

IX. Extract from the Trademark Law of Georgia

ARTICLE 3. TRADEMARK

1. A trademark is a sign or a combination of signs, which can be represented graphically and is capable of distinguishing the goods and/or services (hereinafter goods) of one undertaking from those of other undertakings.

2. The sign can be a word or words, as well as personal names; letters; figures; sounds; designs; three-dimensional figures; including the shape of goods or their wrapping as well as other packaging, including colors or combination of colors.

3. The trademark is protected by its registration with Sakpatenti or on basis of international agreement.

4. The well-known trademarks in Georgia are protected without registration under Article 6bis of the Paris Convention.

ARTICLE 4. ABSOLUTE GROUNDS FOR REFUSAL ON REGISTRATION

1. As a trademark shall not be registered a sign, or combination of signs which:

- a) does not comply with the provisions of Article 3 paragraph 2 of this Law;
- b) are devoid of any distinctive character with respect to the relevant goods:
 - b.a.) consists exclusively of kind, quality, quantity, characteristics, value, intended purpose, geographical origin, place of sale, time or other characteristics of the goods or are regarded as such;
 - b.b.) is widely used as a generic term for certain type of goods;
 - b.c.) represents a widely established term in trade, or sign for which the registration is required;
 - c) irritates or is contrary to the national dignity, religion feelings and traditions, norms of morality;
 - d) is likely to deceive the public as to the nature, quality, the geographical origin or other features of the goods;

e) coincides fully or by any constituent element with an armorial bearing, flag, emblem of a foreign state, its full name or abbreviation; international or intergovernmental organization emblem, its full name or abbreviation; official control, warranty, testable hallmarks, sign (among them certification sign of goods accordance), seal, order and medal; existing or historical name of the territorial unit of Georgia, its armorial bearing, flag, emblem, banknotes or their imitation. Such signs shall be included in a trademark as an unprotected part, if there is a permission of Ministry of Culture or a holder.

2. As a trademark shall not be registered such a three-dimensional sign, the shape of which:

- a) is conditioned only by the nature of the goods;
- b) is necessary to obtain a technical result.

3. The subparagraph "b" of paragraph 1 of this Article shall not apply if before taking a decision on registration of the trademark, this mark has become distinctive in relation to the goods indicated in the application in consequence of the use in the course of trade.

ARTICLE 5. RELATIVE GROUNDS FOR REFUSAL ON REGISTRATION

A trademark shall not be registered if, it:

- a) is identical with the trademark registered in regard to the same goods;
- b) is identical with the trademark of third party and the goods are similar to such an extent that, creates the possibility of confusion of the marks, including confusion based on association;
- c) is similar to the trademark of third party and the goods are identical or similar to such an extent, that there exists the likelihood of confusion of the marks, which includes confusion based on association;
- d) is identical with or similar to the well-known trademark in Georgia, that there exists the likelihood of confusion with it, which includes confusion based on association. This rule applies even in the case when the list of the goods are different;
- e) is identical with or similar to the appellation of origin or geographical indication protected in Georgia that causes the likelihood of confusion with it, which includes confusion based on association;
- f) is identical with the industrial design protected in Georgia except the cases when the registration of the trademark is sought by the holder of the exclusive right on the industrial design;
- g) is identical with or similar to the third party's registered trademark enjoying good reputation in Georgia, and the use of this trademark creates the unfair advantages for its applicant, or damages the reputation of the protected trademark. This rule is applied in the case where the lists of goods are different;
- h) contains names, pseudonyms, facsimiles, portraits of famous in Georgia persons without the consent of these persons or their legatees, and if they are the property of the history and culture of Georgia without the permission of the Ministry of Culture of Georgia;
- i) contains the names of the historical monuments of Georgia or their reproduction without the permission of the Ministry of Culture;
- j) contains the firm name causing the likelihood of confusion.

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/111/ რეგისტრაციის №	M 2001 14134	/210/ განაცხადის №:	AM 2000 015596
/151/ რეგისტრაციის თარიღი	2001-11-19	/220/ განაცხადის მიღების თარიღი:	2000-08-02
/181/ რეგისტრაციის ვადის გასვლის თარიღი	2011-11-19	/230/ საგამოფენო მონაცემები:	
/540/ სასაქონლო ნიშნის გამოსახულება		/310/ პირველი განაცხადის №:	
ZENDRA		/320/ პირველი განაცხადის მიღების თარიღი:	
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საერთაშორისო კლასიფიკაციის მიხედვით

5 - ფარმაცევტული პრეპარატები და ნივთიერებები.

სასაქონლო ნიშნების რეესტრის უფროსი



ნ. წიკლაური