



Apple Inc. was rejected registration of trademark (AR - augmented reality) in Russia


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The Russian Authors' Society (the The international registration was filed by Apple Inc. in 2017 designating Russia among other 73 countries.

The Russian PTO (Rospatent) in 2018 rejected the mark AR of Apple Inc. citing several trademarks. These were word trademark "AR" and word and design

mark  of Russian company

"Airports of Regions", mark  of

Layar B.V. and mark  (including "AR", "Fun reality") owned by another Russian company. All cited marks have priority dates earlier than the Apple mark and were protected for software.

Apple is using its mark AR for application development software for developers, in a same way as Layar B.V., as owner of an open development platform for creating AR (augmented reality) content, uses its earlier mark. Company "Airport of Regions" uses its mark in managing airports of 4 Russian cities, however, the trademark registration covers as well computer software. Russian company "Fun reality" is an IT company developing software, including in the augmented reality field.

Apple appealed the refusal of the Russian PTO at the Chamber for Patent Disputes arguing that the expression "augmented reality" and its acronym "AR" is well-known and widely used in the computer industry and should not be limited for use by a few companies only. Apple relied on a Russian law provision prohibiting the registration of trademarks constituting a general notion, a product

name or a characteristic of a product, but allowing to include such elements as unprotected. At the end of June 2019 the Chamber for Patent Disputes dismissed the appeal.

In case Apple chooses to proceed with the case in the Courts, it may take a long way to challenge and cancel registration decisions for the cited trademarks, proving that “AR” is known and generally used in the computer industry as an acronym for augmented reality, and then challenge the refusal decision for its own mark.

However, a cancellation on these grounds may not be feasible for the

marks of “Airport of Regions” that are likely to be an acronym of the company name rather than for augmented reality, leaving a potential option of cancellation on non-use ground.

Finally, in case of success, Apple will open the way for registration of marks including “AR” for software and software services not only for their mark, but likewise for any marks including “AR” in the industry.



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