

Trademark registration in int'l trade law

Mechanisms for protection of trademarks in global markets



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OPINION EXCLUSIVE

In the contemporary economic system, brands and trademarks have become some of the most valuable intangible assets of companies and economic actors. Extensive developments in international trade, the growth of communication technologies, the expansion of e-commerce, and increasing competition among companies have demonstrated that the value of a business is no longer measured solely by its production capacity, physical assets, or financial resources. Instead, commercial reputation, brand recognition, consumer trust, and the position of a trademark in the market have become essential elements of economic power. In such circumstances, trademark registration and the establishment of effective legal protection for trademarks are not merely administrative procedures, but rather strategic legal and economic measures designed to ensure the sustainable presence of companies in domestic and international markets. International trade law has increasingly focused on the protection of intellectual property rights, particularly trademarks, because brands play a crucial role in facilitating trade, promoting fair competition, reducing consumer search costs, and strengthening confidence in economic relations. When consumers purchase a product associated with a specific trademark, they are essentially relying on the reputation and quality that the brand has developed over time. Therefore, any unauthorized use, imitation, or infringement of a trademark may not only cause economic losses to the trademark owner but also undermine market competition and consumer protection. A trademark, from a legal perspective, is a sign that distinguishes the goods or services of one individual or legal entity from those of others. Such a sign may include a name, word, image, logo, symbol, specific combination of colors, product design, or other distinctive elements. The primary purpose of trademark protection is to prevent consumer confusion and guarantee the exclusive right of the legitimate owner to use



the trademark. In other words, trademark registration enables the owner to benefit from the economic value and reputation created by the brand and to obtain legal protection against individuals or entities seeking to exploit that reputation. In the field of international trade, the importance of trademark registration becomes more evident due to the cross-border nature of modern economic activities. A company may manufacture products in one country while targeting consumers in multiple international markets. In such circumstances, domestic trademark registration alone cannot provide sufficient protection because intellectual property rights are generally based on the principle of territoriality. According to this principle, legal protection for a trademark is limited to the territory of the country where the trademark has been registered. Therefore, companies seeking to export products, establish foreign branches, or enter international markets must develop appropriate legal strategies for registering and protecting their trademarks in relevant jurisdictions. The principle of territoriality is one of the most significant concepts in international trademark law. Unlike certain areas of law that have relatively universal rules, intellectual property protection remains largely dependent on national legal systems. Each country has specific regulations concerning trademark registration requirements, duration of protection, grounds for refusal, opposition procedures, and remedies for infringement. These differences require international companies to carefully examine the legal status of their

trademarks before entering new foreign markets. One of the most important international mechanisms for trademark protection is the Madrid System for the International Registration of Marks, which operates under the supervision of the World Intellectual Property Organization. This system allows trademark owners to seek protection for their trademarks in multiple member countries through a single application procedure. The significance of this mechanism lies in simplifying the international registration process, reducing costs, and creating greater coordination among different legal systems. For companies seeking to expand their export activities, utilizing such international mechanisms can play a vital role in protecting intellectual property rights and reducing commercial risks. In addition to the Madrid System, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), established within the framework of the World Trade Organization, is one of the most important international instruments concerning trademark protection. This agreement establishes minimum standards for intellectual property protection and requires member states to provide effective legal protection for trademarks. Under this framework, countries are required to ensure the possibility of trademark registration, transfer, licensing, and enforcement of trademark rights. Such obligations contribute significantly to creating legal certainty for participants in international trade. One of the most important effects of international trademark

registration is increasing the economic value and competitive strength of companies in global markets. A registered trademark can be considered a transferable asset and may become the subject of commercial agreements, licensing contracts, franchise arrangements, and economic valuation. Many leading global companies derive a significant portion of their value from their trademarks. This demonstrates that intellectual property is no longer merely a legal concept but has become a fundamental component of the knowledge-based economy and global commerce. Despite the development of international trademark protection systems, several challenges continue to exist in the process of registering and protecting trademarks globally. One major challenge is the practice of bad-faith trademark registration. In some cases, individuals or entities with no genuine connection to a brand register it in a particular country in order to later demand financial compensation from the original owner or prevent the brand from entering that market. This issue is particularly important for companies seeking international expansion and highlights the necessity of early and strategic trademark registration in target markets. Another significant challenge is trademark counterfeiting and infringement. The growth of e-commerce and online marketplaces has created extensive opportunities for brand promotion but has also increased the possibility of unauthorized use of trademarks and the distribution of counterfeit goods. Fake products not only cause financial losses to trademark owners but may also damage the reputation and credibility of legitimate companies. Therefore, governments and international organizations have attempted to strengthen intellectual property laws, improve judicial cooperation, and establish effective monitoring mechanisms to combat trademark infringement. For Iran, trademark registration in international trade has strategic importance. The Iranian economy possesses significant potential in areas such as food industries, agricultural products, handicrafts, carpets, pharmaceuticals, knowledge-based products, technology, and specialized services. Many of these products have the potential to become recognized global brands. How-



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ever, fully utilizing this potential requires serious attention to intellectual property rights and international trademark registration. Failure to properly register Iranian brands in foreign markets may allow others to exploit the reputation of Iranian products or even obtain ownership of related trademarks in certain jurisdictions.

Under Iran's specific economic conditions, including trade restrictions and international sanctions, effective legal management of trademarks has become even more important. Iranian companies seeking successful participation in global markets must focus not only on product quality but also on legal protection of their brands. Selecting appropriate countries for registration, examining intellectual property laws in target markets, drafting agreements related to technology transfer or representation, and establishing effective dispute resolution mechanisms are among the measures that can protect the economic interests of Iranian businesses.

The role of international trade and intellectual property lawyers is highly significant in this field. International trademark registration is not merely an administrative process; rather, it requires careful legal analysis of target markets, assessment of potential risks, preparation of relevant agreements, and knowledge of different intellectual property systems. A specialized legal advisor can help companies avoid costly mistakes and develop effective strategies for expanding and protecting their brands in international markets.

Furthermore, supporting Iranian brands should be considered an essential component of national foreign trade development policies. Countries that have successfully created powerful global brands have generally paid special attention not only to production development but also to intellectual property protection and international trademark registration. Strong brands can increase export value, create employment opportunities, attract investment, and improve a country's economic position in global markets. Therefore, promoting trademark registration and supporting Iranian companies in accessing international intellectual property systems can significantly contribute to economic development.

Ultimately, trademark registration in international trade law should be regarded as one of the most important instruments for protecting modern economic assets and strengthening the competitive position of companies in global markets. In today's world, a brand is not merely a name or commercial symbol; it represents reputation, trust, and economic value. Effective legal protection of trademarks enables companies to enter international markets with greater confidence and safeguard their investments in brand development.

Accordingly, the development of legal mechanisms for trademark registration and protection, greater harmonization of domestic laws with international standards, increasing awareness among economic actors, and utilizing the expertise of international trade lawyers are essential requirements for strengthening participation in the global economy. For Iran, serious attention to the international registration and protection of national brands can serve as an important step toward increasing exports, protecting economic interests, and improving the country's position in international trade.



Director General of the World Intellectual Property Organization (WIPO) Daren Tang (4th-R) visits the Premier League headquarters in London, the UK, on May 5, 2026, to meet with the legal enforcement team of the world-renowned football league.

● UK IPO