



Fatemeh Pourazizi
Senior Associate

+98 21 2240 0434
fatemeh.pourazizi@namiassociates.com



Navid Ghodsi
Associate

+98 21 2240 0434
navid.ghodsi@namiassociates.com

Change in the Practice of the Iranian Intellectual Property Centre Regarding Deficiencies in Opposition Filings

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Pursuant to the Industrial Property Protection Law 2024, any person who objects to an application relating to a patent, industrial design, utility model, trade name or trademark that is published may file an opposition, together with supporting evidence and documents, and upon payment of the applicable fee, within a prescribed period from the date of publication.

Until recently, the Iranian Intellectual Property Centre (**IRIPC**) permitted oppositions to trademark filing advertisements to be filed, in accordance with Article 124 of the Executive Regulation of the Patent, Industrial Design and Trademark Registration Act, which remains in force until the adoption of the implementing regulations of the Industrial Property Protection Law 2024. According to Article 124 of the said Executive Regulation, where an opposition was filed with deficiencies, the IRIPC would issue a deficiency notice and allow the opposing party 30 days for Iranian persons and 60 days for foreign persons to remedy the deficiencies. In practice, this procedure was particularly important for foreign rights holders, as they could initiate an opposition by providing their Iranian counsel with a scanned copy of the power of attorney and subsequently use the additional 60-day period to complete notarisation, consular legalisation, and official translation of the original document in Iran.

However, the IRIPC has recently changed its practice and, relying on Article 28 of the Industrial Property Protection Law 2024, has reduced the period for remedying deficiencies in opposition filings to 10 days. Accordingly, all opposing parties, whether Iranian or foreign, are now required to complete and submit the missing documents within 10 days of the relevant notification, including, where applicable, a duly notarised and legalised power of attorney together with its official Persian translation. This period is not extendable, and failure to remedy the deficiencies within the prescribed period will result in the opposition being deemed void and ineffective. This prescribed time limit applies to all oppositions to the patent and trademark applications.

This change is particularly significant for foreign rights holders whose Iranian trademarks are already registered, or who otherwise hold proprietary interests in intellectual property rights in Iran. In light of the substantially shortened period for remedying deficiencies, foreign rights holders should place greater emphasis on daily IP watch and monitoring of relevant

publications as well as appointing Iranian counsel in advance. Early identification of potentially conflicting applications will provide sufficient time to instruct Iranian counsel, to act promptly, prepare and file an opposition, and complete the formalisation, legalisation, and official translation of the required power of attorney within the new 10-day period. Having local counsel appointed in advance will enable them to act immediately upon publication of a potentially conflicting trademark application rather than losing valuable time in identifying and instructing counsel after publication.

While the procedural details of this new practice have yet to be further clarified through the implementing regulations of the Industrial Property Protection Law 2024, the IRIPC is currently applying the 10-day period in practice. Accordingly, failure to monitor relevant publications and act promptly may materially prejudice a rights holder's ability to effectively oppose conflicting applications and protect its intellectual property rights in Iran.

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Nami Associates Law Firm

48 Moqadas Ardabili Street, Unit 5 South
Mahmoudieh, Tehran 1986955699, Iran

+98 21 2240 0434 +98 21 2241 8899

ip@namiassociates.com

www.namiassociates.com

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