

Legal 500 Country Comparative Guides 2026

Armenia

Trademark Disputes

Contributor

Concern Dialog Law
Firm



Sarkis Knyazyan

Non-equity partner, attorney, Licensed Trademark Agent |
sarkis.knyazyan@dialog.am

Yevgenya Nikoghosyan

Senior associate, attorney, Licensed Trademark Agent |
yevgenya.nikoghosyan@dialog.am

Svetlana A. Mkrtychyan

Associate, attorney, Licensed Trademark Agent | svetlana.mkrtychyan@dialog.am

This country-specific Q&A provides an overview of trademark disputes laws and regulations applicable in Armenia.

For a full list of jurisdictional Q&As visit legal500.com/guides

Armenia: Trademark Disputes

1. To represent a client before Court in respect of a potential trademark infringement matter, do you require a Power of Attorney – and if so, what are the execution formalities required by your courts?

To represent a client before the Armenian courts in a potential trademark infringement matter, a Power of Attorney (PoA) is required.

If the PoA is issued by an individual, there is no requirement for notarization or apostille. If the PoA is issued on behalf of a legal entity, it must be signed by the executive body (e.g., CEO) of the company or by another person authorized under the constitutional documents. Where the PoA is signed by a person other than the executive body, the company must also provide the court with a document evidencing that such person has authority to act on behalf of the company.

In cases where the PoA is re-authorized, notarization and apostille are mandatory.

2. Is it a requirement in your jurisdiction to send a cease and desist letter to a potential infringer before commencing proceedings for infringement? What are the consequences for a trademark owner who chooses not to send a pre-action letter?

Under Armenian legislation, there is no mandatory requirement for a trademark owner to send a cease and desist letter to a potential infringer prior to commencing infringement proceedings.

Accordingly, the absence of a pre-action letter does not affect the admissibility of a claim or the trademark owner's right to initiate court proceedings.

However, in practice, sending such a letter may still be advisable, as it can facilitate amicable settlement and potentially avoid the need for court proceedings. It can also provide strategic and evidentiary benefits.

3. In your jurisdiction, is there a risk that a pre-

action letter could give rise to claim against the trademark owner for unjustified threats? What steps should a trademark owner take to ensure any cease and desist letter does not expose the trademark owner to any liability.

Under Armenian law, there is generally no risk that a pre-action letter would give rise to a claim against the trademark owner for unjustified threats, provided that such communication is made within the framework of applicable legislation.

In particular, where the trademark owner acts in good faith and limits its actions to the exercise of the exclusive rights granted under the Law of the Republic of Armenia on Trademarks," a cease and desist letter should not expose the trademark owner to liability. This is especially the case where the assertions made in the letter are based on valid trademark rights and are proportionate to the alleged infringement. In practice, cease and desist letters are drafted carefully to ensure clarity, proportionality, and that assertions are supported by relevant factual evidence, which further mitigates any potential risk.

4. Is it mandatory for the parties to have attempted mediation or other alternative dispute resolution proceedings prior to commencing infringement proceedings? If so, what is the minimum expectation?

Under Armenian law, there is no mandatory requirement for the parties to attempt mediation or other alternative dispute resolution (ADR) proceedings prior to commencing trademark infringement proceedings. Initiating court proceedings does not depend on any prior attempt at mediation.

However, if the parties have a bilateral agreement regarding dispute resolution, they may voluntarily choose to involve a mediator or utilize ADR mechanisms to facilitate settlement. In such cases, a mediator can assist in confirming or formalizing any settlement agreement concluded between the parties.

5. Are claims for trademark infringements heard before a general commercial Court or a specialist Court focused on Intellectual Property disputes? Are trademark infringement claims decided by a judge or by a jury?

In Armenia trademark infringement claims are heard by the Courts of First Instance of general jurisdiction. There are no specialized courts dedicated exclusively to intellectual property disputes.

Proceedings are conducted and determined by a judge, as Armenian law does not provide for a jury system in civil matters, including trademark infringement cases.

6. Is there a time limit for commencing trademark infringement proceedings once the facts giving rise to the infringement are known to the trademark owner. After how long would such a claim be time-barred? What action would a trade mark owner have to know to give rise to such a claim being time-barred (for example, is it knowing that a mark in question is in use or is it knowing that a trade mark application has been filed and/or registered?)

Claims for trademark infringement are subject to the general limitation period for civil claims, which is three years from the date on which the trademark owner became aware or should have become aware of the infringement and of the identity of the infringer.

The limitation period starts from the moment the trademark owner has knowledge of the use of the infringing mark in a manner that could constitute infringement.

If the trademark owner becomes aware that a trademark application has been filed, they have 2 months from the publication date of the application to file an opposition with the Armenian Intellectual Property Office (AIPO). If the application results in the registration of the conflicting mark, the trademark owner has 2 months to challenge its registration in the Administrative Court of the Republic of Armenia.

7. In your jurisdiction does the law protect unregistered trademarks of any kind, including by way of passing off, unfair competition or protection of trade dress. What are the criteria for

their subsistence?

In the territory of the Republic of Armenia, legal protection is granted to a trademark on the following bases:

- State registration in accordance with the procedure established by the Trademark Law of the Republic of Armenia.
- Recognition of the trademark as a well-known mark in Armenia under the procedure established by the Trademark Law.
- International registration under the Madrid Agreement or the Madrid Protocol, as applicable.
- Registration under the EAEU Treaty (Eurasian Economic Union), in accordance with the procedure established therein.

Accordingly, Armenian law primarily provides protection for registered trademarks or well-known marks, and does not establish a separate doctrine of passing off. However, elements of protection may arise indirectly under unfair competition rules where the use of a sign leads to consumer confusion or takes unfair advantage of the reputation of the mark.

8. In your jurisdiction will the Court hear claims for registered trademark infringement in parallel with claims for passing off, unfair competition, infringement of trade dress or other misleading advertising, or does a claimant need to bring such claims in a separate cause of action?

In the Republic of Armenia, the first instance courts have jurisdiction over claims for registered trademark infringement.

With respect to unfair competition, infringement of trade dress, or other misleading advertising, these matters are generally examined by the Competition and Consumer Protection Commission.

As a result, a claimant wishing to pursue both a trademark infringement claim and a claim for unfair competition or misleading advertising would generally need to bring these claims in separate proceedings before the relevant forum, as the courts and the Commission operate within distinct jurisdictions.

9. In your jurisdiction, do your Courts share jurisdiction with your Trade Mark Office, such

that parties need to seek to seize the forum they prefer first in time, or does the Court take precedence and intervene to stay or transfer any live Registry proceedings (for example relating to invalidity or revocation of registered trade mark) which may overlap with an issued infringement claim and related counterclaim?

Under Armenian legislation, a person has the right to choose either to file an appeal with the Intellectual Property Office of the Republic of Armenia (i.e., the authority that issued the decision) or to apply directly to the court. However, parallel jurisdiction is not permitted.

If a decision of the Intellectual Property Office is challenged before the court, administrative proceedings concerning the same trademark shall be suspended until the relevant judicial act enters into legal force. Accordingly, the courts effectively take precedence in such situations, and there is no "first seized" rule allowing parties to pursue parallel proceedings in different forums. As regards revocation, such cases fall within the exclusive jurisdiction of the

courts of first instance, and the AIPO does not have authority to examine or decide revocation actions. Accordingly, requests for revocation of a registered trademark must be brought before the competent court, including by way of a claim or counterclaim in infringement proceedings.

10. Where the defendant has a counterclaim for invalidity or cancellation of the registered trademark being asserted against it (either on the basis of earlier rights or as a result of non-use by the trademark proprietor), does the counterclaim become part of the infringement action, so that both issues are heard by the same Court within a single action, with the Court making a determination at its conclusion, or are the validity issues bifurcated and heard in separate parallel proceedings? If in your jurisdiction validity issues are bifurcated, what are the practical consequences of this from a timing perspective? For example, does this mean that a Court will stay the infringement claim and proceed with the validity attack first to avoid finding a trademark infringed, only to have a separate Court find the trademark invalid at a

later date?

In Armenia, a counterclaim for invalidity of a registered trademark cannot be joined to the infringement proceedings and heard within the same action.

This is because claims for declaring a trademark registration invalid fall within the exclusive jurisdiction of the Administrative Court of the Republic of Armenia, whereas trademark infringement actions are examined by the courts of first instance. As a result, validity and infringement issues are bifurcated and heard in separate proceedings before different courts.

In practice, where a defendant wishes to challenge the validity of the asserted trademark, it must initiate separate invalidity proceedings before the Administrative Court. In such cases, the defendant may request the court of first instance, which is examining the infringement case, to suspend the infringement proceedings until the administrative court has rendered a final decision on the invalidity claim.

As regards cancellation of a registered trademark, including on the grounds of non-use, such claims fall within the jurisdiction of the courts of first instance. Therefore, in these cases, the defendant may bring a counterclaim within the same proceedings, and both infringement and cancellation issues may be examined together by the same judge within a single action.

11. In your jurisdiction, does a defendant have a defence of using a mark honestly and concurrently available to them?

In Armenia, there is no explicit statutory defence of "honest concurrent use" available to a defendant in trademark infringement proceedings.

However, Armenian law does recognize certain related concepts. During the registration stage, AIPO may consider earlier use of a mark in good faith when assessing registrability in conflict situations. This concept, however, operates within administrative practice and does not translate into a standalone defence in infringement litigation.

In court proceedings, a defendant cannot rely on "honest concurrent use" as such. Instead, the defendant may invoke other defences, such as use of a sign in good faith prior to the priority date of the registered trademark (prior user rights).

12. When considering the validity of a registered trade mark, does the Court consider whether the trade mark has been registered in bad faith? If so, what actions would indicate this bad faith?

Under Armenian law, the court may consider whether a trademark was registered in bad faith when assessing its validity.

According to the Law of the Republic of Armenia on Trademarks:

A trademark application is deemed filed in bad faith if, at the time of filing, the applicant knew or could have known of the existence of another mark, still in use in Armenia or abroad, which could cause confusion with the applied-for mark.

Filing is also considered in bad faith if the applicant submitted false or unfounded documents or information for the purpose of obtaining registration, without which the trademark could not have been registered.

Accordingly, actions indicating bad faith include:

- Knowledge of a pre-existing mark and deliberate filing of a confusingly similar mark;
- Submission of false, misleading, or unfounded documentation to secure registration.

If bad faith is established, the court may declare the trademark invalid.

13. If the main objective in commencing infringement proceedings is to secure an injunction, is a claimant required to state how much their claim is worth at the point their claim is issued?

Under Armenian law, a claimant seeking injunctive relief in trademark infringement proceedings is not required to specify the value of the claim at the time of filing. The claimant may fill in the subject of the claim for damages later in the proceedings, until the allocation of the burden of proof. Thus, a claimant may commence infringement proceedings solely to seek injunctive relief without providing a monetary valuation of the claim.

14. Is it possible to seek a preliminary injunction in your jurisdiction? If so, what is the criteria a trademark owner needs to establish and is there

a bond or other undertaking in damages payable to compensate the defendant if the Court finds no infringement following a substantive hearing?

In accordance with the Civil Procedure Code of the Republic of Armenia, a claimant may apply for measures to secure a claim, including in trademark infringement cases. To obtain such relief, the claimant must substantiate that the failure to adopt interim measures may render the enforcement of the future judgment impossible or difficult, may lead to a change in the factual or legal status of the subject matter of the dispute, or may cause significant damage to the applicant.

Armenian law does not require the applicant to provide a bond or similar undertaking in damages as a precondition for the granting of a preliminary injunction. But at the same time the Civil Procedure Code of the Republic of

Armenia also provides that the defendant against whom interim measures have been applied, may file a motion to claim compensation for any damages suffered from the party participating in the proceedings who requested the securing of the claim (counter-security).

However, if interim measures are granted and the court subsequently determines that no infringement has occurred, the defendant is entitled to bring a separate claim against the claimant seeking compensation for damages incurred as a result of the interim measures, provided that such damages are duly substantiated.

15. Is a licensee (whether exclusive or non-exclusive) of a registered trademark entitled to commence proceedings for trademark infringement? Does the trademark proprietor need to be joined as a party to the proceedings, and does it have an effect whether the licensee is registered before the local Trademark Registry?

In Armenia, a licensee of a registered trademark may commence proceedings for trademark infringement with the consent of the licensor. In the case of an exclusive license, the licensee may initiate an infringement action provided that the licensor has been notified of the alleged infringement and has failed to act within a reasonable period.

The trademark proprietor may be joined as a party to the proceedings if they wish, but their participation is not mandatory. Under Armenian law, license agreements are subject to registration with the Intellectual Property Office of the Republic of Armenia (AIPO), and registration is

generally required for the license to be effective against third parties to establish licensee's rights in enforcement proceedings.

16. Where the claim for trademark infringement is premised on similarity between the defendant's mark and the trademark owner's registered mark, does the proprietor need to demonstrate that confusion has occurred or simply that there is a risk of confusion? What is the minimum standard required to secure a finding of infringement?

The trademark proprietor is not required to demonstrate that actual confusion has occurred. It is sufficient to establish that the use of the sign gives rise to a likelihood (risk) of confusion among consumers.

As regards the minimum standard required to secure a finding of infringement, the trademark owner must substantiate at least one form of similarity between the signs, namely phonetic (aural) similarity, visual (graphical), or conceptual (semantic) similarity.

The presence of at least one of these types of similarity, combined with a likelihood of confusion, and taking into account the similarity or identity of the goods and services covered by the marks may be sufficient for the court to establish infringement.

17. In your jurisdiction is it possible to rely on post-sale confusion as a means of securing a finding of trade mark infringement?

The law in Armenia focuses on the likelihood of confusion among consumers. It does not explicitly distinguish post-sale confusion from confusion at the point of purchase. In practice, this means that a claimant may rely on any use that creates confusion among consumers, including situations where the confusion occurs after the sale of the product.

Accordingly, while Armenian legislation does not expressly provide for a post-sale confusion doctrine, the broad "likelihood of confusion" standard may allow the court to consider confusion arising after the sale if it affects consumers' perception of the origin of goods or services.

18. In your jurisdiction what type of disclosure or

discovery is typically ordered by the Court in respect of trademark infringement actions from both parties?

Trademark infringement proceedings are governed by the principle that each party bears the burden of proving the facts on which it relies.

The court may, however, order the production of specific evidence upon a reasoned request by a party. A party may request the court to order the opposing party or a third party to submit clearly identified documents or other evidence relevant to the case.

In practice, the types of evidence that may be ordered include:

- documents evidencing use of the trademark;
- contracts, invoices, and accounting records relevant to the alleged infringement;
- information relating to the volume of production, sales, or distribution of infringing goods;
- other materials necessary to establish liability or quantify damages.

Overall, disclosure is limited and court-controlled, and there is no obligation for parties to automatically disclose all relevant documents; rather, evidence is produced upon specific request and court order.

19. What type of expert evidence is permitted by the Court in your jurisdiction? Does the Court accept consumer surveys and are there specific rules about how consumer surveys are conducted. Do the parties need to request prior permission from the Court to adduce survey evidence?

According to the Civil Procedure Code of the Republic of Armenia, an expert evidence is a written document obtained during the proceedings to clarify or explain issues requiring special knowledge in science, technology, art, craft, or any other field, and is prepared in response to questions raised in the court's order appointing the expert. The expert may be examined in court to clarify their opinion. If the expert is not examined, their opinion is considered a regular written evidence.

In contrast, consumer surveys are based on statistical data and do not require specialized knowledge. As such, they are treated as written evidence submitted to the court to establish specific facts rather than as expert

evidence. Parties do not need prior permission from the court to submit survey evidence. It is just sufficient to file a motion requesting that the survey be admitted as written evidence, together with the survey itself, and indicate which fact or issue the survey is intended to support. In practice, when assessing consumer surveys, courts also consider the methodology and the expertise of the organization conducting the survey, as these factors affect the weight of the evidence and its compliance with procedural expectations.

Accordingly, while expert opinions require specialized knowledge and a court order for the questions, consumer surveys are treated as regular written evidence and can be submitted by the parties without prior approval.

20. Does evidence submitted by your client in trademark infringement proceedings have to be accompanied with a statement of truth or other similar declaration? Which party is typically responsible for signing the statement of truth (or similar), the entity itself or the entity's representatives?

Evidence submitted in trademark infringement proceedings does not need to be accompanied by a formal "statement of truth". Instead, the evidentiary process is governed by the principle that parties are responsible for the authenticity and accuracy of the evidence they submit, and all evidence must be presented and, where necessary, certified in accordance with procedural requirements.

In practice, the party submitting evidence must also file a motion with the court requesting that the evidence be admitted and the person presenting the evidence is responsible for its authenticity and may be held liable for submitting false or misleading documents to the court.

21. In your jurisdiction is it possible for a claimant to seek summary judgment and/or strike out of an infringement claim? What are the legal criteria for a Court to grant summary judgment?

There is no formal summary judgment or strike-out mechanism in Armenia. However, the Civil Procedure Code of the Republic of Armenia has procedural tools that allow for expedited determination of cases in appropriate circumstances.

In particular, the court may proceed with expedited

proceedings where the facts relevant to the resolution of the case are undisputed, the court is required to determine questions of law only, or the defendant has admitted the claim. Where the court decides to apply expedited proceedings, it proceeds directly to rendering judgment without holding further court hearings.

In addition, the Civil Procedure Code of the Republic of Armenia provides for simplified proceedings, which may be applied in the following cases:

- where all parties to the case have entered into a written agreement to have the case examined under simplified procedure, and no party objects within the time limit for submitting a response to the claim.
- where, prior to the court's decision on the allocation of the burden of proof, no party has objected to the claim and no counterclaim has been filed.
- where, following amendment of the claim, the value of the claim does not exceed two thousand times the minimum wage.

In such cases, the court may proceed directly to issuing its judgment, and the claimant's arguments may effectively form the basis of the court's reasoning.

Accordingly, while Armenian law does not recognize summary judgment in the strict sense, it provides for procedural mechanisms allowing early disposal of cases where there is no substantive dispute requiring full examination.

22. How long does it typically take to reach judgment in a trademark infringement action from issue of the claim, through to first instance decision? What is the lower and upper range of legal costs for such an action?

The usual duration of a trademark infringement action in the Republic of Armenia is approximately 1–2 years from the issue of the claim to the first instance court decision in relatively smooth proceedings. This timeframe may vary depending on factors such as the complexity of the case (including the scope of evidence, involvement of experts, or interim measures), as well as the court's workload and scheduling.

Legal costs can vary significantly depending on the circumstances of the case. In particular, the overall cost will depend on the scope of work performed by the attorneys, the complexity of the matter, and the procedural steps involved. Accordingly, costs may range

from relatively moderate amounts in straightforward cases to substantially higher levels in more complex or contested proceedings.

As to state fees, for monetary claims, the state fee is calculated as 3% of the claim value, but not less than AMD 6,000 and not more than AMD 25,000,000.

23. Following a first instance decision, is it possible for either party to appeal the decision? What are the grounds upon which an appeal can be lodged? Is it necessary to request permission to appeal, or are appeals automatically permissible? If either party file an appeal, is the enforcement of the first instance decision stayed pending the outcome of the appeal?

Yes, following a first instance decision, the party against whom the decision has been rendered may file an appeal before the Civil Court of Appeal of the Republic of Armenia.

An appeal may be lodged on the grounds of violations or incorrect application of substantive or procedural law, as well as on the basis of newly discovered or new circumstances.

It is not necessary to obtain permission to appeal; appeals are admissible as of right, provided that the applicable procedural requirements and time limits are complied with.

If an appeal is filed, the first instance decision does not enter into legal force and, consequently, is not subject to enforcement until the decision of the appellate court enters into legal force.

24. If the parties have been involved in a dispute before the local Trademark Office, what relevance does this have on later infringement proceedings? For example where trademark owner (A) may have already sought to oppose the registration of a third party (B's) mark in proceedings before the local Trade Mark Office, is the trademark owner estopped from seeking invalidity of a registered trade mark where its opposition failed where the invalidity action is based on the same grounds as the unsuccessful opposition?

In Armenia, prior proceedings before the Intellectual

Property Office of the Republic of Armenia (AIPO) do not preclude a trademark owner from initiating subsequent court actions.

Where a trademark owner has filed an opposition against a third party's trademark application before the Intellectual Property Office and such opposition has been rejected, resulting in the registration of the mark, the trademark owner is not estopped from challenging the validity of that registration. In such cases, the trademark owner may file a claim before the Administrative Court of the Republic of Armenia seeking invalidation of the trademark registration.

When bringing such a claim, the claimant must indicate whether the contested decision has been appealed through the Intellectual Property Office. However, the fact that the grounds invoked in the invalidity action are identical to those raised in the unsuccessful opposition proceedings does not, in itself, constitute a basis for dismissal of the court claim.

25. In your jurisdiction, does the Court consider both liability and quantum within the same proceeding, or will any damages be assessed after the Court has reached a decision on liability? How are damages for trademark infringement proceedings typically assessed in your jurisdiction?

Under Armenian legislation, the claimant may bring claims as to both liability and quantum within the same proceedings, in which case the court will examine and determine both issues in a single action.

However, it is also possible for the claimant to bring a separate claim for damages after a decision on liability has been issued, provided that the applicable limitation periods are observed.

As regards the assessment of damages, Armenian law does not establish a fixed method or strict formula for calculating damages in trademark infringement cases. The assessment is therefore carried out on a case-by-case basis, depending on the nature of the harm suffered.

Accordingly, the method of calculation may vary depending on the type of damage claimed and the evidence available.

26. In addition to an injunction and damages,

what other remedies are available in your jurisdiction?

In addition to injunctive relief and damages, Armenian law provides a range of additional remedies in trademark infringement proceedings. These include:

- Seizure and destruction of infringing goods – the court may order the confiscation and destruction of goods bearing the infringing mark, as well as materials and equipment predominantly used for their production;
- Removal of the infringing sign – the court may order the removal of the trademark or sign from goods, packaging, or promotional materials;
- Other corrective measures – any measures necessary to eliminate the consequences of the infringement and restore the rights of the trademark owner.

These remedies are applied at the discretion of the court, depending on the circumstances of the case and the nature of the infringement.

27. Following a decision on the merits, is the winner entitled to recover all or a portion of its legal costs incurred in bringing or defending the proceedings. If legal costs are recoverable, what is the procedure involved and how does the Court assess the level of legal costs which should be reimbursed by the losing party.

Yes, the successful party is entitled to recover legal costs, from the losing party.

Under the Civil Procedure Code of the Republic of Armenia, the party against whom the final judicial act is

rendered is obliged to reimburse the judicial expenses (including payments made to witnesses, experts, specialists and translators), as well as the legal costs incurred by the parties, to the extent that such costs were necessary for the effective exercise of the right to judicial protection.

To recover legal costs, the party that has incurred such expenses must submit a motion to the court requesting the allocation of costs no later than the completion of the trial proceedings.

When determining the amount of recoverable legal fees, including attorneys' fees, the court applies a reasonableness test. In particular, it considers the scope of work performed by the attorney, the complexity of the case, the average fee rates established by the Chamber of Advocates of the Republic of Armenia, as well as the proportionality between the amount awarded by the court and the legal fees claimed.

28. Once the Court has issued a judgment, how long typically does the losing party have to comply with the Court's judgment including any final injunction issued? What are the consequences for failing to comply and how would the winning party seek enforcement of its judgement.

Once the court has issued a judgment in a trademark infringement case, the losing party has 1 month to file an appeal with the Civil Court of Appeal of the Republic of Armenia.

If the losing party does not appeal, the judgment enters into legal force. Should the losing party fail to comply voluntarily, the successful party may seek enforcement through compulsory execution.

Contributors

Sarkis Knyazyan
Non-equity partner, attorney,
Licensed Trademark Agent

sarkis.knyazyan@dialog.am



Yevgenya Nikoghosyan
Senior associate, attorney, Licensed
Trademark Agent

yevgenya.nikoghosyan@dialog.am



Svetlana A. Mkrtchyan
Associate, attorney, Licensed
Trademark Agent

svetlana.mkrtchyan@dialog.am

