

Legal 500

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Iran

Intellectual Property

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This country-specific Q&A provides an overview of intellectual property laws and regulations applicable in Iran.

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Iran: Intellectual Property

1. What different types of intellectual property rights exist to protect: (a) Inventions (e.g. patents, supplementary protection certificates, rights in trade secrets, confidential information and/or know-how); (b) Brands (e.g. trade marks, cause of action in passing off, rights to prevent unfair competition, association marks, certification marks, hallmarks, designations of origin, geographical indications, traditional speciality guarantees); (c) Other creations, technology and proprietary interests (e.g. copyright, design rights, semiconductor topography rights, plant varieties, database rights, rights in trade secrets, confidential information and/or know-how).

Iran's IP regime offers protection for inventions (via patents and utility models), brands (through trademarks and geographical indications), and creative or technological works (under copyright, design, and software regulations). However, some rights like SPCs and semiconductor topographies are not recognised.

Industrial property rights are primarily governed by Iran's Industrial Property Protection Law 2024 and key international treaties. Chapter 6 of this Law addresses unfair competition, aligning with Article 10bis of the Paris Convention. Articles 129 and 130 define unfair practices such as false claims, misleading advertising, product imitation, price collusion, and freeriding on others' goodwill.

Although Iran lacks a specific law on "passing off," similar acts are addressed under unfair competition provisions.

In copyright, Iran's absence from key treaties like the Berne Convention limits foreign rights enforcement and isolates its legal framework. Software protection is covered under broader IP laws and specific software regulations, though no dedicated software licensing law exists.

The Protection of Geographical Indications Act 2004 protects the geographical indications. Iran protects plant varieties under three main legal instruments: the Law on the Registration of Plant Varieties and the Control of Seed

and Seedling Certification 2003, the Biosafety Law 2009, and its accession to the UPOV Convention (International Union for the Protection of New Varieties of Plants).

2. What is the duration of each of these intellectual property rights? What procedures exist to extend the life of registered rights in appropriate circumstances?

Duration and extension procedure of IP rights:

Right	Duration	Extension Procedure
Patent	20 years	Must pay annual fees. For late payment, a grace period of six months is allowed
Utility model	3 years, renewable once (6 max)	Filing renewal application. For late renewals, a grace period of six months is allowed
Industrial Design	5 years, renewable twice (15 max)	Filing renewal application. For late renewals, a grace period of six months is allowed
Trademark	10 years, renewable indefinitely	Filing renewal application. For late renewals, a grace period of six months is allowed
Copyright	General Works: creator's lifetime plus 50 years	N/A
Software	30 years from the date of creation or publication	N/A
Plant Varieties	18 years	N/A
Trade Secrets	Unlimited (as long as secrecy lasts)	N/A

3. Who is the first owner of each of these intellectual property rights and is this different for rights created in the course of employment or under a commission?

First Ownership and Employment/Commission Scenarios:

Right	Default Owner	Employment/Commission Rule
Patent	Inventor	If the invention results from employment or a contract, the economic rights arising from the invention shall belong to the employer, unless otherwise agreed. For the purpose of issuing the patent certificate, the applicant must declare the name of the inventor to the registration authority. If the invention does not fall within the scope of the inventor's contractual activities, or if the contract is silent on the rights arising from the invention, the economic rights shall belong to the contractor or employee, unless the invention was made using the knowledge, information, technology, or tools and equipment belonging to the employer. In such case, the right to register the invention and the rights deriving from the patent shall belong to the inventor, while the employer shall have a non-exclusive right to use the invention.
Utility model	Creator	If the invention results from employment or a contract, the economic rights arising from the invention shall belong to the employer, unless otherwise agreed. For the purpose of issuing the patent certificate, the applicant must declare the name of the inventor to the registration authority. If the invention does not fall within the scope of the inventor's contractual activities, or if the contract is silent on the rights arising from the invention, the economic rights shall belong to the contractor or employee, unless the invention was made using the knowledge, information, technology, or tools and equipment belonging to the employer. In such case, the right to register the invention and the rights deriving from the patent shall belong to the inventor, while the employer shall have a non-exclusive right to use the invention.
Trademark	Registrant	Employer
Design	Designer	If the invention results from employment or a contract, the economic rights arising from the invention shall belong to the employer, unless otherwise agreed. For the purpose of issuing the patent certificate, the applicant must declare the name of the inventor to the registration authority. If the invention does not fall within the scope of the inventor's contractual activities, or if the contract is silent on the rights arising from the invention, the economic rights shall belong to the contractor or employee, unless the invention was made using the knowledge, information, technology, or tools and equipment belonging to the employer. In such case, the right to register the invention and the rights deriving from the patent shall belong to the inventor, while the employer shall have a non-exclusive right to use the invention.
Copyright	Author	Author owns unless assigned in writing
Software	Developer	Employer if created under employment contract
Trade Secrets	Lawful holder	Employer if developed in course of employment

4. Which of the intellectual property rights described above are registered rights?

Other than trade secrets, confidential information, and know-how, all other mentioned rights are registrable. In general, trademarks, collective marks, certification marks, industrial designs, patents, and utility models, as well as plant varieties, are protected upon registration. Registration of trade names, trade secrets, copyrights, software, and geographic indications is not a protection prerequisite.

5. Who can apply for registration of these intellectual property rights and, briefly, what is the procedure for registration?

The applicant may differ from the inventor of a patent or utility model, the designer of an industrial design, or the author of a copyrighted work or software, particularly

when the creation results from an employment relationship.

The procedure is included in the table of question 5 below.

6. How long does the registration procedure usually take?

The Procedure and time frame for IP registration are set out in the following table:

IP Type	Key Steps	Estimated Duration
Patent	1. Filing the application 2. Formality examination 3. Substantive examination 4. Publication 5. Grant of certificate	Approx. 6 months to 2 years
Utility Model	1. Filing the application 2. Formality examination (no substantive review) 3. Grant of certificate	Usually less than 1 year
Trademark	1. Filing the application 2. Classification and formal and substantive examination 3. Publication and 1-month objection 4. Grant of certificate	Approx. 2 to 9 months
Industrial Design	1. Filing the application 2. Formal and substantive examination 3. Publication 4. Grant of certificate	Approx. 2 to 4 months
Copyright/Software	Automatic protection from creation Optional registration with the Ministry of Culture for evidentiary purposes	Immediate protection; optional registration takes a few months
Geographical Indication	1. Filing application 2. Formality examination 3. Publication and 2-month objection 4. Grant of certificate	Approx. 3 to 6 months
Plant Varieties	1. Filing application 2. Formal examination 3. Paying DUS test fees 6. Submitting required seed samples 7. Publication 8. Technical DUS tests conducted during two separate growing seasons	Approx..2 years (including 2 crop seasons)

7. Do third parties have the right to take part in or comment on the registration process?

Most registrable IP rights in Iran include a publication stage with an opportunity for third parties to file objections or comments, especially in the case of trademarks, patents, industrial designs, GIs, and plant varieties. These mechanisms help ensure that rights are not granted to applicants who do not meet the legal requirements or who infringe on prior rights.

8. What (if any) steps can the applicant take if registration is refused?

Across most IP types, Iran's legal framework provides applicants with a right to administrative opposition to the office action or reconsideration. For patents, trademarks, and designs, appeals are typically handled by the Dispute Settlement Board at the Iranian Intellectual Property Center.

9. What are the current application and renewal fees for each of these intellectual property rights?

Service category	Legal fee (EUR)	Renewal fee (EUR)
Patent application	25	5
Utility model application	25	5
Trademark application	40	30
Industrial design application	25	5
Geographical indication application	1.5	N/A

10. What are the consequences of a failure to pay any renewal fees and what (if any) steps can be taken to remedy a failure to pay renewal fees?

If the renewal or annuity fees are not paid on time, the registered IP right will lapse or be deemed abandoned. However, in most cases, the law provides a 6-month grace period during which the right holder can remedy the non-payment by paying the fee along with a surcharge.

11. What are the requirements to assign ownership of each of the intellectual property rights described above?

In Iran, the assignment (transfer of ownership) of IP rights is legally permitted, but it must comply with specific procedural and registration requirements to be enforceable against third parties. Below is a breakdown by IP type:

IP Type	Requirements for Assignment
Patent	Requires a written assignment agreement signed by both parties. The assignment must be registered with the Intellectual Property Centre to be effective against third parties.
Utility Model	Same as patents, a written agreement and registration with the Intellectual Property Centre are mandatory.
Trademark	Must be assigned via written agreement, and the transfer must be recorded with the Intellectual Property Centre to be valid vis-à-vis third parties.
Industrial Design	A written deed of assignment is required, and the transfer must be recorded with the Intellectual Property Centre to be valid vis-à-vis third parties.
Copyright/Software	Assignment is permitted via a written contract. Registration with the Ministry of Culture is optional but recommended.

12. Is there a requirement to register an assignment of any of these intellectual property rights and, if so, what is the consequence of failing to register?

For most registrable IP rights in Iran, registration of an assignment is mandatory for the transfer to be enforceable against third parties. Failure to register an assignment means the transfer has no legal effect vis-à-vis third parties, even if the assignment agreement is valid between the parties themselves.

13. What are the requirements to licence a third party to use each of the intellectual property rights described above?

Licensing agreements for registrable industrial property (patents, utility models, designs, and trademarks) must be formalised through a notarial deed and submitted electronically to the Intellectual Property Center for registration and publication. These formalities are required for the licence to be enforceable against third parties.

Before registration, the notary must verify the legal status of the right. If it is already exclusively licensed, under legal seizure, or maintenance fees are unpaid, the agreement cannot be registered. Licensing through capital markets or commodity exchanges may bypass notarisation but must still be electronically reported after finalisation.

Trademark owners remain liable for the licensee's use of the mark, particularly in relation to quality. This liability can be avoided if the owner proves effective quality

control. Therefore, trademark licence agreements should include clear quality control provisions to protect the mark's integrity and limit the owner's legal risk.

14. Is there a requirement to register a licence of any of these intellectual property rights and, if so, what is the consequence of failing to register?

Yes, under Iranian law, licensing of industrial property rights must be registered before the Intellectual Property Center to be enforceable against third parties. The licence agreement must be notarised and submitted to the Industrial Property Office for registration and publication. If not registered, the licence remains valid between the parties but has no legal effect on third parties.

15. Are exclusive and non-exclusive licensees given different rights in respect of the enforcement of the licensed IP, and if so, how do those rights differ?

Under Iranian law, exclusive and non-exclusive licensees have different enforcement rights.

An exclusive licensee typically has sole rights to use the IP and may enforce it against infringers if the agreement allows or implies this. A non-exclusive licensee cannot stop the owner from licensing others and may not enforce the IP unless explicitly authorised in the contract. Sublicensing is also prohibited unless expressly permitted.

Iran's Industrial Property Protection Law 2024 does not clearly grant enforcement rights to licensees; it only mentions owners, representatives, or legal successors as parties who can sue. However, since the law allows "any interested party" to bring a claim, a licensee might qualify depending on the case.

Generally:

- **Exclusive licensees** are assumed to have standing unless restricted by contract.
- **Non-exclusive licensees** need explicit contractual permission or delegation from the owner to sue.

To avoid ambiguity, licence agreements should clearly define whether the licensee may enforce the IP rights.

16. Are there criminal sanctions for infringement

of any intellectual property rights, and if so, what are they and how are they invoked?

Under Iran's Industrial Property Protection Law 2024, infringement of registered intellectual property rights is a criminal offense if done in bad faith. This includes unauthorised use of patents, utility models, trademarks, trade names, collective and certificate marks, trade secrets, and acts of unfair competition.

The general penalty is a fifth-degree fine (currently IRR 800,000,000 to 1,650,000,000) or twice the damages, whichever is greater, plus compensation and forfeiture of any gains from the infringement.

Harsher penalties apply in certain cases:

- Trademark infringement in cyberspace: six months to two years' imprisonment.
- Continuing infringement after a cease-and-desist letter: fine equal to three times the damages.
- Infringement of registered software: 91 days to six months' imprisonment and a fine of IRR 100,000,000 to 200,000,000.

For copyright infringement, unauthorised publication or sale of a protected work under another's name results in six months to three years' imprisonment. Infringing moral rights carries a penalty of three months to one year in prison.

Criminal proceedings require a formal complaint by the right holder through the Judiciary's online system, supported by proof of ownership and evidence of infringement, such as registration certificates and expert reports.

17. What other enforcement options are available for each of the intellectual property rights described above? For example, civil court proceedings, intellectual property office proceedings, administrative proceedings, alternative dispute resolution.

In Iran, right holders can pursue both civil and administrative actions to enforce their intellectual property rights, alongside criminal prosecution.

Under the Civil Code 1928 and Civil Procedure Law 2000, civil remedies include injunctions to stop infringement, compensation for actual losses and lost profits, cancellation of infringing registrations, and prohibition of use or distribution. In some cases, additional remedies apply—for example, transfer of a confusingly similar

domain name in trademark disputes.

At the administrative level, the Iranian Intellectual Property Center offers enforcement for patents, utility models, industrial designs, and trademarks. Rights holders can act during examination or by filing oppositions against published applications within:

- 9 months (patents and utility models)
- 2 months (industrial designs)
- 1 month (trademarks)

Oppositions may cite prior rights or non-registrability. These are handled by the Dispute Settlement Board, whose decisions may be appealed within one month (or two months for foreign claimants). After opposition periods expire, civil courts handle cancellation suits.

Article 73 of the 2024 IP Law allows courts, during any stage of civil or criminal proceedings, to issue:

- Security orders to protect claims,
- Seizure orders for infringing products,
- Preliminary injunctions against manufacture, sale, or import.

If goods are with customs, enforcement agents will carry out these orders.

Alternative dispute resolution is available but limited. According to Note 1 of Article 143, arbitration is permitted for IP disputes except those involving the substantive validity of a registered right, as such issues affect public interest. Arbitration awards are enforceable by Iranian courts.

18. What is the length and cost of such procedures?

In Iran, the timeframes and costs for IP enforcement actions are mostly based on practical estimates, and there are no binding statutory deadlines for court proceedings.

Criminal trials at first instance generally conclude within 2–6 months, with appeals adding another 3–6 months. Civil cases typically take 4–6 months to reach a first-instance judgment, with appeals extending the process by an additional 4–6 months.

Administrative enforcement via the Dispute Settlement Board follows fixed timeframes under the 2024 IP Law, with decisions issued within 2 to 5 months of filing an opposition. Appeals must be filed within one month of notification. Arbitration timelines are set by the parties; if

not specified, the default period is 3 months from acceptance of the arbitrator's appointment, per the Civil Procedure Code 2000.

The filing fee for petitions to the Dispute Settlement Board is IRR 1,500,000 for individuals (for patents, utility models, and designs) and IRR 5,000,000 per class for trademarks. Legal entities pay five times these amounts.

For court actions, criminal case filing costs IRR 100,000, and appealing the judgment costs IRR 300,000. Civil court fees are calculated as follows:

- 5% of claims up to IRR 200,000,000,
- 5% for claims exceeding that amount,
- 5% of the awarded amount for appeals.

Non-pecuniary civil claims carry court fees ranging from IRR 400,000 to IRR 1,500,000. Arbitration costs vary based on the case and are set by the arbitrators or arbitration institution.

19. Where court action is available, please provide details of which court(s) have jurisdiction, how to start proceedings, the basics of the procedure, the time to trial, the format of the trial, the time to judgment and award of relief and whether any appeal is available.

Under Article 143 of Iran's Industrial Property Protection Law 2024, all IP-related disputes, such as those seeking injunctions, damages, cancellation, or seizure of infringing goods, fall under the jurisdiction of a specialised judicial complex in Tehran. However, as this complex is not yet operational, current cases are handled by the 3rd Branch of the Public Civil Court in Tehran.

Criminal IP cases are to be handled by a specialised prosecution office and court in Tehran, but for now, they are investigated by the District 26 Prosecution Office and tried in Criminal Court Branch 1043.

To initiate a civil case, the right holder must file a written petition with the court, including certified copies of IP registration, evidence of infringement (invoices, expert reports, sample goods), and any supporting affidavits. Court fees must be paid in advance. Once accepted, the court schedules a preliminary hearing.

Typically, civil IP cases in Tehran reach a first hearing within four months and a final judgment in about six months, depending on complexity and court workload. Criminal cases progress more quickly, often involving raids and seizures within one to three months and

verdicts within four to six months, barring delays. First-instance judgments, civil or criminal, may be appealed to the Provincial Court of Appeal within 20 days of notification.

20. What customs procedures are available to stop the import and/or export of infringing goods?

Under Article 73 of Iran's Industrial Property Protection Law 2024, during any stage of civil or criminal proceedings, the aggrieved party may request the court to order the seizure of allegedly infringing products or issue a preliminary injunction to stop their manufacture, sale, or importation. If the goods are in customs, enforcement agents or customs officers will carry out these orders.

Additionally, Note 1 to Article 116 allows criminal authorities, in urgent cases and with credible evidence, to order the collection and seizure of counterfeit goods, even if they have not yet entered commercial circulation.

The Law on Customs Affairs 2011 further prohibits the import of any goods bearing misleading marks, names, or signs that could deceive consumers regarding the origin, manufacturer, or essential features of the product.

21. Are any non-court enforcement options or dispute resolution mechanisms mandatory in respect of intellectual property disputes in any circumstances? If so, please provide details.

In the Iranian legal framework for intellectual property rights, there is no general statutory requirement to resort to non court dispute resolution mechanisms, such as mediation or arbitration, before initiating litigation.

However, there is an exception to this general rule in the context of domain name disputes concerning the country code top level domain ".ir". According to the of registration agreement of IRNIC (domain name registration authority in respect of ".ir" domain names), which must be signed by any applicant for such domain names, all of disputes over ".ir" domain names are must be adjudicated by the dispute resolution service providers approved by IRNIC Dispute Resolution Policy, (i.e. the WIPO Arbitration and Mediation Center), providing that the claimant files their lawsuit according to the Rules for IR Domain Name Dispute Resolution. Such binding requirement for administrative proceedings shall not prevent the holder or the claimant from bringing their dispute before the courts of the Islamic Republic of Iran for independent adjudication, either before the

commencement of the administrative process or after it.

22. What options are available to settle intellectual property disputes in your jurisdiction?

In Iran, IP disputes can be resolved through courts (civil or criminal), administrative proceedings (via the Intellectual Property Center's Dispute Resolution Board), or alternative methods like arbitration and mediation.

Arbitration is allowed for most IP disputes, but not for matters involving the validity of registered rights, which must be decided by courts. The same restriction applies to mediation. Settlements from mediation are enforceable if they do not involve challenges to the validity of IP rights. In addition, trademark-related criminal offences that may mislead the public are non-compoundable and cannot be dropped by the complainant.

23. What is required to establish infringement of each of the intellectual property rights described above? What evidence is necessary in this context?

To establish infringement of intellectual property rights under Iranian law, the rights holder or an authorised party must demonstrate the following:

1. Patent and utility model

Requirement for infringement:

- Unauthorised use, manufacture, sale, import, or offer for sale of a product or process that falls within the scope of the registered claims of a granted patent or utility model.

Evidence needed:

- Certificate of registration (to prove ownership and scope of rights);
- Proof of use by the infringer (for example, samples, purchase records, advertisements, import/export documents).

2. Industrial design

Requirement for infringement:

- Copying, unauthorised use, or commercial exploitation of a design that is substantially similar to a registered industrial design.

Evidence needed:

- Design registration certificate;
- Side-by-side visual comparison of the infringing product and the registered design;
- Proof of commercial use by the infringer (for example, catalogues, sales invoices, product samples).

3. Trademark

Requirement for infringement:

- Copying, unauthorised use of an identical or confusingly similar sign.

Evidence needed:

- Trademark registration certificate;
- Evidence of the infringing sign's use in commerce.

4. Trade name

Requirement for infringement:

- Unauthorised use of a name or title identical or similar to a protected trade name, in a manner likely to cause confusion or mislead the public.

Evidence needed:

- Proof of prior use and reputation of the trade name;
- Evidence of the infringing use, including registration in company records or commercial materials.

5. Trade secret

Requirement for infringement:

- Unauthorised acquisition, use, or disclosure of information that is confidential, has commercial value, and has been subject to reasonable protective measures.

Evidence needed:

- Proof that the information qualifies as a trade secret;
- Proof of misappropriation, including how the infringer gained access.

6. Copyright and software

Requirement for infringement:

- A protected literary, artistic, or software work is copied, distributed, publicly performed, or otherwise exploited without authorisation of the copyright holder.

Evidence needed:

- Proof of authorship or ownership, including registration if applicable, though not required;
- Copy of the original work and the allegedly infringing copy;
- Comparison showing substantial similarity;
- Proof of access by the accused party can strengthen the case.

24. How does the court acquire any necessary information (fact or technical) and in what circumstances does it do so? In particular a) Is there a technical judge, a judge with technical experience, a court appointed expert, an expert agreed by the parties, and/or parties' expert witness evidence? b) What mechanisms are available for compelling the obtaining and protecting of evidence? Is disclosure or discovery available?

a) Is there a technical judge, a judge with technical experience, a court appointed expert, an expert agreed by the parties, and/or parties' expert witness evidence?

Use of experts and technical input

Iranian courts do not have technical judges. In cases involving technical or specialised matters, the court typically appoints one or more official experts from the Judiciary's registry to examine the technical aspects. This is done through a formal court order. Party-appointed experts may provide written opinions, but these are treated as private evidence and do not carry the same weight as the court-appointed expert's opinion. If necessary, a panel of multiple experts may be used.

b) What mechanisms are available for compelling the obtaining and protecting of evidence? Is disclosure or discovery available?

Mechanisms for obtaining and protecting evidence

There are tools available under the Iranian law for obtaining and preserving evidence:

- **Expert evaluation orders** allow the court to obtain technical assessments.
- **Orders to preserve evidence** may be used by the claimant, even before filing a lawsuit, to prevent loss of crucial information.
- **Interim injunctions** may be granted to prevent ongoing infringement, preserve the status quo, or prevent irreparable harm. These may include the seizure of

allegedly infringing goods, blocking their sale, or other immediate protective actions.

Importantly, Iranian civil procedure allows the court to go beyond the evidence submitted by the parties. The court is empowered to carry out any investigation or action it deems necessary to uncover the truth.

25. How is information and evidence submitted to the court scrutinised? For example, is cross-examination available and if so, how frequently is it employed in practice?

Under Iranian law, the scrutiny of information and evidence submitted to the court follows the inquisitorial model rather than the adversarial system. Cross-examination, in the common law sense, is not formally recognised or commonly practiced in Iranian civil proceedings.

Instead, the judge plays an active role in examining evidence and questioning witnesses or parties directly. When expert reports are submitted, especially by court-appointed experts, the parties may submit objections or request clarification. In practice, this is a common method of challenging evidence. The court may then refer the matter to the same expert for further explanation or appoint a panel of experts for a second or third opinion.

Overall, the evaluation of evidence in Iran is primarily judge-driven, and although parties can challenge or supplement evidence, there is no systematic mechanism for cross-examination as known in common law systems.

26. What defences to infringement are available?

Under Iranian law, several **defences to intellectual property infringement** are available, depending on the type of right allegedly infringed. While there is no unified IP code explicitly listing all defences, based on the Protection of Industrial Property Law 2024, and Iranian Civil Code 1928, and general legal principles, the following defences may be invoked:

1. **Invalidity or lack of right:** The defendant may argue that the IP right is invalid or unenforceable due to reasons such as a lack of prior registration or procedural flaws in registration.
2. **Lack of infringement:** The alleged use does not fall within the scope of protection granted, for example, the defendant's product or process is materially different, or there is no likelihood of confusion in case

of trademark disputes.

3. **Consent or licence:** The use was authorised, either by a valid licence agreement or by the implied or express consent of the right holder.
4. **Exhaustion of rights:** Once the product is lawfully placed on the market by the IP owner (or with their consent), resale or use of that product may not constitute infringement.
5. **Fair Use or permitted use:** Limited exceptions may exist, particularly for research, teaching, or private non-commercial use (especially in copyright or patent matters).
6. **Prior use right:** A person who had already begun using the invention or mark in good faith prior to the application date may, in some circumstances, continue the use.

27. Who can challenge each of the intellectual property rights described above?

Any interested party, in addition to persons considered interested parties under the Civil Procedure Code 2000, which may include governmental bodies responsible for quality control of goods and services, as well as trade unions operating in the field related to intellectual property. The author, right holder, registered owner, prior user in good faith, their representative or legal substitute, and exclusive licensee.

28. When may a challenge to these intellectual property rights be made (e.g. during any registration process or at any time during the subsistence of the right)?

Challenges to intellectual property rights may be made at various stages depending on the type of IP:

- **During the registration process:** Third parties may file objections where applicable during the examination or publication phase. These objections are reviewed by the Intellectual Property Center.
- **After registration:** Challenges may also be brought **at any time during the subsistence of the right** by initiating legal proceedings before the competent court.

This dual pathway, **administrative opposition during registration** and **judicial case after grant**, provides flexibility for interested parties to protect their legal interests both pre- and post-registration.

29. Briefly, what is the forum and the procedure for challenging each of these intellectual property rights and what are the grounds for a finding of invalidity of each of these intellectual property rights?

In Iran, the forum for challenging intellectual property rights is the Specialised IP Court with in Tehran.

Procedure:

- The interested party files a lawsuit before the competent civil court.
- The court schedules a hearing session
- There is no general discovery mechanism, but the court may issue orders to collect or protect evidence (e.g., expert orders, temporary injunctions, or evidence preservation).
- The court hands down its judgment, which is appealable before an appellate court.

Grounds for Invalidity:

- Patent: Lack of novelty, inventive step, or industrial applicability; subject matter not eligible for protection; insufficient disclosure; rights granted to a non-entitled person; failure to commercialise; contrary to public order or morality; and contrary to the preservation of human life or health, or causes serious harm to the environment or a reduction in biodiversity.
- Utility Model: Similar to patents, with a lower threshold for inventive step.
- Industrial Design: Not new or original; functional rather than ornamental; contrary to public order or morality.
- Trademark: Lack of distinctiveness; conflict with prior rights; misleading or deceptive; against public policy or morality; non-use for a certain period.
- Copyright: While not subject to registration in Iran, challenges may arise in court in the form of ownership disputes or claims of lack of originality or authorship.

Each type of right must comply with the formal and substantive requirements set out in the Industrial Property Protection Law 2024 and other applicable laws. Failure to meet those requirements can lead to invalidation by the court.

30. Are there any other methods to remove or limit the effect of any of the intellectual property rights described above, for example, declaratory relief or licences of right?

Compulsory licensing:

In specific circumstances, such as when the patented invention is not being used adequately within a certain period, or when it is necessary to address public health or national emergencies, the government or a third party may request a compulsory licence. This limits the exclusive nature of the IP right while ensuring public access.

Lack of use or non-payment of renewal fees:

For rights such as trademarks, patents, and industrial designs, if the right holder fails to pay the annual fees or does not exploit the right (for example using the trademark), the registration may be cancelled or become vulnerable to third-party claims or cancellation actions.

31. What remedies (both interim and final) are available for infringement of each of the intellectual property rights described above?

The following interim and final remedies are available for infringement of intellectual property rights such as patents, utility models, industrial designs, trademarks, copyright, and trade secrets:

Interim remedies (preliminary measures):

Courts may issue temporary injunctions before a final decision to stop the alleged infringing activity, in order to prevent further harm or preserve the status quo. In appropriate cases, the court may order the seizure or blocking of infringing goods, including tools or materials used in the infringement.

Final remedies:

If infringement is established, courts may grant a permanent injunction prohibiting the infringer from continuing the unlawful activity. The right holder may also claim damages for the actual harm suffered, including attainable profits that qualify as actual loss. Courts may order the halting the production, import, or advertisement of infringing goods and handing over or, if necessary, destroying such items, and recalling infringing products from the market for modification, return, or destruction.

In addition to standard legal penalties, Iranian courts may order the infringer to take specific corrective or educational actions. These may include attending IP-related training courses, employing inventors or designers named in the relevant registrations, producing or funding educational media to promote IP awareness,

supporting the export of domestic knowledge-based products, publishing an apology in appropriate media, all within timeframes and conditions aimed at ensuring both restitution and public awareness.

32. What are the costs of enforcement proceedings and is any kind of costs recovery available for successful parties? Is there a procedural mechanism enabling or requiring security for costs?

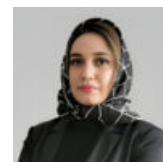
The costs of enforcement proceedings generally include court fees, expert fees, attorney's fees (if applicable), and other procedural expenses such as service and administrative charges.

There is no general procedural rule that requires the claimant to provide security for costs in all IP cases. However, in certain circumstances, such as where provisional measures are sought, the court may require the claimant to provide a financial guarantee or deposit to secure potential damages or costs resulting from a wrongful claim.

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