

How to Register a Trademark in Iraq

In Iraq, trademark registration is mandatory to be granted rights over a trademark, as it is a "first to file" jurisdiction. Only in some exceptional cases can an unregistered trademark be protected. It is not necessary for a trademark to be in use in Iraq in order for it to register.

A registered trademark in Iraq grants protection in the region of Kurdistan. However, Kurdistan has its own trademark office and in practice it is recommended that if one is interested in protecting one's trademarks in Kurdistan, registration also be done directly in this region.

If you register a combined trademark (which includes both word elements and figurative elements) in Iraq, the exclusive right to use the trademark is limited to a use of the trademark in the exact configuration or way in which it was filed and registered. If you wish to use the word element of your trademark separately from the logo (or vice versa), it is recommended you register for another trademark including only the word or figurative elements you wish to use and protect separately.

Nevertheless, if a third party eventually intends to register or use a trademark for similar goods or services that includes a primary or distinct part or portion of your trademark, you will have the right to oppose the application based on confusing similarity.

Opposition actions may be filed by third parties against a trademark application within ninety (90) days after the date of its third publication in the official gazette. The probabilities of success for an opposition will vary in each case depending on the circumstances.

Although a trademark does not have to be in use in order for it to register, it must not go unused for periods of three years or it will become vulnerable to cancellation actions based on lack of use of the trademark.

Registered trademarks in Iraq have a validity of ten (10) years from the application date and can be renewed indefinitely for further periods of ten (10) years. After the trademark has expired, the renewal can still be requested during the grace period of six (6) months, upon payment of a late renewal fee.

For trademark search reports the trademark must be in Latin alphabet and will only consider other trademarks in Latin alphabet. If you wish for a search for a trademark written in the local writing system (Arabic) and that includes results of trademarks in the local alphabet (Arabic), please contact us. Additional fees will apply.

If you would like for the figurative or design elements of your trademark to be considered when assessing your trademark for registration in Iraq (Trademark

Search Report), contact us directly in order to determine if we may be able to offer this in this jurisdiction. In such cases, prices for service and estimated delivery times may vary.