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**Marek Bury, M.Eng. PhD,**  
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**1** PATENT  
APPLICATION  
LANGUAGE  
SET OF FEES  
EXAMINATION  
PATENT ATTORNEY

## Eurasian patents

- | inventions
- | industrial designs

**8**

**STATES**



International  
Searching Authority

International  
Preliminary  
Examining Authority



# The Unitary Eurasian Trademark: Advantages of Creating a New Registration System

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**The introduction of brands to the market and the evolution of well-known brands are systemic, so trademark registration becomes more relevant for entrepreneurs. Filing applications with several patent offices under national procedures is no longer relevant. Different national regulations and procedures imply a customised approach to the application, its translation into national languages, and payment of several fees. In some cases, hiring a representative or a patent attorney accredited in a particular state is necessary.**

The international trademark registration system also has some impediments, although it has several advantages related to the simplification of the formal procedure. An applicant has to study the registration terms in a particular state. National offices independently carry out a substantive examination of the trademark's

protectability. Applicants can use the Madrid system only if they have filed or registered the same mark in the Office of Origin. For example, this requirement may be an obstacle for applicants when a company enters foreign markets under a different brand.

The more flexible regional systems are advantageous for applicants, as they allow for joint market access regardless of national registrations and activities in a particular country. At the same time, the regional system incorporates all the advantages of the international system: a significant reduction of cost, speed up the procedure, and protection in several countries.

The European regional system is one of the oldest and most effective ones. Until the early 1990s, manufacturers in the EU registered trademarks in each national system. It negatively influenced trade within the community. A supranational system, the European Community



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Trademark, was introduced apart from the existing national systems, which allowed for unified trademark protection on the territory of all EU member states. This progressive mechanism significantly reduced the burden on businesses in terms of brand portfolio management and provided access to the markets of the countries in the region. Harmonisation of “fragmented” trademark examination systems and the convergence of national legislations are additional benefits of the regional system for trademark protection.

The EAEU trademark registration system was established in the Eurasian space in accordance with the Treaty on Trademarks, Service Marks and Appellations of Origin of the EAEU of February 3, 2020. This system is more similar to the international system than to the unified regional system described above, with its separate examination within certain offices.

While the creation and ratification of the Treaty of the EAEU are certainly important steps, they may be only a step to the formation of a more sustainable and efficient trademark registration system. This system should involve more countries with a centralised administrative body. The Eurasian Patent Office, which has already successfully implemented unified procedures for inventions and designs, can administer regional trademark protection systems.

Creating a trademark registration system to offset other systems’ disadvantages is reasonable. The procedure of obtaining legal protection for trademarks by filing a unitary Eurasian application with a regional office in one language (Russian) and paying one set of fees in one currency is more attractive for applicants, even for those who previously did not consider registration in a particular territory due to administrative impediments. This system can be implemented through the creation of a unitary Eurasian trademark (hereinafter “Eurasian Trademark”) within the Eurasian patent system, which is governed by the provisions of the Eurasian Patent Convention (EAPC).

The systems of granting legal protection to trademarks in the EAPC Member States have the same legal roots and many things in common. At the same time, they differ in some specific requirements related to the protectability of the designations applied for registration, the terms and essence of certain administrative procedures, and the amount of fees. That is why obtaining legal protection for trademarks in the Eurasian region can be an expensive and complicated process for an applicant.

**“The unified nature of the Eurasian Trademark implies the creation of an “additional window”, an attractive market entry point for all states”**

Trademark statistics in the EAPC Member States show a stable increase in the number of applications received annually and also the registered trademarks in Kazakhstan and Russia, approximately the same level of applications and registered trademarks in Armenia, Azerbaijan, Kyrgyzstan, and Turkmenistan, or a slight decrease in applicant activity in Belarus and Tajikistan. At the same time, the countries’ latent potentialities are great due to their political geography, the total number of consumers, and the market development for their own technologies, goods, and services.

**The examination procedure for Eurasian Trademark applications may imply unified approaches and a common examination space that will include examiners from all States Parties. This, in turn, will attract new applicants who do not consider the jurisdictions of certain States because of concerns about the simplicity of the procedure or a lack of knowledge about the national requirements. The unified nature of the Eurasian Trademark implies the creation of an “additional window”, an attractive market entry point for all states.**

