
THE LAW OF THE KYRGYZ REPUBLIC

Bishkek, 23.07.2016 No.133

On the Introduction of Amendments to Certain Legislative Acts of the Kyrgyz Republic (the Civil Code of the Kyrgyz Republic, the Law of the Kyrgyz Republic "On the State Registration of Legal Entities, Branches (Representative Offices)") and the invalidation of the Law of the Kyrgyz Republic "On Firm Names"

Article 1.

Introduce the following changes to Part I of the Civil Code of the Kyrgyz Republic (Gazette of the Jogorku Kenesh of the Kyrgyz Republic, 1996, No. 6, Article 80):

1. in clause 4 of Article 87 and in Article 89, with the exception of clause 4, the word "name" in various case forms should be replaced by the words "firm name" in the relevant cases;
2. clause 4 of Article 89 should be stated as follows:
"4. Legal entity must have firm name.

Requirements to the firm name are established by the following Code, and by the legislation in the field of the legal entities registration. Rights on firm name are defined in accordance with the rules of the Section V of this Code."

Article 2.

Introduce the following amendments into Part II of the Civil Code of the Kyrgyz Republic (Gazette of the Jogorku Kenesh of the Kyrgyz Republic, 1998, No. 6, article 226):

1. in clause 1 of Article 461 the word "name (firm name)" should be replaced by the words "firm name";
2. in second paragraphs of clauses 1 of Articles 757 and 758, in sub-clause 3 of clause 1 of Article 793, in clause 1 of Article 852, in first paragraph of clause 2 of Article 861, in sub-clause 3 of clause 2 of Article 907, in first paragraph of clause 3 of Article 924, in second paragraph of Article 964 the word "name" in various case forms should be replaced by the words "firm name" in relevant cases;
3. in clause 1 of Article 866 words "Brand name and licensor of proprietary information, as well as other exclusive rights (trademark, service mark, patent)" should be replaced by the words "exclusive rights to the trademark, service mark, patent of licensor and proprietary information";
4. in part 1 of Article 871:
 - a. second paragraph should be considered as invalid;
 - b. in paragraph 8 words "firm name" should be excluded;
5. clause 3 of Article 875 should be stated as follows:
"3. The contract of complex business license shall be terminated in the event of termination of the exclusive rights included in the license range.";
6. Article 877 should be considered as invalid;
7. Chapter 58 should be supplemented with Article 1103-1 with following content:
"Article 1103-1. Firm name
 1. Firm name - full name of the legal entity under which it operates and which distinguishes it from another legal entity.

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2. A legal entity acts in civil circulation under its own brand name, which is defined in its founding documents and included in the unified state register of legal entities, branches (representations) of the state registration of the legal entity.
 3. The firm name of a legal entity must contain an indication of its organizational and legal form and the proper name of the legal entity, which can consist not only of words indicating the nature of the activity.
 4. A legal entity should have one full firm name and has a right to have an abbreviated one.
 5. A firm name of legal entity cannot comprise of:
 - a. similar full or abbreviated names of a registered (re-registered) legal entity, branch (representative office);
 - b. elements of discrimination based on sex, race, language, disability, ethnicity, religion, age, political or other opinion, education, origin, property or other status, as well as inappropriate and obscene words

The firm name of a state enterprise can comprise of the words indicating its pertaining to the Kyrgyz Republic.

Inclusion in the firm name of a legal entity of the official full or abbreviated name of the Kyrgyz Republic, as well as words derived from this name, and the words "National" and "Manas" in any combination thereof is allowed in the manner determined by the Government of the Kyrgyz Republic. ";

8. Article 1104-1106 shall be stated as follows:

"Article 1104. Exclusive right to a firm name

1. The legal entity has the exclusive right to use its firm name as a means of individualization in any way that does not contradict the law (exclusive right to a firm name), including by indicating it on signboards, letterheads, invoices and other documentation, in announcements and advertisements, on goods or their packaging, on the Internet.
2. The disposal of an exclusive right to a firm name (including by alienating it or granting to another person the right to use a firm name) is not allowed.
3. It is not allowed to use a legal entity of a firm name similar to the firm name of another legal entity previously included in the unified state register of legal entities, branches (representative offices).

Article 1105. Use of a firm name of a legal entity in a trademark or service mark

The firm name or its individual elements can be used by the right holder in the trademark and service mark belonging to him.

The firm name included in the trademark or service mark is protected regardless of the protection of the trademark or service mark.

Article 1106. Effects of the exclusive right to a firm name

1. On the territory of the Kyrgyz Republic, there is an exclusive right to a firm name included in the unified state register of legal entities, branches (representative offices).

The exclusive right to a firm name arises from the date of state registration of a legal entity and is terminated due to the termination of the activities of a legal entity or a change in its corporate name. ";

9. Article 1107 shall be considered as invalid.

Article 3.

Introduce to the Law of The Kyrgyz Republic on "State Registration of legal entities, branches (representations)" (Gazette of the Jogorku Kenesh of The Kyrgyz Republic, 2009, No2, p 130) following amendment:

Throughout the whole text of the Law word "name" in different form cases shall be replaced by the words "firm name" in corresponding cases.

Article 4. Transitional provision

Provisions of the following Law do not extend on the legal entities, registered in the organ of Justice prior to the entry into force of this Law

Exclusive rights to firm names registered in an authorized state body in the field of intellectual property before the entry into force of this Law, including under a license agreement, shall be effective until the termination of the activities of a legal entity or a change in its firm name.

Disputes related with registered firm names, including those which are on the license agreement, are examined courts in the order established by the legislative of The Kyrgyz Republic.

Article 5.

To be considered as invalid:

- Law of The Kyrgyz Republic "On the firm name" 23 december 1999 No 145 (Gazette of the Jogorku Kenesh of The Kyrgyz Republic, 2000, No 4, p 183);
- Article 8 of the Law of The Kyrgyz Republic "On the introduction of amendments and supplements to various legal acts of The Kyrgyz Republic" 27 February 2003 No 46 (Gazette of Jogorku Kenesh of The Kyrgyz Republic, 2006, No 7, p 603);
- Law of The Kyrgyz Republic "On the Introduction of amendments and supplements to the Law of The Kyrgyz Republic "On the firm names" 27 January 2014 No 19 (Gazette of the Jogorku Kenesh of The Kyrgyz Republic, 2014, No 1, p 19).

Article 6.

Following Law comes into force after expiration of 15 days from the day of its official publication.

Published in the "Erkin Too" newspaper on 5th August 2016 No 68

The Government of the Kyrgyz Republic should bring its normative legal acts into compliance with this Law within three months.

President of The Kyrgyz Republic

A. Atambaev

**Passed by the Jogorku Kenesh of
The Kyrgyz Republic**

June 15 2016