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Coalition Provisional Authority Order Number 81

Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety Law

Pursuant to my authority as Administrator of the Coalition Provisional Authority (CPA) and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 and 1511 (2003),

Having worked closely with the Governing Council to ensure that economic change as necessary to benefit the people of Iraq occurs in a manner acceptable to the people of Iraq,

Acknowledging the Governing Council's desire to bring about significant change to the Iraqi intellectual property system as necessary to improve the economic condition of the people of Iraq,

Determined to improve the conditions of life, technical skills, and opportunities for all Iraqis and to fight unemployment with its associated deleterious effect on public security,

Recognizing that companies, lenders and entrepreneurs require a fair, efficient, and predictable environment for protection of their intellectual property,

Noting that several provisions of the current Iraqi Patent and Industrial Design Law and related legislation does not meet current internationally-recognized standards of protection,

Recognizing the demonstrated interest of the Iraqi Governing Council for Iraq to become a full member in the international trading system, known as the World Trade Organization, and the desirability of adopting modern intellectual property standards,

Acting in a manner consistent with the Report of the Secretary General to the Security Council of July 17, 2003, concerning the need for the development of Iraq and its transition from a non-transparent centrally planned economy to a free market economy characterized by sustainable economic growth through the establishment of a dynamic private sector, and the need to enact institutional and legal reforms to give it effect,

In close consultation with and acting in coordination with the Governing Council, I hereby promulgate the following:

Law No. 65 of 1970 Patents and Industrial Designs Laws and Regulations

CHAPTER TWO INDUSTRIAL DESIGNS

CHAPTER TWO: INDUSTRIAL DESIGNS

Article 36

1. The application for registration of industrial designs shall be submitted to the Registrar in compliance with the conditions stipulated in the Regulations.
2. Every industrial design should be separately applied for.

Article 37

1. Applications which do not comply with the conditions stipulated in the Regulations shall be rejected.
2. The applicant may appeal the decision of the Registrar to the Minister within thirty days from the date of service decision. The decision of the Minister shall in this respect be final.

Article 38

The Directorate shall issue the necessary certificate of registration of the industrial design containing the information mentioned in the Regulations.

Article 39

Any interested person may ask for copies of certificates and decisions relating to the registration of industrial design upon payment of the prescribed fees.

Article 40

Assignment of industrial designs shall not be accepted as proof against third parties unless recorded in the Register.

Article 41

Term of protection of industrial designs shall be seven years as from the date of issue of the certificate, provided payment of the prescribed renewal annual fees is carried.

Article 42

Fees relating to registration, assignment and amendment of industrial designs shall be levied in accordance with the schedule of fees No. 2 attached to this Law.

Article 43

The Registrar shall publish a notice in the Review for accepted, registered and canceled industrial design, and also any assignment or amendment that may occur thereon.

CHAPTER THREE GENERAL PROVISIONS

Article 44

A penalty of imprisonment not exceeding two years or a fine not exceeding one thousand Iraqi Dinars, or both, shall be imposed on whoever:

1. Imitates an invention for which a patent has been granted in accordance with this Law.
2. Imitates an industrial design for which a certificate has been issued in accordance with this Law.
3. Sells, or offers for sale and circulation, or imports from abroad, or possesses with the intention of trading, imitated products, or materials that include an imitated invention or industrial design knowingly to be imitated, if such invention or design was registered in Iraq.
4. Places unlawfully a patent or a certificate of industrial design which has already been registered in Iraq or outside it.

Article 45

1. Patentee or owner of the industrial design may, during the hearing of civil or criminal action obtain upon application supported by an official certificate denoting the registration of the invention or industrial design and upon submitting a financial guarantee proportionate to the value of the products as estimated by court an order from the court to attach provisionally the imitated products or goods and also the tools and instruments used for such purpose, and if the goods are imported from abroad an attachment on such imitated goods upon importation.
2. patentee or owner of the industrial design may, before the institution of a civil or criminal action, obtain an order for attachment in accordance with paragraph 1 of this Article, provided that the civil or criminal suit shall be brought within eight days from the date of provisional attachment, otherwise the attachment measures shall be canceled by decision of the competent court.
3. The decision to impose a provisional attachment may include, if necessary, the delegation of an expert or more to assist in the execution of the decision.

Article 46

The court may, in any civil or criminal action, decide upon the confiscation of the articles attached or to be attached later on and to deduct their value from the fines or compensations, or to dispose of them in any other manner which the court may deem advisable. The court may, if necessary, order their destruction or decide on any other advisable measures. The court shall publish the judgment, at the expense of the adjudged, in the Review and in one or more newspapers.

Article 47

Temporary protection of inventions and industrial designs exhibited in national or international exhibitions held in Iraq or in other countries that treat Iraq on reciprocal basis, shall be guaranteed during the period of such exhibitions. The patentee or the owner of the industrial design must notify the Registrar, upon payment of the prescribed fees, of the details of invention or industrial design, within seven days prior to the date of exhibition.

Article 48

Officials of the Directorate General of Registration and Supervision of Companies are not permitted to submit applications, personally or through agents, to obtain patents or registration of industrial designs unless after the elapse of five years at least from the date of their leaving service.

Article 49

1. The Minister may, with the approval of the President of the Republic and upon the recommendation of the Ministry of Industry and the confirmation of the Ministry of Finance, grant rewards to citizens who shall produce inventions or submit industrial designs that will serve the country.

2. The Registrar may, with the approval of the Minister and after confirmation by the Ministry of Finance exempt citizens who have scientific capability and efficiency from the fees required under this Law.

Article 50

Patents and industrial designs shall be classified according to the manner shown in the Regulations.

Article 51

Regulations may be issued to facilitate the execution of this law.

Article 52

Patent Law No. 61 of 1035 with its amendments and Regulation made thereunder shall be repealed.

Article 53

This Law shall come into force as from the date of its publication in the Official Gazette.

Article 54

**The Ministers are charged with the execution of this Law.
Made at Baghdad on the 17th, day of Moharram 1390, A.H.,
Corresponding to 25th day of March 1970, A.D.
Ahmad Hassan Al-Bakir
Chief of the Revolutionary Command Council
President of the Republic
Published on April 6, 1970 in Official Gazette No. 1865**

PATENTS AND INDUSTRIAL DESIGNS REGULATION NO. 21 OF 1970

In accordance with the provisions of paragraph C of Article 50 as amended, of the Interim Constitution and with the provisions of Patents & industrial Designs Law No. 65 of 1970 and pursuant to the proposal of the Minister of Economy and with the approval of the Revolutionary Command Council, the following Regulations have been enacted:

COMMON PROVISIONS

Article 1

1. The Registrar of Patents and Industrial Designs shall be appointed by a decision of the Minister of Economy.

Article 2

1. Applications and letters concerning patents and industrial designs shall be forwarded to the Registrar at the Directorate General of Registration and Supervision of Companies, and shall be written in Arabic.
2. Specifications and details concerning patents and industrial designs shall be submitted to the Registrar in Arabic and if submitted in any other language, Arabic translation must be attached.
3. Application shall be furnished with a receipt denoting the receipt of the application and containing serial number, date of receipt, name and address of applicant and title of patent or industrial design.

Article 3

Patents and industrial designs certificates shall be sent to their owners at their registered addresses.

Article 4

Applications for the registration of inventions and industrial designs from persons residing abroad must not be submitted except through legally authorized agents.

Article 5

1. Patents are classified according to the patents' classification schedule attached to these Regulations.
2. Industrial designs are classified according to the industrial designs' classification schedule attached to these Regulations.

INDUSTRIAL DESIGNS

Article 11

Application for registering an industrial design shall be presented in Form N.S.1 attached to these Regulations, and must contain name, address of owner of industrial design, agent's name and address, if any, signed by him, after levying fees prescribed by law, and must contain the way denoting the industrial design for which protection is applied and the class in which it is to be registered, together with the following:

1. Six copies of its definition.
2. Six copies of its drawing or planning.
3. A printing block of its drawing or planning.
4. A small model of the design to be registered.

Article 12

The Registrar, when accepting application for registration of industrial design, must register the following in the appropriate register:

1. Number of application.
2. Date of application.
3. Class.
4. Registration number of industrial design.
5. Registration date of industrial design.
6. Name of owner of industrial design.
7. Address of owner of industrial design.
8. Nationality of owner of industrial design.
9. Summary of definition of industrial design.
10. A copy of the industrial design.

Article 13

The Registrar, after registration of required information of the industrial design in the appropriate register, must issue certificate according to Form (N.S.2 attached to these Regulations, containing the following:

1. Name of owner of industrial design.
2. Address of owner of industrial design.
3. Nationality of owner of industrial design.
4. Class in which industrial design has been registered.
5. Summary of definition of industrial design.
6. A copy of the drawing of industrial design or plan.
7. Registration date of industrial design.

Article 14

The Registrar shall advertise the accepted and registered industrial designs in the Review. The notification must contain a picture of the industrial design, acceptance or registration number and date,

name and address of owner, notification of assignment of industrial designs, cancellation and any other changes must also be advertised.

Article 15

These regulations shall come into force as from the date of publication thereof in the Official Gazette.

Article 16

The Minister of Economy is charged with the execution of these Regulations.

Made at Baghdad on the 1st day of Safar 1390, A.H., corresponding to 7th day of April, 1970, A.D.

Ahmad Hassan Al-Bakir

Chief of the Revolutionary Command Council

President of the Republic

Published on April 19, 1970 in Official Gazette No. 1869.

SCHEDULE OF CLASSIFICATION OF INDUSTRIAL DESIGNS

Class 1:

Installation for cooking, heating, refrigerating, drying, ventilating, washing and their accessories.

Class 2:

Installation for lighting, their accessories and completion materials.

Class 3:

Tools and instruments of various kinds and their accessories and parts thereof.

Class 4:

Furniture and their accessories.

Class 5:

Machines, engines and their accessories and parts.

Class 6:

Buildings, constructions and their concerns.

Class 7:

Shoes of various kinds and shapes.

Class 8:

Textiles of various kinds.

Class 9:

Clothes of various kinds, shapes and their concerns.

Class 10:

Stationery including books, magazines and newspapers.

Class 11:

Games, playthings, their concerns and sporting articles (other than clothes).

Class 12:

Transport means by land, water and air of various kinds and their accessories.

Class 13:

Golden, silver and platinum jewelry, precious stones and others, their imitations and concerns.

Class 14:

Casings and containers including dishes, cups, bottles and the like.

Class 15:

Carpets, rugs, mats, mattresses and the like.

Class 16:

Ammunition, firearms, their accessories and completion elements.

Class 17:

Measuring and checking apparatus including watches, optical and their accessories.

Class 18:

Scientific instruments, broadcasting and receiving instruments including radio, television, telephone, telex and the like and concerns.

Class 19:

Musical instruments.

Class 20:

Designs not included in other classes.

LAW NO. 52 of 1970
AUTHENTICATION OF SIGNATURES ON IRAQI AND FOREIGN DOCUMENTS
AND LEGAL INSTRUMENTS

In accordance with the provisions of paragraph C of Article 50 as amended, of the Interim Constitution and pursuant to the proposal of the Ministers of Foreign Affairs and Justice and with the approval of the Revolutionary Command Council, the following Law has been enacted:

Article 1

As amended by Law No. 54 of 1971:

A. Powers of attorney, legal instruments and documents, excluding certificates of origin and commercial invoices, signed in a foreign country and drawn up in accordance with the law of that country, shall be enforceable in Iraq if certified by an Iraqi Consul or a person performing consular duties for Iraq, by authenticating any of the following:

1. The authentication effected by a foreign notary public or any foreign competent authority following the authentication of the Ministry of Foreign Affairs of that foreign country or foreign authorities having competence for such authentication.
2. The authentication effected by the administration of a university or institute, if the person requesting authentication is an Iraqi student belonging to a recognized university or institute.
3. The authentication effected by a chamber of commerce or similar authority in a foreign country, according to its own practice.

B. For the purpose of authentication, the Iraqi Consulate must be officially advised of the specimen seals and signatures of the competent foreign authorities referred to in the preceding paragraph.

C. In the case where no Iraqi Consul, or a person acting for him, is available in a foreign country, the authentication referred to in paragraph A of this Article shall be effected by the consul of that foreign country in Iraq or by the person acting for him.

Article 2

- A. In all cases stated in Article 1, this authentication shall be confirmed by the Iraqi Ministry of Foreign Affairs, who shall have the right to authenticate documents authenticated in a country wherein no ministry of foreign affairs, or an Iraqi Consul or a person acting for him, is available, or if that country has no consul in Iraq, provided that the Ministry of Foreign Affairs is satisfied of the genuineness of the issued document.
- B. The Ministry of Foreign Affairs may accept the authentication of the foreign consul or the person acting for him in Iraq, in respect of the documents, legal instruments and powers of attorney mentioned in Article (1, if not authenticated by the Iraqi Consul, or by the person acting for him, in the foreign country wherein they were prepared.

Article 3

As amended by Law No. 54 of 1971:

A. The Iraqi Commercial Attaché, or the person performing his duties in the establishments of the Iraqi Republic abroad, shall authenticate certificates of origin and commercial invoices, and he shall, before authentication, ascertain that the following conditions are fulfilled:

1. That they are authenticated by the Chamber of Commerce or similar authority in the foreign country, according to the local practice.

2. That the manufacturers of the goods are not boycotted.

3. That the goods are produced by the same manufacturers stated in the certificate of origin or commercial invoice.

B. The Ministry of Economy may accept the authentication of the Commercial Attaché, or the person performing his duties, in foreign representations and bodies accredited in the Iraqi Republic, in respect of certificates of origin and commercial invoices.

C. A certificate of origin issued by any of the member States of the Arab Common Market, and authenticated officially in the country of origin, shall be enforceable in Iraq.

Article 4

Documents and legal instruments prepared and issued by accredited foreign consulates and diplomatic missions in Iraq, and by foreign bodies and international and regional organizations operating in Iraq, shall be enforceable in Iraq, provided that they are authenticated by the Ministry of Foreign Affairs.

Article 5

Iraqi authorities, to whom documents and legal instruments referred to in the preceding articles are submitted, may ask for an Arabic translation of same to be attached thereto.

Article 6

The provisions of agreements and conventions concluded between the Iraqi Republic and foreign countries shall be observed if they contain other procedures and rules for authentication of signatures on documents and legal instruments enforceable in the other country.

Article 7

Signed documents, legal instruments and powers of attorney prepared in Iraq and intended for use in foreign countries, shall be authenticated by the competent authorities in the following manner:

- A. Authentication by every ministry of any legal instrument or document issued by any department attached to that ministry.
- B. Authentication by the Ministry of Justice of legal instruments and documents issued by departments, institutions, organizations and other bodies having judicial personality, not attached to any ministry.
- C. Authentication by the Ministry of Foreign Affairs, thereafter.
- D. The Iraqi certificate of origin shall not be subject to authentication by the Iraqi Ministry of Foreign Affairs and consular bodies abroad, if it is intended for use in a member State of the Arab Common Markets.

Article 8

The Approval of the Directorate General of Income Tax and the Foreign Exchange Department in the Central Bank of Iraq is required when authenticating any of the following legal instruments, whether such instruments are drawn up in Iraq for use abroad, or otherwise:

- A. Religious or civil orders of inheritance shares.
- B. Orders of succession and instruments relating to the winding up of estates.
- C. Wills and deeds of trusteeship.
- D. General powers of attorney and specific powers if such powers relate to property.
- E. Documents relating to patents of invention and trademarks.

Article 9

The afore-stated procedure of authentication shall apply to every copy of a document submitted for authentication.

Article 10

a. For the purposes of this Law, authentication of legal instruments, documents, powers of attorney and copies thereof by the ministries shall be subject to a fee of 100 fils for each operation, in addition to the other fees payable on such documents in accordance with the laws in force.

b. Documents issued by foreign diplomatic and consular missions and by international and regional organizations operating in Iraq, belonging to their members and employees who enjoy exemptions according to international practice or international agreements, shall be exempt from the fee provided in paragraph (a) of this Article.

Article 11

As amended by Law No. 54 of 1971 : Subject to the provision of Article 3 (A) of this Law, the authentication effected by the Iraqi competent authorities under this Law, means the confirmation of the validity of signatures and seals set in the documents and legal instruments.

Article 12

As amended by Law No. 54 of 1971: The Ministers of Justice and Foreign Affairs may, each within his competence, issue instructions to facilitate the execution of this Law. The Minister of Economy may issue instructions in respect of authentication of certificates of origin and commercial invoices.

Article 13

Law No. 76 of 1960 pertaining to authentication of signatures on foreign documents shall be repealed.

Article 14

This Law shall come into force as of its publication in the Official Gazette.

Article 15

The Ministers are charged with the implementation of this Law.

Made at Baghdad on the 7th day of Moharram 1390, A.H.

Corresponding to the 15th day of March 1970, A.D.

Ahmad Hassan Al-Bakir

Chief of the Revolutionary Command Council

President of the Republic

Published on March 29, 1970 in Official Gazette No. 1859.