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Non-Use as a Litigation Strategy: The Russia – Ukraine Trademark Dispute in Kazakhstan

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Following the strategic cancellation attempts seen in the *Ericsson and Sanyo* cases, another trademark dispute has reached a Kazakhstani court, this time involving a Ukrainian trademark holder and a cancellation action brought by a Russian claimant. The case concerns the Ukrainian company Kormotech, owner of the internationally registered trademark “???? 4 ???”, and a non-use cancellation claim filed by the Russian company Chetyre Lapy.

Chetyre Lapy vs Kormotech

On 21 January 2025, the Specialized Interdistrict Economic Court of Astana issued its decision in *Chetyre Lapy vs Kormotech*, granting the Russian company’s claim to cancel legal protection in Kazakhstan for the trademark “???? 4 ???” (International Registration ? 1013370). The challenge was based on alleged non-use for goods and services in Classes 16, 28, 31, 41, and 44 of the Nice Classification.

The claim relied on Article 1028 of [the Civil Code of the Republic of Kazakhstan](#) and Article 19 of [the Law on Trademarks of Kazakhstan](#), which allow cancellation of a trademark if it has not been used for three consecutive years prior to the filing, without valid reason.

The motive behind the action was clearly commercial. Chetyre Lapy stated that it had filed its own international trademark application ? 1757147, based on Russian registration ? 464085, and intended to expand its business operations in Kazakhstan. The similarity between the marks, it argued, meant that the continued protection of Kormotech’s trademark presented a barrier to entering the local market.

The plaintiff further asserted that Kormotech had no local presence, distributor, or commercial activity in Kazakhstan. Thus, the mark had not been genuinely used.

The court agreed, finding no evidence of trademark use in Kazakhstan within the relevant period and noting the absence of licensing or assignment agreements. Applying the relevant provisions of the national law, it ordered cancellation of the trademark for all specified classes.

Courtroom Dynamics and Procedural Context

Kormotech, despite being properly notified of the proceedings by the court, failed to appear or to

submit any written position. Consequently, the court proceeded in its absence. During the hearing, the judge asked the plaintiff whether any attempts had been made to resolve the dispute amicably. Chetyre Lapy responded that such efforts were not feasible, given the ongoing war in Ukraine.

The National Institute of Intellectual Property (Kazpatent) was also named as a defendant – a practice often employed by claimants in non-use cancellation cases when the trademark owner is located abroad or difficult to reach. In such instances, Kazpatent is included as the authority responsible for executing the court’s decision to annul a trademark registration. However, Kazpatent clarified that its mandate does not include monitoring the use of trademarks in the market. The court agreed and dismissed the claim against the Institute as unfounded.

Implications and Strategic Dimensions

This case partially follows a pattern previously explored in [Parts I & II](#), where Russian companies initiate legal actions (often invoking non-use claims) to clear the path for filing similar marks in Kazakhstan. These actions are frequently undertaken by entities that had no prior presence in the local market and often follow the breakdown of political or commercial ties with foreign rights holders.

Although the Kormotech dispute does not qualify as a classic case of squatting, since the Russian claimant relied on its own trademark rather than attempting to “hijack” an existing one, it reflects a legal strategy that is both commercial and geopolitical. In the post-2022 environment, the breakdown of cross-border relations has not only impeded the possibility of negotiation, but has also created conditions in which companies can pursue legal actions with reduced risk of opposition or engagement from the other side.

Conclusion

The *Kormotech* case illustrates how Kazakhstan’s trademark system, as the jurisdiction where protection was granted, can become a setting for disputes that unfold against the backdrop of broader geopolitical tensions. While the court’s decision strictly followed the applicable legal provisions on non-use, the ongoing conflict between Russia and Ukraine has complicated traditional channels of communication and dispute resolution. In such circumstances, businesses are adapting their legal strategies to the realities of limited cross-border engagement, including by initiating proceedings that might otherwise have been resolved through negotiation.

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This entry was posted on Tuesday, June 17th, 2025 at 9:28 am and is filed under [cancellation](#), [Case law](#), [Kazakhstan](#), [Non Use](#)

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