

7 Tips for Registering a Trademark

What is a trademark?

A trademark is a sign capable of distinguishing your goods and services from those of others. In Kyrgyzstan, registration is required for verbal (abbreviations, words, slogans, etc.), pictorial (logos, photos, drawings, etc.), volumetric and other signs or combinations thereof. Audible (sounds), olfactory (smells) and other signs which are not visually perceptible, do not require registration so far.

A registered trademark gives you the exclusive right to use, own and dispose of it.

Tips for registering a trademark

1. A trademark can be registered only in the name of a legal entity or an individual entrepreneur. If you are not a legal entity or an individual entrepreneur, you must establish a legal entity or register as an individual entrepreneur with the tax authorities.
2. Choose or create a sign which will be capable of distinguishing your goods and services from similar goods and services of other persons. That said, the sign so chosen or created must be qualified for protection/registration, i.e. it must not have any of the following qualities: be in common usage or be a generally accepted term, indicate the type, quality, quantity, feature and purpose of goods, be contrary to the public interest, principles of humanity and morality, be identical or confusingly similar to trademarks previously registered or applied for registration by other persons, reproduce the names of famous works of science, literature and art, or their characters or quotes, or names or portraits of famous people, etc.
3. Identify a specific list of goods and/or services you wish to protect by registering a trademark. This will ensure legal protection for the goods and/or services produced/provided by you under the registered trademark against unfair competition. If you do not use your trademark with respect to the goods and services for which you register it, your trademark registration may be subject to revocation for non-use (the non-use period is 3 years from the date of registration).
4. Search the databases of Kyrgyzpatent and the World Intellectual Property Organization for trademarks that might be identical or confusingly similar to the sign you plan to register.
5. Hire a patent attorney (mandatory for applicants who are foreign persons) to properly prepare and file an application and accompanying records.
6. Once your application is accepted by Kyrgyzpatent, carefully watch the correspondence from Kyrgyzpatent which may request additional documents or information which can be necessary for registration of your trademark. Often, due to the fact that the registration process is lengthy (12-13 months), applicants forget about the filed application and do not keep an eye out for the letters from Kyrgyzpatent. Late response to Kyrgyzpatent's inquiry may lead to extra costs associated with the extension of time for reply and in the worst case may be even grounds for refusal of trademark registration.
7. The trademark registration is valid for 10 years and must be renewed to ensure continuous protection. It may be renewed for another 10 years on payment of fees to Kyrgyzpatent.

A trademark makes your product recognizable, allows you to distinguish your goods from the goods of others, and its registration gives the opportunity to protect against unfair competition. In addition, a protected trademark increases consumer confidence in your company and products, allows you to enter the global marketplaces, allows you to launch a franchise and increases the value of your assets.

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