

Middle East Intellectual Property Newsletter Vol. 109
Measures Against Fraudulent or Bad Faith Trademark Filings: Iran and Iraq

Introduction:

This newsletter outlines the legal mechanisms available in Iran and Iraq to address fraudulent or bad-faith trademark filings. It highlights how each jurisdiction treats such filings during examination and the remedies available to right holders after filing or registration. The overview sections provide procedural context necessary to understand how these measures operate in practice.

Iran

1. Overview of the Trademark System

First-to-File Principle

Iran applies a first-to-file trademark system. Trademark rights are acquired through registration in accordance with the Industrial Property Protection Act¹ enacted in 2024 (Industrial Property Law (2024)).

Multi-Class Applications

Iran allows multi-class trademark applications, enabling applicants to designate multiple classes of goods or services in a single application, as regulated under the Executive Regulation.

Filing Routes

Trademark protection in Iran may be obtained through:

- Direct national filing with the Intellectual Property Center of Iran (Registration Office for Deeds and Properties), and
- International registration under the Madrid Agreement and the Madrid Protocol, to which Iran is a contracting party.

There is no regional trademark registration system applicable.

Duration of Trademark Rights

A registered trademark is protected for 10 years from the filing date and may be renewed indefinitely for successive 10-year periods (Article 111 of Industrial Property Protection Act)

Examination

Trademark applications are subject to substantive examination by the Iranian Trademark Office.

Examination covers:

- Absolute grounds for refusal, including lack of distinctiveness, misleading marks, and marks contrary to public order or morality (Articles 95 and 96 of Industrial Property Protection Act), and
- Relative grounds, including conflicts with earlier trademarks and famous marks (Article 96 (including its Note))

Treatment of Fraudulent or Bad-Faith Applications

¹ <https://www.wipo.int/wipolex/en/legislation/details/23341>

Iranian trademark law does not expressly define “bad faith” as a standalone legal concept. However, fraudulent or abusive filings are addressed through provisions relating to lack of entitlement, conflict with prior rights, and well-known trademarks.

Registrations obtained without legal entitlement or in conflict with earlier or famous trademarks may be refused or invalidated pursuant to Articles 95, 96, 117, and 129 of the Industrial Property Protection Act (2024), as implemented through the Executive Regulation.

2. Trademark Search Methods

Iran provides access to a public online trademark database administered by the Intellectual Property Center of Iran. However, access to the database is restricted to users located within Iran and is generally unavailable from outside the country.

- **Website:** Iran Intellectual Property Center – Trademark Search Portal²
- **Information available:**
 - Registered trademarks. Pending applications are not publicly accessible. The database does not provide access to full application files or examination reports
 - Class(es)
 - Applicant / registrant name
- **Languages supported:** Persian (Farsi)
- **Search capabilities:**
 - Keyword search
 - Class-based search
 - Applicant/ registrant name search

Search results are indicative only and do not replace formal clearance or entitlement assessments.

3. Measures Upon Discovering That a Third Party Has Filed or Registered a Mark Identical or Similar to One’s Own

(1) Submission of Information to the Trademark Office

The Industrial Property Protection Act (2024) does not provide a formal third-party observation mechanism during examination. Challenges to problematic filings must therefore be pursued through objection or post-registration procedures.

(2) Opposition / Objection Proceedings

Overview

Iran operates a formal post-publication opposition system. Once a trademark application is published on the TMO Portal, interested parties may file an opposition within the statutory deadline.

Competent Authority

Intellectual Property Center of Iran Dispute Resolution Board for Industrial Property Registration and competent courts

Persons Eligible to File

² <https://iripo.ssaa.ir/>

Any interested or aggrieved party

Time Limit

Opposition against a trademark application must be filed within 30 days from the date of publication of the application in the Portal

Grounds for Filing

- Conflict with earlier trademarks
- Lack of legal entitlement
- Infringement of well-known trademarks

Other Relevant Notes

In practice, objections often transition quickly into court-based invalidation actions.

(3) Invalidation Proceedings

Overview

Registered trademarks may be invalidated through court proceedings.

Competent Authority

Competent judicial authorities (Iranian Courts)

Persons Eligible to File

Any interested party

Time Limit

An interested party may request invalidation of a trademark certificate within a maximum period of five years from the registration date, by proving non-compliance with Articles 95 and 96 of the Industrial Property Protection Act (2024), pursuant to Article 110 of the same Act.

Where the claim is based on non-use, the interested party must prove that the trademark has not been used, either directly by the proprietor or through an authorized person, for three full consecutive years from the registration date until one month prior to the filing of the claim, unless force majeure prevented such use.

Grounds for Filing

- Registration in violation of Articles 95 or 96 of the Industrial Property Protection Act (2024)
- Lack of genuine use for three consecutive years (subject to force majeure exception)

Appeal Mechanism

Court decisions are subject to appeal in accordance with Iranian procedural law.

(4) Non-Use Cancellation Proceedings

Overview

Non-use constitutes a ground for judicial invalidation of a registered trademark under Article 110 of the Industrial Property Protection Act (2024).

Competent Authority

Competent judicial authorities (Iranian Courts)

Persons Eligible to File

Any interested party

Time Limit

The trademark must not have been used, either by the proprietor or an authorized person, for three full consecutive years from the registration date until one month prior to the filing of the claim, without legitimate justification (force majeure).

Other Relevant Notes

Non-use cancellation is frequently relied upon where speculative filings have been made without intent to use.

(5) Other Procedures for Revoking or Extinguishing Rights

A registered trademark may also be revoked or invalidated where, as a result of the proprietor's actions or inactivity, it becomes misleading, deceptive, generic, or contrary to public order or morality, in accordance with the Industrial Property Protection Act (2024) and its Implementing Regulations.

Iraq

1. Overview of the Trademark System

First-to-File Principle

Iraq follows a first-to-file trademark system. Trademark ownership is acquired through registration, and a registered trademark is deemed the property of the registrant pursuant to Law No. (21) of 1957 on Trademarks and Commercial Data³, as amended (“Iraqi Trademarks Law”) (Article 3).

Ownership becomes incontestable after five consecutive years of use following registration, subject to statutory exceptions (Article 3).

Multi-Class Applications

The Iraqi Trademarks Law permits multi-class trademark applications, allowing a single application to cover multiple classes of goods or services in accordance with the Nice Classification (Article 7).

Filing Routes

Trademark protection in Iraq may be obtained through:

- Direct national filing with the Iraqi Trademark Office (Ministry of Industry and Minerals).

Iraq is not a member of the Madrid Agreement or the Madrid Protocol, and international registration is therefore not available.

Duration of Trademark Rights

Trademark protection is granted for 10 years from the registration date and may be renewed indefinitely for successive 10-year periods (Article 20).

Examination

Trademark applications are subject to substantive examination by the Registrar.

Examination covers:

- Absolute grounds for refusal, including lack of distinctiveness, misleading marks, and marks contrary to public order or morality (Article 5), and
- Relative grounds, including conflict with earlier registered trademarks and well-known trademarks (Articles 4 bis and 5(8)).

Treatment of Fraudulent or Bad-Faith Applications

While the Iraqi Trademarks Law does not explicitly define “bad faith,” it addresses fraudulent or abusive conduct through provisions relating to misrepresentation, deception, and registration obtained by fraud.

Trademarks may be refused or cancelled where registration was obtained fraudulently, contrary to the law, or in a manner that misleads the public as to the source of goods or services (Articles 5(7), 21(2)(c), and 24).

2. Trademark Search Methods

Iraq maintains a physical and administrative trademark register held by the Ministry of Industry and Minerals.

- **Public access:** Available upon request

³ <https://www.wipo.int/wipolex/en/legislation/details/21933>

- **Information available:**
 - Registration status
 - Trademark owner
 - Goods and services
 - Registration and renewal details

Online search functionality is limited, and clearance searches typically require local inspection of records.

3. Measures Upon Discovering That a Third Party Has Filed or Registered a Mark Identical or Similar to One's Own

(1) Submission of Information to the Trademark Office

The Iraqi Trademarks Law does not provide a formal third-party observation mechanism during examination. Challenges must be pursued through opposition or post-registration proceedings.

(2) Opposition Proceedings

Overview

Accepted trademark applications are published in the Official Gazette and subject to opposition.

Competent Authority

Registrar of Trademarks

Persons Eligible to File

Any interested party

Time Limit

Oppositions must be filed within 90 days from the date of the last publication (Article 11).

Grounds for Filing

- Conflict with earlier registered trademarks
- Likelihood of confusion
- Misleading or deceptive character
- Infringement of well-known trademarks

Appeal Mechanism

Decisions of the Registrar may be challenged before the competent court within 30 days of notification (Article 10).

Other Relevant Notes

Opposition proceedings are paper-based and may be subject to procedural delays.

(3) Invalidation / Cancellation Proceedings

Overview

A registered trademark may be cancelled through court proceedings.

Competent Authority

Court of First Instance

Persons Eligible to File

Any interested party

Time Limit

Cancellation actions must generally be filed within five years from registration, except where:

- registration was obtained fraudulently, or
- the trademark is misleading or deceptive (Article 21).

Grounds for Filing

- Registration obtained by fraud or in violation of the law
- Deceptive or misleading use
- Conflict with earlier rights

Appeal Mechanism

Judgments are subject to appeal in accordance with Iraqi procedural law.

(4) Non-Use Cancellation Proceedings

Overview

A trademark may be cancelled for lack of use.

Competent Authority

Court of First Instance

Persons Eligible to File

Any interested party

Time Limit

Non-use for three consecutive years, unless justified by circumstances beyond the owner's control (Article 21(2)(d)).

Other Relevant Notes

Non-use cancellation is commonly relied upon in cases involving defensive or speculative registrations.

(5) Other Procedures for Revoking or Extinguishing Rights

The Iraqi Trademarks Law provides for criminal sanctions in cases of bad-faith infringement. Acts including forgery, intentional imitation, and use of a registered trademark in bad faith are punishable by imprisonment and fines (Article 35).

Courts may also order seizure, destruction of infringing goods, and publication of judgments.

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