certification Marks

**Art. 30** (1) Certification marks attest the composition, manner of manufacture, quality, or other characteristics of the goods or services produced or offered with the consent and under the supervision of the mark holder.

(2) The mark holder must adopt Rules for the use of the certification mark, specifying: the quality, composition or other characteristics of the goods or services; the control measures taken by the certification mark holder, and the sanctions imposed by him.

(3) The certification mark holder shall not be entitled to use it for the purpose of marking the goods he produces or the services he renders.

(4) A certification mark registration may be revoked, where the mark holder has used it for the purpose of marking goods produced or services rendered by him.

#### Specific Provisions

**Art. 31** (1) The holder of a collective or certification mark shall furnish the Patent Office with the Rules for use thereof, as well as with information on all changes made in the Rules. Such changes shall take effect as from the date of communicationg them to the Patent Office.

(2) In addition to Art. 25, a collective or certification mark registration may be revoked also where its holder has permitted or acquiesced use in violation of the Rules for use thereof.

(3) A collective or certification mark the registration of which is revoked or terminated shall represent an obstacle to the registration of an identical or similar mark for identical or similar goods or services in the name of another person within three years following the publication of the revocation or termination.

### Section VI Proceedings at the Patent Office

#### Application

**Art. 32** (1) Applications for the registration of marks shall be filed with the Patent Office.

(2) An application shall relate to one mark intended for goods and/or services in one or more classes under the International Classification.

(3) An application shall contain:

1. request for registration;
2. name and address of the applicant;
3. representation of the mark;
4. list of the goods and/or services in respect of which the registration is requested.

(4) Where the application relates to a collective or certification mark, the Rules for use thereof shall be filed along with the other documents as per paragraph 3.

(5) The application shall meet still other requirements as laid down in an ordinance of the Council of Ministers.

(6) The application shall be accompanied by a document certifying payment of the prescribed fees.

(7) The application documents and data shall be furnished in the Bulgarian language.

#### Filing Date

**Art. 33** (1) Filing date of an application shall be the date on which the documents with the data as per Art. 32(3, 4) are received in the Patent Office.

(2) Where the documents are filed in a language other than Bulgarian, the filing date shall not change, provided that a translation thereof is filed with the Patent Office within a period of three months following that date.

#### Right of Priority

**Art. 34** (1) An application shall enjoy a right of priority over subsequent applications for identical or similar marks in respect of identical or similar goods or services as from the date of filing the application with the Patent Office as per Art. 33(1).

(2) The applicant shall enjoy a right of priority as from the date of a preceding application, provided that:

1. the preceding application is regularly filed in a State party to the Paris Convention or the World Trade Organization;
2. the preceding application is a first application within the meaning of Art. 4 of the Paris Convention and relates to the same mark and the same goods or services;
3. the application is filed within six months following the filing date of the preceding application;
4. priority is claimed within two months from the filing date of the application with an indication of the date and country of the preceding application; and
5. within three months from the filing date of the application, the applicant pays the prescribed priority fee and presents a priority document issued by the competent authority of the country of filing of the preceding application.

(3) Regularly filed application as per paragraph 2(1) is any application bearing a filing date, irrespective of what happens to it later.

(4) The right of exhibition priority shall be deemed to exist as from the date of displaying the goods or services bearing the mark at an official or officially recognized exhibition, provided that:

1. the application is filed within six months following the date of the first display of the goods or services;
2. the application relates to the same mark and the same displayed goods or services;
3. priority is claimed within two months from the filing date of the application with an indication of the date of display and the country where the exhibition takes place;
4. within three months following the filing date of the application, the applicant pays the prescribed priority fee and presents a document issued by the exhibition officials and certifying the date of display of the goods or services bearing the mark applied for.

#### Claim of Colour

**Art. 35** Claims of colour or a combination of colours shall be granted if filed along with the application.

#### Examination as to Form

**Art. 36** (1) Each application shall be subjected to examination as to its compliance with the requirements of Art. 33 with regard to giving it a filing date. In case of failure to meet the requirements, the documents received shall be referred back to the applicant.

(2) An application bearing a filing date shall be examined as to its compliance with the requirements of Art. 32(2, 4, 5, 6, 7). In case of deficiencies, the applicant shall be given three months to eliminate them.

(3) Where the application does not meet the requirements of Art. 32(2) and, within the term as per paragraph 2, the applicant divides the application, the divisional applications shall keep the filing date or the priority date, as appropriate, of the original application.

(4) If the applicant fails to eliminate the deficiencies within the term as per paragraph 2, the proceedings shall be discontinued.

#### Examination as to Substance

**Art. 37** (1) An application meeting the formal regularity requirements shall be subjected to examination as to substance.

(2) Where a mark is ineligible for registration in respect of all or some of the goods or services, the applicant shall be duly notified thereof; he shall be informed of the grounds of the refusal and given three months to respond.

(3) Where the mark contains an element which, in itself, is ineligible for registration as a mark under Art. 11, paragraph 1(2, 3, 4, 5, 8, 9, 10, 11), the applicant may be requested, as a condition for registration of the mark, to disclaim the exclusive right to that element.

(4) Where, within the term as per paragraph 2, the applicant fails to present an argued objection and/or restrict the list of goods or services, or fails to comply with the requirements as per paragraph 3, a decision shall be taken to refuse the registration.

(5) Where the mark is found to comply with the provisions of the Law, a decision shall be taken to register it. The registration shall be entered in the State Mark Register and, within one month, the applicant shall be issued a registration certificate.

#### Withdrawal, Restriction and Amendment of Application

**Art. 38** (1) Until a decision is taken on the application, the applicant may withdraw it or restrict the list of goods or services in respect of which the mark is applied for.

(2) No changes are allowed in the application, except for cases where the name or address of the applicant have changed or there are mistakes in the name or address of the applicant or glaring mistakes that have to be corrected, on condition that such corrections do not affect the representation of the mark or extend the list of goods or services.

(3) The corrections as per paragraph 2 shall be made upon request of the applicant.

#### Renewal of Registration

**Art. 39** (1) A registration shall be renewed at the request of the mark holder, the request being accompanied by a document certifying payment of the prescribed fee.

(2) The request shall contain the registration number of the mark and data identifying the holder.

(3) The request may be submitted during the last year of the term as per Art. 20(1) or within six months upon expiry of that term against payment of an additional fee.

(4) Where the mark holder requests renewal of the registration for only a part of the goods or services the mark is registered for, he shall indicate the goods or services for which renewal is requested.

(5) In case of failure to meet the requirements of paragraphs 1, 2 and 3, renewal of the registration shall be refused by decision of the President of the Patent Office.

(6) Renewal shall take effect as from the day following the date of expiration of the preceding registration.

#### Changes in the Name and Address of the Holder

**Art. 40** (1) The mark holder shall notify the Patent Office of any change in his name or address within three months after such changes occur.

(2) The change shall be recorded in the State Register at the request of the holder.

(3) All documents the holder is to be informed of shall be sent to the last address recorded in the State Register.

#### Changes in the Mark

**Art. 41** (1) No changes shall be made in the mark during the term of validity of the registration or on renewal thereof.

(2) Where the mark includes the name or address of the holder, any change therein may be made at the request of the holder, provided that such changes do not affect materially the mark as registered.

#### Opposition Proceedings

**Art. 42** (1) The Appeals Department shall consider:

1. appeals against decisions to refuse registration under Art. 37(4);
2. appeals against decisions to terminate the proceedings as per Art. 36(4);
3. registration revocation petitions as per Art. 25;
4. registration invalidation petitions as per Art. 26.

(2) The boards for consideration of appeals shall consist of three state examiners, one of them being a legal expert, while the boards for consideration of petitions shall consist of five state examiners, two of them being legal experts.

(3) The boards as per paragraph 2 shall be appointed by the President of the Patent Office.

#### Terms

**Art. 43** (1) Appeals shall be filed within three months following the notification date of the decision.

(2) Requests may be filed during the whole term of validity of the registration.

(3) No proceedings shall be initiated with regard to appeals in case of failure to file them within the prescribed term, neither shall proceedings be initiated with regard to appeals and petitions in case of failure to pay, on filing them, the prescribed fees.

#### Contents of Appeals and Petitions

**Art. 44** (1) An appeal shall be well-grounded, and it shall contain data identifying the appellant and the application.

(2) A petition shall be well-grounded, and it shall contain data identifying the petitioner and the mark registration.

(3) In case of deficiencies, the appellant or the petitioner shall be given one month to eliminate them. In case of failure to eliminate the deficiencies within that term, the proceedings shall be terminated.

#### Passing Judgement on Appeals

**Art. 45** (1) Where an appeal is found groundless, the decision shall be confirmed by the President of the Patent Office.

(2) Where an appeal is well-founded, the decision shall be reversed and a decision shall be taken to register the mark or to refer the application back for reconsideration.

(3) Where a decision to refuse registration is reversed upon reconsideration, a decision as to substance shall be taken by the President of the Patent Office.

#### Petition Proceedings

**Art. 46** (1) A copy of the petition shall be sent to the mark holder, giving him three months to respond.

(2) Where the petition is groundless, the President of the Patent Office shall take a decision to reject it.

(3) Where the petition is well-founded, the President of the Patent Office shall take a decision to revoke or invalidate, in part or whole, the registration of the mark.

(4) In cases of partial revocation or invalidation of the registration, the registration certificate issued shall be replaced by a new one.

#### Extension of Terms

**Art. 47** The terms referred to in Arts. 36(2), 37(2) and 46(1) may be extended, at the request of the applicant or the holder, by three months on expiration thereof, but no more than twice. An extension request shall not be granted if not accompanied by a document certifying payment of the prescribed fee.

#### Renewal of Terms

**Art. 48** The applicant or the holder may request renewal of terms exceeded owing to special unforeseen circumstances. The request shall be filed within three months upon elimination of the cause for exceeding the term, but no later than one year following the expiration of the term exceeded. Decisions to renew terms shall be taken by the President of the Patent Office.

#### Publication in the Official Bulletin of the Patent Office

**Art. 49** The Patent Office shall effect publication in its Official Bulletin of all mark registrations and subsequent entries thereof within three months at the latest following entry in the State Register of Marks.

#### Review by Court

**Art. 50** (1) Decisions as per Art. 45(1) and Art. 46 may be appealed against before the Sofia City Court within three months upon notification thereof.

(2) Cases of refusal to effect entry in the state registers or renew registration may be appealed under the Law on Administrative Procedures.

### Chapter Three GEOGRAPHICAL INDICATIONS

#### Section I Registration

##### Definition

**Art. 51** (1) Geographical indications mean appellations of origin or indications of source.

(2) An appellation of origin is the name of a country, region or locality in that country, which serves to designate the goods originating therefrom, and the quality or characteristics of which are due essentially or exclusively to the geographical environment including natural and human factors.

(3) An indication of source is the name of a country, region or locality in that country, which serves to designate the goods originating therefrom, whose quality, reputation or other characteristics can be attributed to that geographical origin.

##### Grounds for Refusal or Registration

**Art. 52** A name shall not be registered as a geographical indication, if:

1. it has turned into a generic name, in the territory of the Republic of Bulgaria, of goods of a certain kind without any association with the place of production thereof;

2. it is identical with the name of a plant variety or animal breed registered earlier, where the users are likely to get deceived as to the true origin of the goods;
3. it is identical with a geographical indication or mark registered earlier for identical goods;
4. it is identical with or similar to a geographical indication or mark registered earlier for identical or similar goods, where there is likelihood of misleading the users.

#### Legal Protection

**Art. 53** (1) Legal protection of geographical indications shall be granted through the registration thereof with the Patent Office

(2) The legal protection shall cover prohibition from:

1. any commercial use of the geographical indication in respect of goods which are similar to the goods it is registered for, in so far as the renown of the registered geographical indication is taken advantage of;
2. incorrect use or counterfeit of the geographical indication, even where the genuine origin of the goods is designated, use of a translation thereof, or use in combination with terms such as “sort”, “kind”, “type”, etc.;
3. use of any other incorrect or deceiving indication of the source, origin, nature or essential properties of the goods designated on the packaging thereof, in advertising materials or papers concerning the goods, such indication being likely to mislead as to the genuine origin of the goods;
4. any other actions that may deceive the users as to the true origin of the goods.

(3) Registered geographical indications may not turn into generic names as long as they enjoy protection under the present Law.

#### Right of Filing Application

**Art. 54** (1) The right to file applications shall have any person who carries out his production activity in the indicated geographical locality, and the goods he produces correspond to the respective properties or peculiarities.

(2) The geographical locality borders and the properties or peculiarities of the goods, as well as the relationship between such properties or peculiarities and the geographical environment or geographical origin, shall be defined or established by the respective central authority by order of the head thereof.

#### User Right

**Art. 55** (1) A registered geographical indication may be used only by the person registered as the user thereof.

(2) The recorded user may use the geographical indication only in respect of the goods it is registered for. He may affix it to the goods or the packaging thereof, advertising materials, business papers concerning the goods, etc.

#### Termination of Legal Protection

**Art. 56** The legal protection of a registered geographical indication shall be terminated, where the relationship between the properties or peculiarities of the goods and the geographical environment exists no longer.

#### Invalidation of Registration

**Art. 57** (1) Any person concerned may request invalidation of a registered geographical indication, where it is established, under procedures of claim, that the geographical indication is registered in violation of Art. 51(2,3) and Art. 52.

(2) The registration of a foreign geographical indication shall be declared invalid following invalidation thereof in the country of origin.

#### Cancellation of User Entry

**Art. 58** A user entry may be cancelled at the request of any recorded user, where it is established by means of procedures of appeal that the user makes use of the geographical indication with regard to other goods, or the goods produced by him do not possess the respective properties or peculiarities.

#### Legal Effects of Invalidation and Cancellation

**Art. 59** (1) A registration invalidation shall take effect as from the filing date of the application.

(2) A user entry cancellation shall take effect as from the date of the cancellation petition.

(3) Invalidation or cancellation shall not affect effective court orders for infringement, in so far as executed prior to the invalidation or cancellation.

### Section II Proceedings at the Patent Office

#### Filing Application

**Art. 60** (1) Applications for the registration of geographical indications shall be filed with the Patent Office.

(2) An application shall relate to one geographical indication only.

(3) The application shall contain:

1. registration request form;

2. name and address of the applicant;

3. the appellation of origin or the indication of source;

4. designation of the goods;

5. description of the geographical locality borders; and

6. description of the established properties or peculiarities of the goods and their relationship with the geographical environment or geographical origin.

(4) The application shall be accompanied by a copy of the order as per Art. 54(2) and a document issued by the respective municipality and certifying that the applicant carries out his production activity in the respective geographical locality.

(5) Where the applicant is a foreigner, the application shall be accompanied by a document certifying registration of the geographical indication in the country of origin.

(6) The application shall meet still other requirements as laid down in an ordinance adopted by the Council of Ministers.

(7) The application shall be accompanied by a document certifying payment of the prescribed fees.



#### Examination as to Form

**Art. 61** (1) Each application shall be subjected to examination as to its compliance with the requirements of Art. 60. In case of deficiencies, the applicant shall be given three months to eliminate them.

(2) If the applicant fails to eliminate the deficiencies within the term as per paragraph 1, the proceedings shall be discontinued.

#### Examination as to substance

**Art. 62** (1) An application meeting the formal regularity requirements shall be subjected to examination as to substance within 18 months.

(2) Where there are grounds to refuse registration of a geographical indication, the applicant shall be duly notified thereof; he shall be informed of the grounds of the refusal and given three months to respond.

(3) Where, within the term as per paragraph 2, the applicant fails to present an argued objection, a decision shall be taken to refuse the registration.

(4) Where the geographical indication is found to comply with the provisions of the Law, a decision shall be taken to register it. The registration shall be entered in the State Register of Geographical Indications. The applicant shall be recorded as a user and, within one month, he shall be issued a certificate for the use of the geographical indication.

#### Registered Geographical Indication User Entry

**Art. 63** (1) Any person entitled to file applications may file an application for registered geographical indication user entry.

(2) The application shall contain:

1. user entry request;
2. name and address of the applicant;
3. the geographical indication and the registration number.

(3) The application shall be accompanied by a document issued by the respective municipality and certifying that the applicant carries out his production activity in the respective geographical locality, as well as by a document issued by the respective central authority and certifying that the goods produced by the applicant possess the respective properties and peculiarities characteristic of the geographical indication.

(4) The application shall be accompanied by a document certifying payment of the prescribed fees.

(5) Each application shall be examined as to its compliance with the provisions of paragraphs 1, 2, 3 and 4. In case of deficiencies, the applicant shall be given three months to eliminate them.

(6) If the applicant fails to eliminate the deficiencies within the term as per paragraph 5, the proceedings shall be discontinued.

(7) Where the user entry application suits the requirements of paragraphs 1, 2, 3 and 4, the applicant shall be recorded as a user in the State Register of Geographical Indications, and he shall be issued a certificate for the use of the geographical indication.

#### Proceedings at the Appeals Department

**Art. 64** (1) The Appeals Department shall consider:

1. appeals against decisions to refuse registration under Art. 62(3);
2. appeals against decisions to terminate the proceedings as per Art. 61(1) and Art. 63(6).

(2) Appeals shall be considered under the provisions of Arts. 42(2), 43 and 44.

#### Passing Judgement on Appeals

**Art. 65** (1) Where an appeal is found groundless, the decision shall be confirmed by the President of the Patent Office.

(2) Where an appeal is well-founded, the decision shall be reversed and a decision shall be taken to register the geographical indication or to refer the application back for reconsideration.

(3) Where a decision to refuse registration is reversed, a decision as to substance upon reconsideration shall be taken by the President of the Patent Office.

#### Extension and Renewal of Terms

**Art. 66** (1) The terms referred to in Arts. 61(2), 62(2) and 63(5) may be extended by three months, at the request of the applicant filed prior to the expiration thereof, but no more than twice. An extension request shall not be granted if not accompanied by a document certifying payment of the prescribed fee.

(2) The applicant or the user may request renewal of terms exceeded owing to special unforeseen circumstances. The request shall be filed within three months upon elimination of the cause for exceeding the term, but no later than one year following the expiration of the term exceeded. Decisions to renew terms shall be taken by the President of the Patent Office.

#### Publication in the Official Bulletin

**Art. 67** The Patent Office shall effect publication in its Official Bulletin of all geographical indication registrations and subsequent changes thereof.

#### Review by Court

**Art. 68** Decisions as per Art. 65(1) and Art. 46 may be appealed against before the Sofia City Court within three months upon notification thereof.

### Chapter Four INTERNATIONAL REGISTRATION

#### International Registration of Marks

**Art 69** (1) International registration of marks is a registration carried out by the International Bureau of the World Intellectual Property Organization, hereinafter referred to as “the International Bureau”, under the provisions of the Madrid Agreement.

(2) The international registration of a mark designating the Republic of Bulgaria shall have the same effect as if directly applied for and registered in the Republic of Bulgaria. It shall take effect as from the date of the international registration or from the date of the territorial extension registration.

(3) An international registration may be refused protection in the Republic of Bulgaria within the term as prescribed by the Madrid Agreement.

(4) The holder of an international registration having effect in the territory of the Republic of Bulgaria, who has an earlier national registration of the same mark, may file a request with the Patent Office, said request being accompanied by proof of payment of the prescribed fee, for the international registration to be regarded as substituting the national registration, preserving all rights acquired thereby.

#### International Registration of National Marks

**Art. 70** (1) Any Bulgarian natural person or legal entity, or any person with permanent residence or with actual commercial activity in the Republic of Bulgaria, who is the holder of a mark registered under this Law, may apply for the international registration of that mark.

(2) The application shall be filed with the International Bureau through the Patent Office.

(3) International registration fees shall be paid by the applicant to the International Bureau.

#### International Registration of Appellations of Origin

**Art. 71** (1) International registration of appellations of origin is a registration executed by the International Bureau under the Lisbon Agreement.

(2) The international registration of an appellation of origin designating the Republic of Bulgaria shall have the same effect as if directly applied for and registered in the Republic of Bulgaria. Such an appellation of origin may not turn into a generic name as long as it is protected in the country of origin.

(3) An international appellation of origin may be refused protection in the Republic of Bulgaria within the term provided for in the Lisbon Agreement.

#### International Registration of Bulgarian Appellations of Origin

**Art. 72** (1) The recorded user of a registered appellation of origin may file an international registration application.

(2) The application shall be filed with the International Bureau through the Patent Office.

(3) The international registration fees shall be paid by the applicant to the International Bureau.

### Chapter Five

## PROTECTION OF MARK AND GEOGRAPHICAL INDICATION RIGHTS

### Section I

#### Infringements

#### Infringement of Registered Marks

**Art. 73** (1) Any person who, in his business activity, uses a sign within the meaning of Art. 13 without the consent of the holder thereof, shall be regarded as an infringer.

(2) The following shall constitute an infringement too:

1. affixing of the mark to a material to be used for labeling or packing, for business papers or for advertising of goods or services, if the person who carries out those activities knows or has good reasons to know that the mark has been affixed without the consent of its holder;

2. manufacture of means specially intended for or adapted to reproduction of the mark, or possessing or storage of such means, if the person who carries out those activities knows or has good reasons to know that the means serves or will serve for the manufacture of goods or of a material as per item 1 without the consent of the mark holder.

#### Infringement of Registered Geographical Indications

**Art. 74** (1) Any use of a registered geographical indication as per Art. 53(2) shall constitute an infringement.

(2) Any use of a registered geographical indication by a person who is not recorded as a user thereof shall constitute an infringement too.

### **Section II** **Civil Law Protection**

#### Right of Action

**Art. 75** (1) The holder of a mark is entitled to bring an infringement action.

(2) An exclusive licensee has the right to bring an action, if the holder of the mark fails to exercise this right within one month following the date on which the licensee receives a notification of the infringement.

(3) A non-exclusive licensee may bring an action with the consent of the holder only, unless otherwise agreed on in the contract.

(4) Any recorded user of a registered geographical indication shall also be entitled to bring actions.

#### Infringement Actions

**Art. 76** (1) Infringement actions under this Law may concern:

1. establishment of the fact of infringement;
2. suspension of the act of infringement;
3. compensation for damages suffered.

(2) The following may be requested too along with the action as per paragraph 1:

1. processing or destruction of the object of infringement;
2. publication of the court decision in two daily publications at the expense of the infringer.

#### Cognizance

**Art. 77** All actions under this Law shall fall within the cognizance of the Sofia City Court.

### **Section III** **Border Controls**

#### Grounds and Field of Application

**Art. 78** (1) Goods carried through the border of the Republic of Bulgaria and bearing a registered mark without the consent of its holder or an imitation thereof shall be detained by the customs officials at the written request of the holder.

(2) The detention request shall contain a detailed description of the articles. It shall be accompanied by a copy of the mark registration certificate and a document certifying that the registration is valid, both documents being issued by the Patent Office.

(3) Where the mark holder's residence or headquarters are abroad, he shall give a summons serving address in the territory of the Republic of Bulgaria.

(4) Small quantities of goods intended for non-commercial or non-production purposes, as well as transit goods, shall not be detained.

(5) The provisions of paragraphs 1, 2, 3 and 4 shall apply also to the detention of goods unlawfully bearing a registered geographical indication or an imitation thereof. Any registered user may file a detention request.

#### **Actions Initiated by the Customs Authorities**

**Art. 79** The customs officials may detain, on their initiative, goods that they have good reasons to regard as infringing registered marks or geographical indications.

#### **Additional Regulation**

**Art. 80** The procedures and manner of application of this section shall be determined by an ordinance of the Council of Ministers.

### **Section IV**

#### **Administrative Penal Provisions**

**Art. 81** (1) A fine or a property sanction of 500 to 5000 BGL shall be imposed on any person who offers for sale, puts on the market or stocks for these purposes goods bearing a sign which is identical with or similar to a registered mark without the consent of the holder thereof.

(2) The infringing goods shall be seized, irrespective of whose property they are, and they shall then be destroyed, the owner thereof or an authorized person being allowed to witness the process of destruction.

(3) The President of the Patent Office shall appoint the official to draw up a statement of infringement.

(4) Penal injunctions shall be issued by the President of the Patent Office.

(5) Statements of infringement shall be drawn up and penal injunctions shall be issued, appealed or executed under the provisions of the Administrative Offence and Penalty Law.

(6) The provisions of paragraphs 1 to 5 shall apply also in cases of unlawful use of a registered geographical indication or an imitation thereof.

### **ADDITIONAL PROVISION**

**§ 1.** Within the meaning of this Law:

1. “person” means a natural or a legal person;
2. “local industrial property representative” is any person who is a representative within the meaning of Art. 3 of the Patent Law;
3. “well-known mark” is a mark within the meaning of Art. 6 of the Paris Convention, regarded as such in the territory of the Republic of Bulgaria on the basis of generally accessible information;
4. “Paris Convention” is the Paris Convention for the Protection of Industrial Property, concluded on 20 March 1883, with its revisions and amendments;
5. “official or officially recognized exhibition” is an official or officially recognized exhibition within the meaning of the Convention of 22 November 1928 relating to international exhibitions organized in the States party to the Paris Convention;
6. “international classification” is the International Classification of Goods and Services for the Purposes of Registering Marks, established by the Nice Agreement of 15 June 1957, and its revisions and amendments;

(7) “Madrid Agreement” is the Madrid Agreement Concerning the International Registration of Marks, concluded on 14 April 1891, with its revisions and amendments, ratified on 3 February 1984 by Decree No. 4312;

(8) “Lisbon Agreement” is the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958, with its revisions and amendments, ratified on 11 March 1975 by Decree No. 523;

(9) “imitation of a mark” is a sign which does not differ substantially from a registered mark;

(10) “imitation of a geographical indication” is an indication which does not differ substantially from a registered indication;

(11) “incorrect use of a geographical indication” means unlawful use.

### **TRANSITIONAL AND FINAL PROVISIONS**

**§ 2** (1) This Law shall apply also to applications for the registration of marks and appellations of origin, which are still pending and there are no decisions on the registration, rejection or invalidation thereof at the time this Law comes into force.

(2) Applications as per Art. 17 of the Law on Trademarks and Industrial Designs, filed prior to the date of entry into force of the present Law, shall be considered in accordance with the provisions prevailing hetherto.

(3) The rights as per Art. 9 of the Law on Trademarks and Industrial Designs may be applied for within one year upon enforcement of the present Law at the request of any person concerned.

**§ 3** Appellations of origin, registered under the Law on Trademarks and Industrial Designs, shall be re-registered under the present Law within two years upon entry into force thereof.

**§ 4** This Law shall override sections I, III, IV and V of the Law on Trademarks and Industrial Designs (published State Gazette No. 95/1967; amended Nos.55/1975, 56/1986 and 27/1993).

**§ 5** The following changes shall be made in the Commercial Law (published State Gazette No.48/1991; amend. No. 25/1992, Nos. 61, 103/1993, No.63/1994, No. 63/1995, Nos. 42, 59, 83, 86, 104/1996, Nos. 58, 100, 124 /1997, Nos. 52, 70/1998, Nos. 33, 42, 64/1999):

1. In Art. 587(1), “trade” shall be deleted and “layout designs of integrated circuits” shall be added after “mark”;

2. Article 588 shall be revoked;

3. In the title and in Art. 594(1, 2), the term “trademark” shall be replaced by “mark”.

**§ 6** In the Ciriminal Code (published State Gazette No.26/1968, rev. No.29/1968; amend. No. 92/1969, Nos. 26, 27/1973, No. 89/1974, No. 95/1975, No. 3/1977, No. 54/1978, No. 89/1979, No. 28/1982; rev. No. 31/1982; amend. No. 44/1984, Nos. 41, 79/1985; rev. No. 80/1985; amend. No. 89/1986; rev. No. 90/1986; amend. Nos. 37, 91, 99/1989, Nos. 10, 31, 81/1990, Nos. 1, 86/1991; rev. No. 90/1991; amend. No. 105/1991, No. 54/1992, No. 10/1993, No. 50/1995, No. 97/1995 - Decision No. 19/1995 of the Constitutional Court; amend. No. 102/1995, No. 107/1996, Nos. 62, 85/1997; No. 120/1997 - Decision No. 19/1997 of the Constitutional Court; amend. Nos. 83, 85, 132, 133, 153/1998, Nos. 7, 51/1999), Art. 227 shall read as follows:

“Art. 227. Any person using a mark, industrial design or layout design of integrated circuits without the consent of the holder thereof, shall be sentenced to a three years’ imprisonment, or a fine of up to five thousand BGL shall be imposed on him.”

**§ 7** In Art. 12(3) of the Law on the Protection of New Plant Varieties and Animal Breeds (Published State Gazette No. 84/1996; rev. No. 27/1998), the terms “trademark, appellation of origin” shall be replaced by “mark, geographical indication”.

**§ 8** In Art. 33(2) of the Law on the Protection of Competition (published State Gazette No. 52/1998; No. 112/1998 - Decision No. 22/1998 of the Constitutional Court), “trademark” shall be replaced by “marks”.

**§ 9** In § 1, item 12(a) of the Radio and Television Law (published State Gazette No. 138/1998; No. 60/1999 - Decision No. 10/1999 of the Constitutional Court), “the trademark” shall be replaced by “marks”.

**§ 10** In Art. 19(2)2 of the Book-keeping Law (published State Gazette No. 4/1991; amend. No. 26/1992, No. 55/1993, Nos. 21, 33, 59/1996, No. 52/1997, No. 21/1998, No. 57/1999), “company and trade marks” shall be replaced by “marks”.

**§ 11** In § 1, item 18 of the Law on Physical Education and Sports (published State Gazette No. 58/1996; No. 53/1997 - Decision No. 8/1997 of the Constitutional Court; rev. No. 124/1998, No. 51/1999), “trademark” shall be replaced by “mark”.

**§ 12** Art. 4(l) of the State Fees Law (published Izvestia No. 104/1951; amend. No. 89/1959, No. 21/1960; State Gazette No. 53/1973, No. 87/1974, No. 21/1975, No. 21/1990, No. 55/1991, No. 100/1992, Nos. 69, 87/1995, Nos. 37, 100, 104/1996, Nos. 82, 86/1997, No. 133/1998) shall read as follows:

“l) for grant of patents for inventions and utility models, for issuing certificates for new plant varieties and animal breeds, for registration, renewal, assignment, etc., of marks and industrial designs, for registration, etc., of geographical indications and layout designs of integrated circuits”.

**§ 13** In § 1, item 8 of the Law on the Corporative Income Taxation (published State Gazette No. 115/1997; rev. No. 19/1998; amend. Nos. 21, 153/1998, Nos. 12, 50, 51/1999), “trademark” shall be replaced by “mark”.

**§ 14** In Art. 31(1) of the Cooperative Society Law (published State Gazette No. 63/1991; amend. Nos. 34, 55/1992, No. 63/1994, Nos. 59, 103/1996, No. 52/1997, No. 52/1998), “trademarks” shall be replaced by “marks”.

**§ 15** The Council of Ministers shall adopt Instructions on the filing, drafting and examination of applications for the registration of marks and geographical indications, as well as on the procedures and ways of enforcement of the border controls and the tariff of fees as per Art. 4.

**§ 16** This Law shall come into effect three months upon publication thereof in the State Gazette.

**§ 17** The enforcement of this Law shall be assigned to the President of the Patent Office.

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