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**Patents of Invention Law**  
**Law No. 32 for the Year 1999**  
**Official Gazette No. 4389 dated 1.11.1999**

**and its amendment by:**  
**Temporary Law No. 71 for the Year 2001**  
**Official Gazette No. 4520 dated 2.12.2001**

**Patent Regulations official Gazette No. 4522 dated 13.12.2001**

Article 1

This Law, amended patent Law of 2001, shall be read in conjunction with Law No. 32 of 1999, referred to herein as original Law, and shall be deemed one Law; and shall be effective thirty days after the date of publication in the Official Gazette.

Article 2

The following terms and expressions wherever mentioned in this law shall have the meanings assigned against them unless the context requires otherwise:

**The Ministry:** The Ministry of Trade & Industry.

**The Minister:** The Minister of Trade & Industry.

**The Invention:** Any innovative idea, in any of the fields of technology, which relates to a product or a manufacturing process or both and practically solves a specific problem in any of those fields.

**The Patent:** The granted certificate for the invention protection.

**The Patentee:** The natural or legal person to whom the patent is granted.

**The Register:** The Patents Register.

**The Registrar:** The Patents Registrar of the Ministry.

Article 3

The invention shall be patentable if it meets the following conditions:

If it is novel as regards the prior industrial art and is unprecedented as regards disclosure to the public in any place in the world by means of written or oral disclosure, by use, or by any other way which allows awareness of the invention's content before the relevant filing date of the patent application or the priority of the application claimed under the provisions of this law.

The disclosure of the invention to the public shall not be taken into account if it occurred twelve months before the filing date of the application or before its priority date, if any, and it occurred due to actions taken by the applicant or his predecessor or due to an abuse made by third parties against the applicant or his predecessor.

If it involves an inventive step that, having regard to the prior art relevant to the patent application, it would not have been obvious to a person having ordinary skill in the prior art of the invention subject.

If it is industrially applicable that it can be made or used in any type of agriculture, fishing, service or industry in their widest senses including handicraft.

#### Article 4

A patent shall not be granted in the following cases:

- The inventions whose exploitation is detrimental to public order or public morality.
- The inventions whose non-exploitation is necessary to protect the life and health of humans, animals and plants or to avoid severe damage to the environment.
- For implementing the provisions of items 1 and 2 of this paragraph, non-granting of protection shall not be provided for just because such patent exploitation is disallowed under other enforceable laws.
- Discoveries, scientific theories and mathematical methods.
- Diagnostic, therapeutic and surgical methods necessary for the treatment of humans or animals.
- Plants and animals other than microorganisms.
- Biological methods for the reproduction of plants and animals other than non-biological and microbiological methods.

#### Article 5

The right to a patent grant shall be as follows:

- To the inventor or his successor
- If the invention is a result of joint efforts among several persons, all of them shall be equal partners in the patent unless otherwise is agreed upon
- If several persons think up a patent separately and independently, then the right shall belong to the applicant who files it before the others do.
- To the benefit of the employer, if the invention conducted by the employee during his employment, relates to the activities or business of the employer, or if the employee uses in his attempt to conduct his invention the experiences, business, information, instruments or the articles of the employer under his own disposal, unless otherwise agreed upon in writing.

- To the benefit of the employee, if the invention conducted, is not related to the activities or business of the employer and the employee does not use in his attempt to conduct this invention the experiences, information, instruments or raw materials of the employer, under the employee's own disposal, unless otherwise agreed upon in writing.

#### Article 6

Canceled.

#### Article 7

A register called the Patents of Inventions Register shall be kept in the Ministry under the supervision of the Registrar. All the particulars relating to inventions shall be recorded therein including the owners' names and addresses, the granted patents and all legal disposals and recordals including the following:

- Any transfer or assignment or license to third parties to use with due consideration to the confidentiality of the license contract.
- Mortgage or seizure of the patent or any limitation on its use.
- The public may review the Register as per the regulations to be issued by the Minister for this purpose and to be published in the official Gazette.
- The computer may be used for recording patents and their particulars and the particulars and extracts of the computer shall be binding to all.

### **Registering Patents**

#### Article 8

- Any person shall be entitled to file a patent application on the form prescribed for this purpose as per the following procedure:
- A patent application shall be submitted to the Registrar with the detailed description of the invention. The description shall disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person having ordinary skill in the art while stating the best mode for carrying out the invention known to him on the application date or the priority date.
- The patent owner shall file complete particulars on the applications on the same patent subject matter which he filed in other countries including the results of such applications. If applications relating to biologic substances or microorganisms are filed, the applicant shall submit a proof that he filed specimen to one of the specialized centers.
- The application shall be accompanied by a statement justifying the applicant's right to the patent.
- The application shall determine the claims which the applicant wishes to protect. The claims shall be concise and clear and be fully supported by the whole description, and the drawings may be used in interpreting the claims.

- The application shall include an abstract of the patent specification, and the new elements to be protected, inventors and applicant's names and addresses, for the purposes of publication in the Official Gazette.
- The date on which the Registrar receives the application shall be regarded as its filing date provided that it meets the requirements and it is accompanied by the documents prescribed in the regulations to be issued for this purpose.
- The Registrar may request the applicant to make amendments of the application and to complete the required particulars prescribed by the law or regulations provided that the amendments don't exceed what has been disclosed in the original application. If the applicant doesn't do so during the period to be fixed in the regulations, then the applicant will be regarded to have lost his right in the application under a decision of the Registrar and the applicant may appeal the decision to the High Court of Justice within 60 days of the decision notification date.

#### Article 9

The application for the registration of a patent shall be limited only to one invention or a group of related inventions as to constitute a single general inventive concept.

The applicant may introduce amendments to his application, before it is granted, provided that such amendments don't exceed what has been disclosed in the original application.

The applicant may divide his application to sub-applications, before the patent is granted, provided that each sub-application doesn't exceed what has been disclosed in the original application. Each of the sub-applications shall have the original filing date or the original priority date if any.

#### Article 10

The applicant may include a notice of priority claim of a national, regional or international application which he or his predecessor previously filed in any state which relates to Jordan by a bilateral or multilateral agreement for the protection of industrial property provided that the application is filed in the Kingdom within a period of no more than 12 months calculated from the day following the filing day of the first application.

If the application includes the priority notice, then the Registrar may ask the applicant to submit, during the period prescribed in the regulations, a certified copy of the original application from the office with which the application has been filed. In this case the application date shall be regarded as the same date on which the application was filed in the foreign country as per the Paris Convention for the Protection of Industrial Property.

If the applicant does not prove priority under paragraph A of this Article, then his application shall be recorded on the date it is filed with the Registrar.

#### Article 11

Notwithstanding the provisions of this law, the heirs to the dead inventor who possesses an invention and who has not applied for its registration shall have the right to apply for its registration in their names provided that the name of the true inventor is mentioned.

#### Article 12

The applicant may file amendment applications to the patent specifications or explanatory drawings before it is published in the Official Gazette by indicating the nature of the amendment or its justifications; provided that such amendments don't change the essence of the invention or what has been disclosed in the original application and provided that the applications to amend go through the same procedures as those of the original application for registration.

#### Article 13

If the application meets the conditions prescribed in this law, the Registrar shall declare his acceptance of it and grant the applicant a preliminary acceptance. Then he shall publish a notice in the Official Gazette including the abstract of the invention or any drawings or particulars relating thereto, if any. The period in which publication should take place and the particulars to be published shall be determined in the regulations to be issued for this purpose.

Without prejudice to the provisions of Article 36 of this law, the applicant shall have a provisional protection during the period between the acceptance date and the grant date. In this case the applicant shall have the right to exploit the invention and to take measures to prove any infringement upon his invention during this period.

The applicant shall be entitled to take, after the patent grant, any legal measures to stop an infringement upon his patent and to claim damages if the infringement continues.

#### Article 14

Any person may, within 3 months of the publication date of the notice of preliminary acceptance in the Official Gazette, notify the Registrar of his opposition to the patent grant. The opposition procedures, the cases in which it is allowed to extend the opposition period, and the notifications shall be determined in the regulations to be issued for this purpose.

#### Article 15

If no opposition is filed to the patent grant or if the filed opposition is rejected, the decision granting the patent shall be issued after the payment of the prescribed fees.

If the applicant dies before the patent is granted, the patent shall be granted to his heirs or his legal successor after submitting the supporting documents.

#### Article 16

The Registrar shall not be held answerable as regards the novelty, inventive step, industrial applicability, the standardization compliance, or the usefulness of the invention patent, and all those shall rest with the patentee.

#### Article 17

The duration of the patent of invention shall be for 20 years as of the date of the application for registration under the provisions of this law.

#### Article 18

If a patent is granted and if its patentee applies for an additional invention due to any improvement or amendment thereto, he may obtain a patent of addition and it shall be valid for the remaining period of the original patent of invention.

The patent of addition shall be subject to the provisions of this law relating to the original patent.

#### Article 19

The fees which shall be levied on the patent applications, grants and additional patents shall be determined in the regulations to be issued for this purpose.

#### Article 20

A special Regulation shall be issued for providing for the procedures and bases for the temporary protection of the inventions displayed by their inventors in exhibitions in the Kingdom or abroad.

The temporary protection governed in paragraph A of this Article shall not entail extending the priority period provided for in this law.

### **The Patentee Rights**

#### Article 21

A patent shall grant its owner the following rights:

Where the subject of the patent is a product, the right to prevent any person who hasn't obtained the owner's authorization from making, exploiting, using, offering for sale, selling or importing that product.

Where the subject of the patent is an industrial process, the rights to prevent any person who hasn't obtained the owner's authorization from using the process or the product directly made by the process, or offering for sale, or selling or importing the product.

The patentee shall be entitled to assign it to third parties or to license its use.

Notwithstanding any conflicting provision in this law or any other law, all types of scientific research and development and filing applications for obtaining marketing permits carried out before the elapse of the patent protection period shall not be regarded as infringement neither civil nor criminal.

### **Compulsory Licenses for Patent Exploitation**

#### Article 22

The Minister may grant a license to use a patent to third parties without obtaining the patentee's consent in any of the following cases exclusively:



- If the use of the patent by the state authorities or licensed third parties is a necessity for national defense or emergency or for noncommercial public good provided that the patentee is notified as soon as it becomes possible.
- If the patentee doesn't exploit it or exploits it insufficiently before the elapse of 4 years as of the application date or 3 years as of the granting date, the period to be applied is the one that elapses later. However, the Minister may grant the patentee an additional grace period if he deems that reasons beyond the control of the patentee have prevented exploitation.
- For the purposes of item 1 of this paragraph, and without prejudice to the provisions of the related International Conventions, the importation of the subject goods of the patent to the kingdom shall be deemed utilization of the patent.
- If the patentee exercises his rights in such a way as to prevent others from competing fairly.

#### Article 23

The following shall be taken into consideration when compulsory licenses are granted:

Each application for a license shall be decided separately for its specific conditions and circumstances.

The applicant shall have tried to obtain a license from the patentee under reasonable remuneration and conditions but did not reach an agreement during a reasonable period of time in the case provided for in paragraph B of Article 22 of this law.

The scope and duration of the license shall be limited to the purpose for which it is granted. If the license application relates to semiconductor technology, then it shall only be granted for noncommercial public good or to rectify practices deemed by the competent judicial or administrative authority to be anticompetitive.

The license to exploit shall not be exclusive.

The license shall not be assignable to third parties.

The license shall only be granted for meeting the demand in the local market other than for the case provided for in paragraph C of Article 22 of this law.

The patentee shall receive an equitable remuneration which takes into account the economic value of the patent.

#### Article 24

The Minister may cancel the compulsory license by himself or on the strength of an application from the patentee if the reasons for its grant disappeared. This license cancellation shall however preserve the rights of those involved in the compulsory license

#### Article 25

The provisions and procedures related to licensing of patent utilization shall be prescribed pursuant to regulations to be issued to this aim.

#### Article 26

The Minister's compulsory-license decision shall be appealable to the High Court of Justice within 60 days of its notification.

### **Patent Assignment, Pledge and Seizure**

#### Article 27

A patent title shall be transferable wholly or partially with or without compensation and be subject to pledge and seizure.

The patent title and all its rights shall be transferable by inheritance.

#### Article 28

The patent assignment, pledge or seizure shall not have any effect against third parties except as of the recordal date in the Patent Register and publication in the Official Gazette.

#### Article 29

The procedures for patent assignment pledge or seizure as well as all legal patent disposals shall be governed in the regulations to be issued by the Minister for this purpose and be published in the Official Gazette.

### **Patent Elapse and Invalidation**

#### Article 30

The patent title and rights shall lapse in any of the following cases:

- The elapse of the protection period under the provisions of this law.
- Issuance of a final judgment on the patent invalidation by the competent authority.
- Nonpayment of the annuity fees and any fine thereof after the elapse of 6 months of the due date.
- The Registrar shall announce the lapsed patents under paragraph (A) of this Article in the way prescribed in the regulations to be issued for this purpose.

Whoever is concerned may resort to the High Court of Justice for invalidation of the patent granted in contravention to the provisions of this law. The Registrar shall strike the patent off the Register when the invalidation decision is issued.

The Registrar may strike off a patent if he deems that it has been granted in contravention to the conditions provided for in this law. His decision shall be appealable to the High Court of Justice and the patent protection shall continue to be valid till the court issues a decision on the case.

## **Industrial Property Registration Agents**

### Article 31

No person may practice the profession of industrial property registration agent or to claim to be as such unless his name is recorded with the Agents Register kept with the Registrar for this purpose or is registered with the Jordanian Bar Association.

Whoever contravenes the provision in item (1) of this paragraph shall be penalized with a fine of no less than 1000 Jordanian Dinars and of no more than 5000 Jordanian Dinars.

The implementing regulations shall determine the conditions for the those who are entitled to practice the industrial property registration agent profession.

Offenses and Penalties

### Article 32

Whoever commits, with the intention to infringe, any of the following deeds shall be punished by an imprisonment term of no less than three months and of no more than one year or a fine of no less than 100 Jordanian Dinars and of no more than 3000 Jordanian Dinars or by both of those penalties:

Imitates, for the purpose of industrial use or commercial exploitation, the subject of a patent protected under this law.

Sells, possesses for sale, offers for sale or circulation, or imports from abroad products imitating the patent subject if the patent is registered in the Kingdom.

Affixes misleading indications leading to the belief that he obtained a patent or license to exploit it on his products, trademarks, advertisements, or packaging.

The provisions of paragraph A shall apply to those who start with any of the acts mentioned therein or aided and abetted their commission.

The patent owner may claim damages for any damage or loss sustained due to any of the acts provided for in paragraph A & B of this Article.

## **Precautionary and Other Measures**

### Article 33

The owner of a patent registered in the Kingdom may request the court to do the following while it reviews the lawsuit provided that he submits with the application a bank or monetary guarantee accepted by the court:

- To stop the infringement.
- To make a precautionary seizure of the products subject of the infringement wherever they are.
- To preserve the infringement evidence.

Before he files his civil or criminal lawsuit, the patentee who claims an infringement upon his patent may ask the court to take any of the measures provided for in paragraph A of this Article without notifying the

defendant if he proves to be the patentee and that his patent is being infringed upon or is about to be infringed upon and he is likely to sustain irreparable damage or is worried that the pieces of evidence will be hidden or destroyed provided that those requirements are accompanied by a bank or monetary guarantee accepted by the court. The defendant may appeal such a decision within 8 days as of the date on which he was notified of it or understood it. The decision of the appellate court shall be unappealable.

If the patentee doesn't proceed with his lawsuit within 8 days of the court's decision, all the measures taken shall be regarded as null and void.

On the ground of an application by the defendant accompanied by a bank or monetary guarantee which the court accepts, the court may stop the precautionary measures including the closing down of the enterprise, factory, and so on. This decision shall be appealable within 8 days as of the date of its notification. The decision of the appellate court shall be non-appealable.

The defendant may claim an equitable compensation if it is proven, as a result of the lawsuit, that the plaintiff is not rightful in his claim or that he hasn't filed his lawsuit within the prescribed period.

In all cases the court may use the experts' opinions for the purposes of implementing the provisions of this law.

The court may decide to seize the products, implements and materials the predominant use of which was in making the products or which the infringement was committed with. The court may order to destroy them or to dispose of them for noncommercial purposes.

#### Article 34

The court may order the defendant in a patent infringement lawsuit to prove that his product manufacturing method is different from that of the protected patent if production has been carried out without the patentee's consent and if it was likely that the identical product was made with the protected process and the patentee was unable to specify the process actually used despite his reasonable efforts to do so.

The court shall take into consideration, when it requests proof under paragraph A of this Article, the legitimate interests of the defendants in protecting their industrial and commercial secrets.

If such secrets have been disclosed while reviewing a lawsuit filed by the plaintiff but he was not rightful in his claim, the defendant shall have the right to claim damages for losses sustained which are to be determined by the court.

### **Concluding Provisions**

#### Article 35

The provisions of this law shall apply to the patents granted under the provisions of the Patents and Designs Law No. 22 for the Year 1953 and its amendments which are still enforceable when the provisions of this law come into force.

## Article 36

Patents of invention shall be granted for manufacturing and chemical processes relating to chemical products, pharmaceuticals and foodstuffs.

After the enforceability date of this law, it shall be permissible to file patent applications for registering inventions involving the protection of final products for chemicals relating to pharmaceuticals or medicines or foodstuffs.

Deciding the applications referred to in the previous paragraph B shall only be made after the enforceability date of this Article.

Without prejudice to the provisions of any other law, the Minister may grant the applicant for a patent registration the exclusive right to market the chemical products relating to medicines or pharmaceuticals or foodstuffs covered by the patent subject for five years or until the date of patent grant or rejection whichever is shorter if the following takes place after the enforceability date of this Article:

- Filing an application for obtaining a patent of invention in the Kingdom relating to the products mentioned in this Article.
- Filing an application for an invention patent in another country member of the World Trade Organization and the patent has been granted.
- Granting a permit for marketing the product in the other country.
- Granting a permit to register the medicine in the Kingdom by the Ministry of Health.

The provisions of paragraphs C & D of this Article shall come into force after the elapse of one month as of the Cabinet's decision to do so, within 3 years as of the date of Jordan's joining the World Trade Organization.

In case of non-issuance of the decision referred to in item 1 of this paragraph, the provisions of the said two paragraphs shall come into force under the law when the 3-year period elapses.

## Article 37

The provisions of this law shall not prevent any person from importing any materials or goods from a third party if that party enjoys the legal protection of the same patent protected in the Kingdom and if that importation is lawful, complies with the principles of commercial competition and fairly takes into account the economic value of the protected patent.

In spite of the inclusions of paragraph A of this article and without prejudice to the provisions of the related International conventions, goods covered by patent of invention may not be imported by any Licensee, if the Licensing contract prohibit him from importation to the kingdom, provided that the patent owner notify in writing the Customs Administration and the Registrar in this respect. The Registrar shall, at the expense of the patent owner, publish this notification in at least one of Local daily gazettes; and the applicable legislations shall apply to this case.

#### Article 38

The Council of Ministers shall issue the necessary regulations for implementing the provisions of this law including fixing the fees to be levied.

#### Article 39

The Patents of Invention and Industrial Designs Law No. 22 for the Year 1953 and its amendments and the provisions of any other law to the extent they conflict with the provisions of this law.

#### Article 40

The Prime Minister and the Ministers shall be commissioned with implementing the provisions of this law.

### **Patent Regulations Official Gazette No. 4522 dated 13.12.2000**

We Abd Allah the Second Ibn El Hussien,  
King of the Hashemite Kingdom of Jordan Pursuant to Article 31 of the Constitution and what was Decided by the Council of Ministers on November 6, 2001  
Order that the following regulation be applied:

Regulation number 97 for the year 2001 Patent of invention regulations issued pursuant to article 38 of the patent law number 32 for the year 1999.

#### Article 1

This regulation shall be called regulation of patents of invention for the year 2001 and shall take effect starting from its publication date in the official gazette.

#### Article 2

The following words wherever they appear in this regulation shall have the meanings assigned to them herein below unless the context of the texts necessitates otherwise.

- **The law:** The patent law
- **The office:** The office of the Registrar of patents
- **The agent:** The agent of registration of industrial property who is registered pursuant to the provisions of this regulation or the lawyer who is registered in the register of practicing lawyers.

#### Article 3

The fees for the transactions affected pursuant to the provisions of the law and this regulation shall be charged according to the schedule present in the first annex which shall be considered as an integral part thereof.

#### Article 4

- A. The forms referred to in this regulation shall be adopted according to the formats appearing in the second annex of this regulation. The Registrar shall have the right at any time to amend them taking into consideration the provisions of this law and this regulation.
- B. All applications shall be submitted to the Registrar in writing on the forms approved according to the provisions of paragraph A of this article. In case there is no specific provision as to the use of a specific form for a certain request, the Registrar shall specify its wording according to form 11 of the second annex of this regulation.

#### Article 5

- A. Taking into consideration any instructions which may be issued by the minister and are published in the official gazette, the documents filed pursuant to this regulation should:
  - 1. Be written or printed in clear and large characters using a stable dark ink on one side only on white durable paper in the size approved by the Registrar.
  - 2. Be written in Arabic unless there is a signature on them approving using another language. They should be signed in a large and clear inscription.
  - 3. Have an empty margin on the left side not less than four centimeters.
    - A. Be filed in duplicates unless the Registrar requests more copies.
    - B. Have a suitable empty space at the top of the first page of the specifications of the invention.
    - C. The documents containing illustrative drawings shall be exempted from the provisions of paragraph A.

#### Article 6

- A. It is acceptable to submit by hand or send by registered air mail any of the applications, declarations, notifications or any other documents allowed or required by the law or this regulation. They shall be considered as being submitted, delivered, filed or notified at the time they were delivered or at the time the dispatch containing any of the aforementioned documents was received. In order to prove that any of the said documents was sent or received it is sufficient for the sender to prove that he has delivered it by hand or sent it to the address of the office, the address specified in the application or in the opposition memorandum or the address specified for notification according to article 7 of this regulation as the case may be.
- B. All of the applications, declarations, notifications or documents filed according to the provisions of paragraph (a) of this article shall be recorded in the register of outgoing or incoming according to their subject matter giving them serial number and indicating the date of their dispatch or arrival.

#### Article 7

The patent owner, the applicant for registration, the opposer and every person who is required to submit his address to the Registrar, should provide the Registrar with a specified address in the Kingdom for notification. This address shall be sanctioned for the purposes of the law and this regulation.

## Article 8

The application for the registration of an invention shall be submitted according to form number 3 of the second annex of this regulation accompanied by a declaration supplemented by oath according to form 4 of the same annex.

## Article 9

Any application for the registration of an invention shall be recorded in the incoming register according to the order it was received by hand or by registered mail and it shall be given a serial number together with recording its arrival date. It shall, also be recorded in the same order in the inventions register while indicating the date.

## Article 10

The application for registration shall be accompanied by the following documents:

A detailed description of the invention beginning by writing down the title of the invention. The detailed description (specifications) should satisfy the following:

- Specifying the technical or scientific field of the invention.
- Disclosing the prior technical art the applicant is aware of and which may be useful to understand and examine the invention.
- Disclosing the invention in clear words and phrases which permits it to be fully understood and which enable those skilled in the art of the invention to carry it out and to mention any probable effect of the invention if applicable.
- A brief description of any illustrative drawings of the invention if there are drawings.
- Stating the best mode known to the inventor for carrying out the invention, while giving example when applicable and making references to the illustrative drawings if available.
- A clear detailed listing of the new claims whose protection is sought and which have been specified in the application.
- Any illustrative drawing of the invention if it is necessary for the understanding of the invention. Drawings may also be submitted if the nature of the invention allow for its illustration by drawings.
- A brief description of the invention and the new claims whose protection is sought in about (200) words for the purpose of publication in the official gazette. The said brief description should be independent of the application and it should comprise the following:
  - The name of the inventor and the applicant if the applicant is not the inventor and the address of both of them.
  - A summary of the specifications of the invention, the claims whose protection is sought and any illustrative drawings associated with it. The said summary should indicate the technical or scientific field of the invention and should give a clear idea of the technical problem, the essence of its solution as well as the main uses of the invention.
  - The chemical formula which best distinguishes the invention compared with the other formula listed in the application if needed and if the invention is a chemical invention.
  - The best suited illustrative drawing among those presented by the applicant.
  - The certificate of incorporation of the company or the establishment or the memorandum of association as the case may be if the applicant is a juridical person.



- The document establishing the applicant's right in the invention, if the applicant is not the inventor.
- The power of attorney legalized according to regulations.
- A copy of the prior application and the documents attached thereto as well as a certificate indicating its filing date, filing number and the country it was filed in if the application contains a claim for the priority rights according to article 10 of the law.
- The issued provisional protection certificate for the inventions which are displayed in official exhibitions if available.

#### Article 11

- A. The application should be accompanied by the document referred to in paragraphs A, B and C of article 10 of this regulation. As for other documents, in case they are not attached to the application, a pledge may be submitted by the applicant according to form 5 of the second annex of this regulation to submit the needed documents within sixty days as from the filing date of the application. If the applicant does not file them during this period he will be considered as abandoning the application based on a decision by the Registrar except for the documents referred to in paragraph G of article 10 of this regulation. The failure to file this document during the said grace period when claiming priority results in the loss of the right to claim priority.
- B. If the applicant does submit the other documents referred to in paragraph (a) of this article during the specified period, he shall be considered as abandoning his right to the application based upon the decision of the Registrar.
- C. The register shall be marked to indicate the abandoning of the application by the applicant or his loss of the right to claim priority as the case may be.

#### Article 12

All the documents submitted pursuant to the provisions of the regulation should be accompanied by an Arabic translation if they are written in English and by Arabic and English translations if they are written in another language.

#### Article 13

In preparing the illustrative drawings the following should be abided by:

- A. The lines should be clear and in one single pattern.
- B. The drawings should be perpendicular to the drawing paper.
- C. The characters and numbers used to refer to the parts of the drawings (figures) should be clearly written. The same characters and numbers should be used on the corresponding parts in the different positions of the drawings (figures). When writing these characters and numbers outside the illustrative drawings (figures) they should be connected to the parts they refer to by thin lines.
- D. A sufficient margin must be left between each of the drawing and the drawings next to it and the drawings must be given consecutive numbers in case more than one drawing is placed on the same paper.

#### Article 14

- A. The Registrar may request the applicant or allow him to submit samples of the products related to chemical and nutritional inventions, medical preparations and pharmaceutical or veterinarian preparations. The applicant must in this case submit the requested samples, make a list thereof and attach it to the specifications and summary of the invention.
- B. The submission of the samples stipulated in paragraph A of this article shall be in bottles whose heights do not exceed 8 centimeters and outer diameters do not exceed 4 centimeters. They must be tightly sealed and stamped with sealing wax. The samples shall have fixed on them a statement indicating their connection to the product mentioned in the specifications of the invention.

#### Article 15

If the invention was related to a dyeing or coloring substance, and a sample thereof has been submitted pursuant to the provisions of article 14 of this regulation; the samples should be augmented by specimens of goods which have been printed or dyed by this substance according to the conditions and requirements stipulated by the Registrar for this purpose.

#### Article 16

When needed, the Registrar may in case other than those stipulated in articles 14 and 15 of this regulation request the applicant to submit samples or specimen. If the samples contained poisonous, caustic, flammable or explosive substances, that fact should be indicated in the statement fixed to them.

#### Article 17

The applicant may file an application to amend the specifications or the illustrative drawings (figures) according to form 11 of the second annex of this regulation accompanied by a copy of the old and new specifications or drawings legalized according to regulations indicating therein clearly the amendments to be made. This should be done before the publication in the official gazette. In this case the date of the application will become the date of making the amendments.

If the Registrar discovers after receiving the specifications and drawings that the features of the invention have not been made clear and were not sufficiently described and he requested amending the specifications or the illustrative drawings (figures) or any of them, the application will be dated by the date of making the amendments provided that the grace period granted to the applicant does not exceed sixty days as from the date of being notified by the Registrar of the need to make amendments otherwise the applicant shall be considered abandoning the application based on a decision to be issued by the Registrar.

### **Examination of the application**

#### Article 18

The Registrar shall examine the application to obtain the patent and its attachments as stipulated in articles 19 and 20 of this regulation to ascertain the following:

- A. That the application is filed by the person who owns the right to file it.
- B. That the application satisfies the conditions stipulated in articles 5, 10 and 13 of this regulation.
- C. That the samples and specimen which have been filed or which are requested satisfy the conditions stipulated in articles 14, 15 and 16 of this regulation as the case may be.
- D. That there is no bar to granting the patent according to the provisions of article 4 of the law.
- E. That the conditions of protection of the patent according to the provisions of article 3 of the law are satisfied.
- F. That the inventive claims whose protection is sought are stated in the application in a specific manner and are explained clearly according to the provisions of paragraphs A of article 8 of the law and the provisions of this regulation.

#### Article 19

The Registrar shall examine the application as to form. If this examination reveals that it does not satisfy any of the conditions stipulated in the law or this regulation he may send a notification to the applicant requesting him to affect what is needed within a period not exceeding sixty days as of the date of being notified otherwise the applicant loses his right in the application based on a decision to be issued by the Registrar and that fact shall be recorded in the register.

#### Article 20

If it is established that the application satisfies the conditions and requirements as regarding the form, the Registrar may send a notice to the applicant requesting him to pay the fees needed for the objective examination of the invention within sixty days as from the date of being notified. If the fees are paid during that period the application shall be transferred to objective examination otherwise the application shall be considered as null and void. This fact shall be recorded in the register.

#### Article 21

The Registrar may for the purpose of examination get assistance from the technical expertise available at any authority if he deemed that necessary.

### **Issuing a decision regarding the application**

#### Article 22

If the examination of the application revealed that it does not satisfy the conditions stipulated in the law and this regulation, the Registrar shall issue a decision rejecting the application and stating the reasons for rejection. This decision shall be notified to the applicant.

#### Article 23

a. If the examination established that the formal and objective conditions and requirements as stipulated in the law and this regulation are satisfied, the Registrar shall issue his decision accepting the application and granting the applicant the preliminary acceptance of the application, notifying him of this by a letter and requesting him to pay the publication fees within a period not exceeding sixty days as of the date of

being notified. If the applicant does not pay the said fees within the said period the application shall be considered as null and void pursuant to a decision by the Registrar to be recorded in the register.

b. If the publication fees are paid, the Registrar shall grant the preliminary acceptance certificate on form (6) of the second annex of this regulation. The announcement of the preliminary acceptance shall be published in the official gazette within a period not exceeding one year. The Registrar may extend this period for a period or periods not exceeding one year if he deems that extension a necessity. The said announcement shall include the abstract stipulated in paragraph (c) of article (10) of this regulation and any other data or figures the Registrar deems necessary to publish.

#### Article 24

After the preliminary acceptance of the application according to the law and this regulation, the public shall have the right to inspect the application and specifications as well as the illustrative drawings if available.

#### Article 25

A. If no opposition to the registration of the invention has been filed within three months as from the publication date in the official gazette or if the opposition has been rejected, the Registrar shall issue his decision granting the patent after the payment of the due fees pursuant to the provisions of this regulation and he shall record the patent in the register and deliver it to the applicant or his agent according to the regulations.

B. The opposition period stipulated in paragraph A of this article may be extended pursuant to a decision to be issued by the Registrar for reasons that he deems reasonable or based upon a request submitted to the Registrar containing reasons for the extension which convince the Registrar.

C. The patent and the recording in the register must contain the following data:

1. The number of the application and its filing date.
2. The name of the inventor.
3. The name, nationality and address of the owner of the patent.
4. The title of the invention.
5. The drawing associated with the invention if applicable.
6. The number of the recording of the patent in the register.
7. The issuance date of the patent.
8. The proof of payment of the fees.
9. The protection period, its starting date and the date of end of protection.
  
10. The number of the priority application, its date and the country in which the priority application was filed, in case the patent was based on a priority application.

D. If the application is a continuation application as stipulated in article 18 of the law, then the number of the original patent and date of the end of protection must be stated in addition to the data stipulated in paragraph c of this article.

#### Article 26

A. The opposition to the registration of an invention shall be submitted according to the form (7) of the second annex of this regulation together with the due fees while mentioning therein the reason or reasons upon which the opposer is basing his opposition.

B. The opposition form shall be signed by the opposer or his agent and it shall be accompanied by a memorandum in duplicate indicating in detail the rights of the opposer and the merits and reasons upon which the opposition is based and the demands of the opposer. The Registrar shall provide the applicant with a copy of the form and memorandum of opposition.

#### Article 27

If the applicant decided to respond to the opposition he shall do so within a period of thirty days as of the date of being notified of the opposition memorandum or during any other period allowed by the Registrar by filing at the office a reply memorandum in duplicate containing his reasons for replying to the opposition. The Registrar shall provide the opposer with a copy of the said memorandum.

#### Article 28

The opposer may within thirty days as of the date of being notified of the reply memorandum or during any other period permitted by the Registrar file at the office any evidence in the form of declaration supplemented by oath and any other accompanying attachments in support of his case. The Registrar shall provide the applicant with a copy thereof.

#### Article 29

A. The applicant may within thirty days as of the date of receiving a copy of evidence and attachments stipulated in article 28 of this regulation or within thirty days as of the end of the period within which the opposer may file evidence if he did not file evidence or within any other period allowed by the Registrar in any of these two cases, file at the office declarations supplemented by oath and any other attachments. The Registrar shall provide the opposer with a copy thereof.

B. The opposer may file at the office declarations supplemented by oath or any other attachments in reply to the applicant within a period not exceeding thirty days as of the date he receives the said copy or within any other period allowed by the Registrar. The Registrar shall provide the applicant with a copy thereof. The said declaration and attachments must be limited to what is needed for the reply.

#### Article 30

A. The Registrar shall fix a date for hearing the case at the end of declarations if submitted or at any other time he deems suitable. He shall allow both parties a period not less than fifteen days before the date of hearing the case.

B. The Registrar shall issue his decision in the case after hearing both parties or the party that wishes to give a statement or present a pleading. If none of them wishes to give a statement, the Registrar may adjudicate the case without hearing their statements and in all cases he shall notify both parties of his decision.

#### Article 31

The form of patent shall be as approved by the Registrar.

#### Article 32

The patent's owner shall pay annuities (annual fees) according to form 8 of the second annex of this regulation every year of the legal protection period of the patent. In case of non-payment at the appointed date, the patent owner shall be given a grace period not exceeding six months provided that the fees are doubled in this case. If payment is not made during this grace period, the Registrar shall issue a decision, declaring the patent and its associated rights abandoned and canceling it from the register.

#### Article 33

The Registrar shall issue a certificate to the patent's owner as per regulations indicating the payment of applicable annuities according to form 8. The date of payment of annuities and obtaining the certificate shall be recorded in the register.

#### Article 34

If any change is made to the name of the patent's owner, his address or his notification address, the owner shall send a notification of the said change to the Registrar on form 11 of the second annex of this regulation. The Registrar shall order that the register be amended to reflect this change after the due fees are paid.

#### Article 35

A request to record any document related to the ownership of a patent which is not stipulated in this regulation may be filed by using form 11 of the second annex of this regulation. The request shall be accompanied by a copy of the document properly legalized.

#### Article 36

If a material error took place in the filed applications, the patent or the specifications of the invention or any recording in the register, a request for its correction may be filed on form 11 of the second annex of this regulation. This correction may also be affected pursuant to a decision by the Registrar.

#### Article 37

A. Any party desiring to obtain a certificate from the Registrar related to a recorded data or any other matter allowable by the law or this regulation may file a request to this effect on form (9) of the second annex of this regulation.

B. The Registrar may issue certified copies of any recordings recorded in the register any patent, specifications of an invention, data, declarations supplemented by oath, or other documents kept by him after the payment of the due fees.

#### Article 38

Those concerned may file a request to obtain a copy of the Letters Patent when it is lost or damaged by using form number 10 of the second annex of this regulation.

### **Provisional protection for the inventions to be displayed in exhibits**

#### Article 39

If the inventor desires to obtain the provisional protection for his invention which may be subject of patent in the Kingdom and he wishes to display it in any official exhibit taking place inside or outside the Kingdom pursuant to article 20 of the law, to publish the description of the invention during the exhibit or to use the invention for the purpose of displaying it in the exhibit he should before displaying it submit the following to the Registrar:

- A. A request on form (1) of the second annex of this regulation.
- B. A summary of the invention and the associated illustrative drawing.
- C. A statement of the products associated with the invention.
- D. Any other statement that the Registrar deems as necessary and obligates the applicant to supply.

#### Article 40

The Registrar shall prepare a register for the provisional protection of the inventions stipulated in article 39 of this regulation in which the applications are register serially. The said record shall contain the following data:

- A. The number of application and its filing date.
- B. The name, nationality, domicile of the inventor or his headquarters and address.
- C. The name and address of the agent.
- D. The domicile of choice in the Kingdom to which notifications are to be sent.
- E. The exhibit, its address and its opening date.
- F. The title of the invention and a statement of the goods associated with it.
- G. The date of entry of the goods into the exhibit.
- H. The number of the provisional protection certificate, its date and duration.

#### Article 41

The Registrar shall grant the inventor the provisional protection certificate on form 2 of the second annex of this regulation. The said certificate shall secure the rights stemming from paragraph B of article 13 of the law for a period not exceeding six months as of the date of the opening of the exhibit.

#### Article 42

The Registrar shall publish the lapsed patents pursuant to the provisions of paragraph A of article 30 of the law in the official gazette.

#### Article 43

If the Registrar issued a decision based on the elective authority vested upon him pursuant to the provisions of this law, he shall notify his decision to the applicant or the patent's owner the opposer if available and to all those interested.

#### Article 44

A. The declarations supplemented by oath which this regulation requires that they should be submitted or those used in any procedures pursuant to this regulation must be commenced by stating the subject or subjects they are related to and they must be in the first person form. They should be divided into consecutive paragraphs with each paragraph limited to only one subject to the extent that is possible.

B. Each declaration supplemented by oath must indicate the name of the person making the declaration, his capacity, and his regular domicile, it must be printed and indicate the name and address of the person which the declaration was made on his behalf.

#### Article 45

A. The declarations supplemented by oath may be written and signed in the Kingdom in front of the notary public or the justice of the peace.

B. The declarations supplemented by oath may be written and signed outside the Kingdom in front of the notary public or the justice of the peace provided that it is properly legalized by the competent authorities.

#### Article 46

Except for the case stipulated in article 32 of this regulation, the Registrar shall have the authority to extend the time period specified for executing any action or effecting any procedures stipulated therein.

#### Article 47

If the last day of a time period specified in the law or this regulation for executing any action or affecting any procedure is an official holiday, then the said time period shall be extended to the first working day following the holiday.

### **Compulsory licenses**

#### Article 48

Any natural or juridical person may file a request to the minister of industry and trade in case of the fulfillment of any of the conditions stipulated in article 22 of the law in order to obtain a license to exploit an invention without the consent of the patent's owner.

#### Article 49

The compulsory license request shall be submitted to the minister of industry and trade in the form of a summary from the applicant for the license directed to the owner of the patent. The minister shall issue



his decision rejecting the grant of the compulsory license or granting it while specifying its conditions, scope and the compensation that the applicant for the license must pay to the patent's owner. The minister shall notify his decision to all interested parties. This license shall be recorded together with all other relevant data in the register of inventions after the due fees have paid by the licensee.

## **Contractual licenses**

### Article 50

The owner of a patent may license any natural or juridical person to use or exploit the right subject of a patent pursuant to a written contract, provided that the period of the license does not exceed the period of protection specified according to the provisions of the law.

### Article 51

If the license contract has been recorded in the register, this recording shall be cancelled based upon an application from any of the parties of the contract accompanied by the supporting documents in any of the following cases:

- A. The termination of the term of the contract.
- B. The revocation of the contract before the end of its term based upon the agreement of both parties or pursuant to a judicial ruling.
- C. The invalidity of the contract for whatever reason.

## **Industrial property registration agents**

### Article 52

The Registrar shall set up a register for the industrial property registration agents. This record shall include the following data:

- A. The number and filing date of the application.
- B. The name, qualification, place of residence and address of the applicant. If the applicant is a corporation its name, legal form, purposes, main address and the address of its registered branches or offices in the Kingdom must be stated.
- C. The decision issued with respect to the application, the date of issuance of the decision and the date of the notification of the decision.
- D. The registration number in the register of the industrial property registration agents and its date.
- E. Any other data the Registrar deems as necessary.

### Article 53

- A. A person filing an application for registration in the industrial property registration agents must be.
  - 1. A Jordanian national.
  - 2. Legally competent.
  - 3. Not convicted in a felony or a misdemeanor incompatible with honor and honesty.

B. The corporations specializing in the field of industrial property protection which have a center in the Kingdom shall be registered in the register of the industrial property registration agents.

#### Article 54

The applications for registration together with the documents proving the fulfillment of the conditions stipulated in this regulation shall be submitted to the Registrar who shall record these applications giving them serial numbers according to their filing order in the register of industrial property registration agents. He shall provide each applicant with a receipt containing the serial number of the application, its filing date and a statement of the accompanying documents.

#### Article 55

- A. The Registrar shall examine the registration applications and the accompanying documents and he shall have the authority to request the applicant to submit any documents and explanations he deems needed before issuing his decision.
- B. After ascertaining the fulfillment of the conditions stipulated in this regulation, the Registrar shall decide to register or renew the registration of the name of the applicant in the register of the industrial property register agents.
- C. If the Registrar ascertains that the conditions are not satisfied with respect to the applicant he shall reject the application by issuing a rejection decision explaining therein the reason for rejection.
- D. Registration is to be affected in the register of industrial property registration agents for one year which is renewable based upon the date of payment of the registration fees.
- E. The Registrar shall issue his decision regarding the applications for registration within a period not exceeding three months as of the date of filing the application satisfying all the conditions and requirements. The Registrar shall notify the applicant of the decision upon its issuance.

#### Article 56

- A. The Registrar shall have the right to cancel the registration of any of the industrial property registration agents if that agent becomes lacking any of the conditions stipulated in this regulation or if it is discovered that he did not satisfy any of the conditions at the time he was registered in the register.
- B. The names of those which died, whose registrations were cancelled, who asked that their name be struck out of the register or who did not pay the due fees shall be struck out of the register.

#### Article 57

The minister may, based upon the recommendation of the Registrar issue the directives needed to put this regulation into effect. The said directives shall be published in the official gazette.

November 6, 2001

Abd Allah the Second Ibn El Hussein

Minister of municipal, rural and environmental affairs

Dr. Abd Al Razik Toubishat  
 Deputy prime minister and state minister for financial affairs and deputy foreign affairs minister  
 Dr. Muhammad El Halaïqa  
 Deputy prime minister and minister of the interior  
 Dr. Awad Khleifat  
 Minister of public works and housing  
 Eng.Hosni Abu Gheida  
 State minister and minister of youth and sport  
 Eid al Fayez  
 Minister of Finance  
 Dr. Michel Marto  
 Minister of administrative development and minister of culture  
 Dr. Mohammed Thneibat  
 Minister of education, minister of higher education and scientific research and deputy, minister for health  
 Dr. Khaled Touquan  
 Minister of tourism and antiquities and minister of information  
 Dr. Taleb El Rifai  
 State minister  
 Salah El Kalab  
 Minister of Awqaf and Islamic affairs and holy sights.  
 Dr. Ahmed Helil  
 Minister of legal affairs and deputy  
 Minister of justice  
 Dr. Abd El Shikanah  
 Minister of post and telecommunications  
 Dr. Fawaz Hatem Al Zu'bi  
 Minister of social development  
 Mrs. Tamam Al Ghoul  
 Minister of transport  
 Nader El Zahabi  
 Minister of water and irrigation  
 Dr. Hazim El Nasser  
 Minister of energy and mineral resources and deputy minister for planning  
 Eng. Mohammad Ali Al Battaniah  
 Minister of industry and trade  
 Dr. Sallah Al Deen Al Basheer  
 Minister of labour  
 Eng. Nouzahim Al Mouheesen  
 State minister and deputy minister for agriculture  
 Moussa Khalaf El Maanii

THE FIRST ANNEX:  
 THE FEES

Serial number Subject Due fees in Dinars

1. 1 Application to register a patent of invention 50
2. 2 Opposition to acceptance of a patent application 100
3. 3 Application to extend the time period specified for filing an opposition (for each invention) 10

4. 4 Notice of filing a reply memorandum (by the applicant) in response to a notice of opposition (for each application being opposed) 10
5. 5 Submission by the agent of the opposing party of the documents supporting the opposition (for each time) 10
6. 6 Submission by the agent of the opposed party of the documents supporting the registration of the application (for each time) 10
7. 7 For each request to hold a session related to the opposition to the registration of a patent application demanded by the opposer or the opposed or a postponed session
8. 8 Hearing the statement of the applicant for the registration of a patent based upon his request 10
9. 9 Grant of a patent 50
10. 10 Annuity fees to keep the registration valid 50
11. 11 Application to change the name, address or the notification address of the owner of a patent 10
12. 12 Application to record the assignment of a patent 50
13. 13 The fees for the legalized copy of each recording in the register, any patent, specifications of a patent, data, declaration supplemented by oath or any other document kept by the Registrar 10
14. 14 Application to change the name of the owner of registered patent when the ownership has not been assigned (for each registration) 20
15. 15 Addition, amendment or cancellation of a recording or a part of a recording of a patent in the register based upon the request of the owner of the patent 20
16. 16 A request for making a correction in the register 10
17. 17 An application to record a compulsory license and all its relevant data in the register of inventions (paid by the licensee) 20
18. 18 Fees for being registered in the register of industrial property registration agents 500
19. 19 Fees for renewal of the registration in the register of industrial property registration agents 500
20. 20 Any application not stipulated in this table 10

THE SECOND ANNEX  
FORM 1

An application for the provisional protection certificate of the inventions to be displayed in official exhibits I ..... (name and nationality of the applicant) pursuant to article 20 of the patent law claim to be the owner of the invention .....which will be used for ..... (title of the invention, a summary thereof and the products associated with it) and since I wish to participate in the official exhibit or the officially recognized exhibit ..... (name of country, city and name of exhibit), I wish to obtain the above-mentioned provisional protection certificate.

Petitioner:

Address:

Date:

Remark: This form must be accompanied by one or more illustrative drawing if available.

FORM 2  
PROVISIONAL PROTECTION CERTIFICATE RELATED TO OFFICIAL EXHIBITS

After reviewing article 20 of the patent law number 32 for the year 1999 and the regulation of patents of invention issued based upon it and the application No. .... dated ..... and the related documents.

I have decided to

Grant a provisional protection certificate No..... Applicant .....

Address.....

Nationality.....

For the invention titled.....

For the products he wishes to display which are.....

Name of exhibit.....

Its opening date.....

In.....name of country and city) for the period of 6 months as of the opening date of the exhibit.....

Issued on.....

The Registrar

### FORM 3

#### APPLICATION TO REGISTER AN INVENTION *(to be submitted in duplicates)*

1. Name, surname of the applicant, his trade name if available, nationality, profession, place or residence and address. If the applicant is a corporation or an institution, its name, address, legal form, purposes and headquarters are to be stated.

2. Capacity of the applicant (please put a mark in front of the right choice)

Inventor / joint inventors ( )

Universal successor ( )

Singular successor ( )

Owner of establishment ( )

Other (please specify) ( )

Notice: Please state the name of the inventor and his address if he is not the applicant.

3. A title indicative of the subject of the invention and its technical field

4. The name and address of the agent chosen by the applicant to file the application and to follow up all related procedures

5. Domicile of choice to which notifications and related documents are to be sent

6. If the patent application was previously filed in a foreign country, please list the name of the country, the date and number of filing in that country and state if applicant the wishes to claim priority

7. If the applicant has obtained a certificate of the provisional protection stipulated in the patent law, the name of the exhibit in which the invention was displayed, its official opening date and the particulars of the said certificate are to be stated

8. If the application is an application of addition, the number of the original patent or the original patent application and the date of grant of the original patent or the date of filing the original application as the case may be are to be indicated

9. Any other explanations or statements required by the law or the Registrar

Name:

Address:

Signature:

Date:

Remark: The documents stipulated in article 12 of the regulation must be attached to this form.

#### FORM 4

#### PLEDGE TO SUBMIT DOCUMENTS

Kindly grant me a grace period.....not exceeding sixty days as from the filing date of the applicant) to submit the following documents:

With respect to the application filed by me

Name of applicant:

Having the number:

I pledge to submit them during this grace period otherwise I will be abandoning my application.

Name:

Signature:

Address:

Date:

#### FORM 5

#### PRELIMINARY ACCEPTANCE CERTIFICATE

Application No:

By:

Referring to your application filed on:

Related to the registration of the invention:

(title of application)

For:

And pursuant to the text of article 13 paragraph A of the patent law number 32 for the year 1999, I have granted you preliminary acceptance of your application mentioned above as of ..... giving it number ..... fulfilling the official fees which are ..... and the publication and announcement fees in the official gazette which are .....

The Registrar

#### FORM 6

#### OPPOSITION TO THE GRANT OF A PATENT

*(to be accompanied by two copies of the opposition memorandum)*

I.....

(full name and address)

Oppose the grant of a patent for the application no:

Filed by:

For the following reasons:

The notification in the Kingdom are to be sent to the following address:

Date:

Signature:

FORM 7

REQUEST OF A CERTIFICATE OF PAYMENT OF ANNUITY FEES

(to be submitted in duplicates)

I.....

Attached herewith the annuity fees for my Letters patent no:

Dated.....for another year.

Name:

Address:

Signature:

(This part of the form to be filled by the Registrar of patents)

A certificate of payment of annuity fees

Letters patent no: granted on:

I certify that ..... paid this day ..... of month ..... year .....

The specified annuity fees which are:

Thus the patent shall remain valid until:

The Registrar

FORM 8

A REQUEST FOR A CERTIFICATE FROM THE REGISTRAR RELATED TO A RECORD KEPT BY HIM

I.....

(name of applicant or applicants)

wish to obtain a certificate related to patent no: regarding:

(object of the certificate to be stated here)

and I desire to have the certificate sent to the following address:

Signature:

Date:

FORM 9

A REQUEST FOR A REPLACEMENT TO A LOST OR DAMAGED LETTERS PATENT

I.....

(name and address of applicant)

Wish to obtain a copy of my Letters Patent due to the loss or damage of the copy I have No:

Signature:

Date:

FORM 10

OTHER REQUESTS

Request for:

Filed pursuant to article:

Related to patent or application no:

In the name of:

I .....

(name and address)

Request: (subject of the request)

I attach herewith fees in the amount of:

Date: / /

Signature:

Date:

**The Act of Protecting New Varieties of Plants**  
**Act No. 24 for the Year 2000**  
**Official Gazette No. 4443 dated 2000**

Article 1

The act is called, The Act of protecting New varieties of plants of the year 2000, and it will come into effect after thirty days from the date of its publication in the Official Gazette.

## Definitions

Article 2

The words and terms herein below wherever mentioned in this act shall have the meanings ascribed thereto hereinafter unless the presumption refers to otherwise:

- **The Ministry:** The Ministry of Agriculture
- **The Minister:** The Minister of Agriculture
- **The Plant taxonomy:** Plants gradation in the plant kingdom is from the group to the class to the family to the sort to the varieties.
- **The variety:** Any plant grouping that comes in the lowest class in the same plant taxonomy either it was fulfilling the conditions of granting the protection right or not, and this variety is characterized by features resulting from certain hereditary composite or from a group of composites that may be distinguished from any other plant grouping by at least one of these features and such variety shall be deemed as one unity because of its capability of proliferation without any change in its features.
- **The protected variety:** The variety that was registered according to the provisions of this act.
- **The eduction:** Breeding a new plant variety or discovering and developing such.
- **The contriver:** The person who has breded, discovered or developed a new plant variety, or the legal successor to such person.
- **The Registrar:** The Registrar of the new plant varieties nominated by the Minister.
- **The register:** The register of the new plant varieties.

Article 3

The provisions of this act shall become effective on the varieties enlisted under the plant sorting determined by the regulation issued in accordance with the provisions of the act herein.

Article 4

A register shall be regulated in the Ministry under the supervision of the Registrar and shall be called, The register of the new plant varieties, in which all the data related to the new plant varieties; the name thereof; the names of their contrivers and their addresses, the registration certifications and the procedures and dispositions resulted thereon shall be registered including:

Any transfer; assignment or transfer of title or licensing from its owner to third parties for utilization while taking into consideration the confidentiality included in the license contract.



The mortgage or the impoundment on the protected variety or any limitation for usage of such.  
The public shall have the right to view the register and the documents related to the rights granted to the contriver and to view the growth tests or any other necessary tests as stipulated in the act herein according to the instructions issued by the Minister and published in the Official Gazette.

It shall be permissible to use the computer for registering the varieties and the data related thereof and

The data and the documents that shall be transcribed therefrom and approved by the Registrar in accordance with the original of such data and documents shall be a plea on all unless its contrary is affirmed by the relevant party.

Registering the new plant varieties

#### Article 5

The variety may be registered according to the following criteria:

- If the variety is novel such that at the date of filing the registration application or at the date of the priority provided in Article 9, paragraph A of the act herein and according to what may be required, plant propagating and reproducing materials of the variety or the variety crop's products are not sold or transferred to others by another way by the contriver or by his approval for the purposes of utilizing the variety as follows:
  - For more than one year inside the Kingdom and for more than four years outside the Kingdom.
  - For more than six years outside the kingdom if related to trees or grapes.
- If such materials are distinctive so as it differs clearly from any other dominantly known variety at the date of filing the application, and specially, considering that any filing of a registration application of another variety or registering it in an official register for the plant varieties in any country shall make such other variety dominantly known starting from the date of filing the application, provided that the application shall lead to registering the variety and granting the right therein to the contriver.
- If it is homogeneous such that its main features are sufficiently homogeneous, taking into consideration any expected difference due to the special characteristics that may characterize its propagation process.
- If it is constant such that its main features shall not change as a result to its successive propagation, or at the end of each propagation cycle.

#### Article 6

The right in registering the variety shall be as follows:

- To the contriver or to whom the variety rights shall be transferred to.

- To all persons participating in its education if it is an outcome of their joint effort provided that it is registered in equal shares among them unless they otherwise agree.
- To the contriver prior in filing the variety's registration application if such is reduced by more than one person and if each person is independent from the other.
- To the employer if the variety is educated by the employee due to carrying out an employment agreement pursuant to which the employee is compelled to implement such education unless the agreement may provide otherwise.

#### Article 7

The variety shall be registered as follows:

- The registration application shall be filed at the Registrar on the form designed therefor, within which the plant taxonomy of the variety, the proposed name, and any other matters or data defined by the issued regulation pursuant to the provisions of the act herein.
- Registration shall not be permissible if such application may comprise more than one kind, and its determined fee is paid.
- If the application depositor is not a citizen or a resident of the Kingdom, the contriver shall have to appoint an authorized agent for him in the kingdom.

#### Article 8

The date at which the Registrar shall receive the variety registration application shall be deemed as a date for its filing provided that it fulfills all the legal requirements and encloses the data that identifies the applicant and a sample of the variety that is intended to be registered.

If the Registrar discovers that the application does not fulfill the requirements determined in paragraph A of the Article herein, then the Registrar shall request from the applicant to complete it or to make the necessary modifications within thirty days from the date of notifying him therewith and the date of accomplishing such shall be deemed as the date of filing the application, otherwise the registrar shall have the right to consider the registration applicant as abandoning his application by a decision issued therefrom and his decision may be susceptible for appeal at the Supreme Court of Justice within sixty days from the date of notifying the applicant.

#### Article 9

The variety registration applicant shall enclose his application with a claim for the right of the priority of an application he has filed at a prior date at any country in agreement with the Kingdom for protecting the intellectual property provided that filing the registration application in the Kingdom within a period not to exceed twelve months calculated from the date following the first application filing date.

If the registration application includes a priority claim pursuant to item (1) of this paragraph, the Registrar may ask the applicant, within three months from the filing date to provide an exact copy of the documents related to his first application approved from the office at which it was filed, also he may ask him within such period to provide any samples or evidences which affirm that the variety subject of the first

application is the same variety of the application related to the priority right. In such case, the filing date of the application shall be deemed as the same date on which the application was filed in the other country.

If the registration applicant is unable to demonstrate the priority right pursuant to paragraph A of such Article, his applicant shall be registered on its filing date at the Registrar.

The applicant may ask to be given a respite for two years after the expiry of the priority period to provide the Registrar with the necessary information; documents and required materials pursuant to the act for the purposes of examining pursuant to Article 10 of the act herein provided that if the filed application in the other country is not accepted or was withdrawn, then the applicant shall be given a time limit of six months from the date of rejecting or withdrawing the application to provide the needed information and documents for making the examinations.

#### Article 10

The variety may be subjected to a technical examination to verify the matters hereinafter:

- It is listed under the plant taxonomy determined in its application.
- It fulfills the conditions of distinction; homogeneity and constancy provided in paragraphs B, C and D from Article 5 of the act herein.

The examination provided in item 2 from paragraph A of such Article shall be carried out under the supervision of the ministry by one of such two methods herein below:

- Pursuant to the growth and germination examinations and any other advantageous examinations or tests carried out by a technical authority inside or outside the Kingdom if such examinations and tests have been done in an environmental conditions convenient for the Kingdom's environmental conditions.
- Or the ministry shall carry out the examinations and tests cited in item 1 of such paragraph by itself or by any authority it shall charge therewith and at the contriver's expense.
- A technical committee from those experienced and skilled in the art shall be established in accordance with instructions issued by the minister and shall be mainly asked to evaluate the results of the examinations and tests provided in paragraph B of such Article to accomplish the procedures of registering the variety provided that such instructions shall include defining the other tasks of this committee; how it shall work and take decisions and all the matters related thereto.

#### Article 11

The Registrar shall ask the applicant to provide all the needed information and documents for carrying out the technical examination provided in Article 10 of the act herein, within the period defined in a regulation issued in accordance with the act herein, and if the applicant doesn't provided such, the Registrar shall consider the applicant as assigning his application by a decision he shall make therefor and his decision may be susceptible for appeal at the Supreme Court of Justice within sixty days from the date of notifying him.

The test provided in Article 10 of the act herein shall be done for approving the application, also the test examination may be accomplished after the registration for ensuring the maintenance of the variety's constancy and homogeneity.

#### Article 12

If the registration application fulfills all the conditions and requirements defined in the act herein, the Registrar shall declare the acceptance of the application and shall grant the applicant an initial approval that shall be announced in the Official Gazette after collecting the fixed fees and the announcement shall include the variety's name and its plant class.

Any person shall have the right to object at the Registrar to the registration of any new variety within ninety days from the date of announcing the initial approval in the Official Gazette.

The periods within which the publication shall be done; the data that shall be published; the procedures of objecting to the initial approval for accepting the registration; the cases of expanding the objection period; the notifications and otherwise in accordance with a regulation issued therefor shall be determined.

#### Article 13

The applicant shall be given a temporary protection during the period between the date of publishing the application in the Official Gazette and the date of registering the variety, and he shall have the right during such period to utilize his variety and to make, then the procedures for verifying any violation thereon.

#### Article 14

Unless an objection may be provided against the registration of the variety or the objection against the registration may be objected, then the Registrar shall register it and shall give the contriver a certificate therewith after collecting the fixed fees.

### **Protecting the variety**

#### Article 15

Taking into consideration the provisions of Articles 16 and 17 of the act herein:

After registering the variety, the contriver shall acquire the right to protect it by prohibiting the third party - unless they may gain his approval - from carrying out the actions hereinafter regarding the reproducing materials of the protected variety for commercial purposes:

- The production or the proliferation (the reproduction)
- The preparation for the reproduction purposes
- The offer for selling
- Selling or otherwise from the marketing businesses
- Exportation
- Importation
- Storing for any of the purposes cited in such paragraph.

- The approval of the contriver shall be gained to carry out the actions cited in paragraph (A) of the act herein regarding the harvested or picked products, including the whole plants or parts of the plants gained by making use of the reproducing materials of the protected variety without the approval of the contriver unless a reasonable opportunity shall be permitted for such contriver to practice his right concerning said reproducing materials.

The provisions of paragraphs A and B of the act herein shall be also applicable to the varieties herein below:

The varieties essentially derived from the protected variety, unless such variety is essentially derived from another variety. The variety is considered essentially derived from another variety according to the following criteria:

- If it is primarily derived from the original variety or from a primarily derived variety from the original variety or from a primarily derived variety from the original variety, and is still keeping the whole properties resulting from the hereditary composite or from a group of hereditary composites for the original variety.
- If it is clearly distinguished from the original variety.
- If it is similar to the original variety as for its main properties resulting from the hereditary composite or a group of the hereditary composites for the original variety, except what is related to the differences resulting from the derivation.

The varieties that shall not be readily distinguished from the protected variety in accordance with paragraph (B) of Article 5 from the act herein.

The varieties that their production shall require the frequent use of the protected variety.

It shall be permissible in particular, to obtain the essentially derived varieties as a result of selecting natural and catalyzing variables, or by selecting a heterogeneous unity of the original varieties' plants, or by the counter hybridization, or by alteration by the genetic engineering.

The third party's performance for the actions provided in paragraphs A and B of such Article shall be deemed as a violation on the rights of the contriver and shall subject to the penalty of the legal responsibility, if they know or they ought to know that they are violating the rights of the contriver.

#### Article 16

In spite of what has been mentioned in Article 15 of the act herein, the contriver's right shall not include the following:

- The actions the third party do for personal noncommercial purposes, or for trying or for educting other new varieties.
- The farmers shall be prohibited to use in their lands the harvest's product they have obtained by planting a protected variety or any variety from what is mentioned in items 1 and 2 of paragraph C of Article 15 from the act herein.

#### Article 17

The contriver's right shall not include the actions related to the materials of the protected variety, or to the materials of the protected variety, or to the materials of any variety from what is mentioned in paragraph C of Article 15 from the act herein, or to materials derived from these materials, and which the contriver has sold or marketed in any other form by himself or on his approval in the Kingdom, unless these actions include the following:

- Additional reproduction for the intended variety.
- Or exporting the materials of the variety that enable its reproduction to a country doesn't protect the varieties of the plant genders or sorts to which the variety belongs, unless the exportation purpose shall be the consumption.
- The word "materials" wherever mentioned in paragraph A of such Article shall mean the reproducing materials whatever its sort shall be, and the harvest materials including the whole plants or their parts.

#### Article 18

The period of protecting the protected variety shall be twenty years starting from the date of filing its application, and concerning the trees and grapes, the period of their protection shall be twenty five years.

Transferring of title of the variety; its mortgage and the impoundment thereon

#### Article 19

It shall be permissible to transfer all or some of the contriver's rights with or without compensation or to mortgage them or to impound on them.

The right in the protected variety shall be transferred to the heirs by inheritance.

The procedures of the transferring; mortgaging and impounding on the title of the protected variety and all the legal practices related thereto including licensing for its utilization in accordance with instructions issued for such purpose by the minister and published in the Official Gazette shall be determined.

Transferring the title of the variety shall not be taken as evidence or a proof against the third party except from the date of registering such in the register and publishing such in the Official Gazette.

### **Licensing for utilizing the variety**

#### Article 20

It shall be permissible for the contriver to grant the third party a license for utilizing the protected variety pursuant to a written contract that shall be registered at the registrar.

## Article 21

Acting on submissions made by the Registrar, the minister may grant a person other than the contriver and without the contriver's approval a license for utilizing the protected variety if that may be required by the common welfare, and in such case the contriver shall have the right to receive a fair compensation in which the economic value of the license shall be observed.

The minister on his own accord or according to an application from the contriver may cancel the license referred to in paragraph A of such Article if the licensee violates any of the licensing conditions or if the causes that led to granting him shall be ceased to exist, and such cancel shall not be transferred without observing the rights of those who may be related to such licensing.

## **Invalidity of the variety's registration and crossing out the registration**

### Article 22

The variety's registration shall be invalid according to the following criteria:

- If it is proved that, the variety is not novel or distinctive on the date of filing the application or on the priority date according to what shall be required.
- If it is proved that, the variety is not homogeneous or constant on the date of filing the application, or on the priority date according to what shall be required, in case of the registration pursuant substantially to the information and the documents provided by the contriver on such date.
- If the registration is made to a person other than the contriver in contrast to the provisions of the act herein.

### Article 23

The Registrar may cross out the variety's registration according to the following criteria:

- If it is demonstrated as a result of the technical examination provided in Article 10 of the act herein that the variety's constancy and homogeneity shall not be realized anymore.
- If the contriver shall not provide the registrar with the information, the documents or the materials needed for assuring the maintenance of the varieties properties.
- If the contriver shall not pay the annual fixed fees.
- If the name of the protected variety has been crossed out after the registration and the contriver didn't provide another suitable name.

For the purposes of applying the items 2, 3 and 4 of paragraph A from the act herein, the Registrar shall notify the contriver with the crossing out decision, and the crossing out should not be done except after the expiry of the period fixed by the issued regulation pursuant to the act herein.

#### Article 24

The Registrar shall register the decision of the registration invalidity or its crossing out, and the announcement of such shall be published in the Official Gazette.

#### Article 25

All the decisions shall be susceptible for appeal at the Supreme Court of Justice within sixty day from the date of the decision notification.

### **The variety's nomination**

#### Article 26

Each variety shall be registered with a name which shall be the variety's identification. The name may be composed of a word; a combination of words and numbers or a combination of letters and numbers either they have a meaning or not, and the name shall not be composed of numbers only unless such shall be a prevailing custom for defining the varieties provided that the numbers allow the variety's identification in all cases.

If the name has been used for the variety in the Kingdom or in any country or has been proposed or registered in any country, It shall not be permissible to use otherwise for the registration purposes, unless a reason has occurred to object the name, and another name for the variety shall be registered in the registration.

It shall be prevented to use or register any identical name that shall identify such variety or any similar name that may lead to an ambiguity with another formerly occurred variety from the same plant sort or from a closely resembling kind thereto, either such name shall be registered or known in the Kingdom or in any other country. This prevention shall remain effective even after the expiry of utilizing the variety in case that the name shall acquire a certain meaning related to the variety.

Taking into consideration paragraph E of such Article, all of those who offer; sell or market the plant reproducing materials of a protected variety shall be obliged to use the name of such variety, even after the expiry of the protection period.

It shall not be permissible to prejudice any right resulted for the third party concerning a name intended to be used for a variety, and the Registrar, in such a case, shall claim the contriver for proposing another name for the variety.

It shall be permissible to combine a trade mark; a trade name or any similar statement and the registered name of the protected variety upon marketing a variety or offering a variety for sale, if it shall be easy to recognize such name.

#### Article 27

It shall not be permissible to register the name of the variety if the name may be:

- in conflict with the provisions of the act herein.
- In conflict with the public order and the morals.



Leading to delusion or ambiguity regarding the variety's properties; its worth; its essence; its geographical origin or regarding the contriver's personality.

#### Article 28

The proposed name for the variety shall be determined in the application, and the procedures of registering the name, its publication and the periods related to such shall be determined pursuant to a regulation shall be issued according to the provisions of the act herein.

### **The precautionary procedures and the penalties**

#### Article 29

The contriver of the protected variety, upon litigating his civil lawsuit to prevent the violation of his rights in the protected variety or during studying such lawsuit, may submit an application to the competent court enclosed by a bank or a monetary bail which the competent court shall accept to take any of the procedures hereinafter:

- Ceasing the violation.
- The precautionary impoundment on the variety that is the subjected to the violation wherever the kind occurs.
- Safekeeping the evidences that may be related to the violation.

The contriver of the protected variety, before litigating his lawsuit, may submit an application to the court, enclosed by a bank or a monetary bail that the court shall accept, to take any of the procedures provided in paragraph A of such Article, without notifying the defendant, and the court may respond to the contriver's application if he shall prove any of what's herein below:

- The violation has taken place on his right.
- The violation is imminent and may cause an irreparable tort to him.
- The contriver fears from the disappearance of the violation evidence or from the evidence's damage.

In the case that, the contriver of the protected variety shall not submit his lawsuit within eight days from the date of the court's response to his application, then the taken procedures concerning such matter shall be deemed as canceled.

The defendant may appeal the court's resolution by taking the precautionary procedures at the court of appeal within eight days from the date of the defendant's perception and notification for the resolution and the appeal court's resolution shall be conclusive.

The defendant may claim for a compensation for the tort which has befallen on him if it is proved that the plaintiff is not rightful in his claim for taking the precautionary procedures or the plaintiff didn't submit his lawsuit within the period determined in item 2 of such paragraph.

The defendant may claim for a compensation for the tort which has befallen on him if it is proved in the lawsuit's result that the plaintiff is not rightful in his lawsuit.

The court may, in all cases, seek the help of the experts and the specialists.

The court may resolve to confiscate the variety subjected to the violation and the materials and tools which are substantially used in the violation of the protected variety and the court may resolve to damage such variety and the materials and the tools or to dispose of them in any noncommercial purpose.

## **General Provisions**

### Article 30

The Cabinet shall issue the needed regulations for carrying out the provisions of the act herein including determining the annual fees for renewing the registration and the fees of objection and the other due fees pursuant to the provisions of the act herein.

The instructions referred to in the act herein shall be published in the Official Gazette.

### Article 31

The Prime Minister and the ministers shall be entrusted with the implementation of the provisions of this Act.

## **Law of Integrated Circuits Designs Law No. 10 for the Year 2000 Official Gazette No. 4423 dated 2.4.2000**

### Article 1

This act shall be titled "Act for Protection of Integrated Circuits Designs for the year 2000". The subject act shall come into force after 30 days of its publication in the Official Gazette.

### Article 2

The following words and phrases shall have the following related meanings whenever and wherever mentioned in the Act unless otherwise indicated:

- **The Ministry:** The Ministry of Industry and Trade.
- **The Minister:** The Minister of Industry and Trade.
- **Integrated Circuit /IC:** A product that has an electronic function and is comprised of a group of interrelated elements - at least one of which is an active element - such elements and interconnections are an integral part of a material body or over such a material body whether the product is a final product or at any stage of its production.
- **Design:** three dimensional arrays of the elements constituting the circuit forming the integrated circuit or specifically prepared for manufacturing the integrated circuit.
- **Protected Design:** The design that has acquired protection as established per the stipulations of the subject Act.
- **Proprietor:** The inventor of the protected design or his legal successors.
- **Registrar:** The Registrar of Integrated Circuits Designs in the Ministry as appointed by the Minister.
- **Register:** The register of Integrated Circuits Designs.

### Article 3

A register shall be arranged under the supervision of the Registrar and shall be titled (Register of Integrated Circuits Designs). In such register all information related to designs, proprietors, their addresses and certificates issued on their behalf shall be manuscript and registered together with the measures and legal procedures taken to include:

- Any transfer, acquire, assignment or licensing from proprietor to third party/parties.
- Any mortgage, lien, seizure, levy or any constrain in utilizing such design.
- The public is entitled access to the register according to regulations issued by the Minister to this end, and as published in the Official Gazette.
- Computers may be used to register designs and related information. Information and documents derived herefrom and certified by the Registrar is sufficient evidence towards all, unless otherwise proved by party/parties concerned.
- Registration of Designs

### Article 4

The design is registrable on the following conditions:

- Being authentic due to being a result of intellectual effort of the inventor and being unconventional to inventors of designs and producers of integrated circuits when invented.
- If application for registration is presented within two years of its first commercial exploitation anywhere worldwide.

### Article 5

The right for the design registration shall be constituted as follows:

- The inventor or to whoever the design rights are accrued to.
- To all participants in the invention if the invention is a result of their combined efforts. Registration shall be on equal footing unless otherwise agreed.
- If the invention was invented by more than one independent individual, then the right is to the inventor prior in applying for registration.
- To employer if invented by employee as a result of execution of an employment agreement, committing employee to accomplish such invention, unless employment agreement otherwise stipulates.

## Article 6

The design is registered by presenting the application for registration at the Registrar's on the form prepared to that end, attached to which are all information required and samples and drawings needed.

The application for registration form is valid for only one registration.

## Article 7

The date the Registrar receives the application for registration of the design is considered the date of filing thereof provided it fulfills all legal requirements and attached thereof are the information identifying the applicant and the design diagrams.

If Registrar manifests that the application lacks the requirements as stipulated in paragraph A hereof, Registrar shall request applicant to complete such, or make necessary amendments provided that such amendments exceed what was previously stated in the original registration application and within a period affixed by regulations according to provisions of the subject Act. The date of completion or amendment thereof shall be the date of filing the application. The Registrar may otherwise, upon his decision, consider the applicant relinquishing his request. Such decision may be appealed against in the Supreme Court of Justice within sixty days from the date of his notification.

## Article 8

If the registration application fulfills all conditions and legal requirements, the Registrar shall decide on accepting such and charges the fees.

Registrar announces such acceptance in the Official Gazette, third party / parties may protest to such within ninety days from the date of published announcement. The procedures to appeal shall be based upon the regulations as stipulated by the Act heretofore.

If no protest is filed against the acceptance of the registration application of the design, the Registrar shall decide on its registration and issues a certificate to this end after charging the registration fees.

## **Design Protection**

### Article 9

- The proprietor of the design is entitled protection rights after registration, preventing third party/parties, without his approval, from:
- Reproduction of protected design in whole or in part whether incorporated in an integrated circuit or by any other means.
- Import, sell or distribute the protected design or any product therefrom where such circuit is incorporated to some extent in, and continuously with an illegally reproduced design for commercial purposes.

- Committing any of the acts provided for in paragraph A of this article by third parties shall be considered infringement upon the rights of the owner of the protected design, and shall be liable to punishment.
- The design comprising a collection of elements and conventional connections is entitled to the protection as stipulated according to provisions of paragraph A herewith. Provided that such group of elements and connections fulfills conditions of authenticity as stipulated in the Act hereof.

#### Article 10

In spite of the provisions of Article 9 of the subject Act any of the following acts without the proprietors' approval shall not constitute an infringement to the proprietor's rights:

Reproduction of the design as stipulated in subparagraph 1 of paragraph (A) of Article 9 of the subject Act in the following cases:

- If reproduction is precisely executed on personal reasons or for evaluation, analysis, research and education.
- If reproduction is for a non-authentic part of the design.
- If related to the following:

Another authentic design, which was invented, based on the evaluation or analysis as per the provision of subparagraph 1 of paragraph A of the Article herewith.

Another similar design that is authentic which was independently invented.

Any of the acts as stipulated in subparagraph 2 of paragraph A of Article 9 of the Act herewith that is related with a design or an integrated circuit incorporated in which is a design offered on the market by the proprietor or the proprietor approved offering of such.

Any of the acts as stipulated in subparagraph 2 of paragraph A of Article 9 of the subject Act that is related to an integrated circuit that incorporates an illegally reproduced design or with a product that incorporates such circuit and pretended infringer when acquiring such circuit or product was unaware and could not have been aware that such circuit or product contain a design that was illegally reproduced, provided that provisions of Article 11 of the subject Act are complied with.

#### Article 11

If a person commits an act stipulated in subparagraph 4 of paragraph B of Article 10 of the subject Act and the proprietor legally cautioned such person. Such person is entitled to dispose of the products on hand or deal with such before being cautioned provided that such person compensates the proprietor with a sum equivalent to acceptable revenues that would have been due had such act been based upon a license according to an agreement between the two parties.

## Article 12

Protection of the design shall be effective from the date the application for registration is filed in the Kingdom.

The period of the design protection is ten years from the date of first commercial exploitation anywhere worldwide, such period shall, however, not exceed fifteen years from the date of inventing the design.

## Article 13

Any party/parties concerned is entitled to request from the Registrar, the cancellation of the design in the following cases:

- If the design is unregistrable due to lack of any of the conditions stipulated in Article 4 of the subject Act.
- If the registration application does not include all the essential information or if such information or attached documents are contrary to the facts or in violation to the provisions of the Act.

The Registrar decision to cancel the registration of the design as per paragraph A of the Article herewith may be appealed against in the Supreme Court of Justice within sixty days of notification.

## **Transfer of Design Proprietary, its Lien and Levy**

### Article 14

Design proprietary may be transferred in whole or in part, with or without compensation. The design may be lien or levied, such shall be published in the Official Gazette.

Transfer of design proprietary or levy towards third party/parties is demurred only from the date of registration in the register.

Propriety of the design is transferred by inheritance.

### Article 15

Procedures for design propriety transfer, the lien and levy of such and all legal procedures shall be stipulated in by - laws issued by the Minister to this end, and published in the Official Gazette.

## **Licensing the Design Exploitation**

### Article 16

The proprietor may license third party/parties to exploit the protected design according to a written agreement to be registered at the Registrar's; the Registrar shall keep the agreement of the contract in secret.

#### Article 17

The Minister may grant a license to exploit the design to others without the approval of the proprietor in specifically the following cases:

In case of a necessity to the National Security, Emergency Cases or for Public, non-commercial Utility then a license may be granted to relevant Government Authorities or third parties to utilize the design provided the proprietor is notified when such action is feasible.

If upon an administrative or judicial ruling it is manifested that the proprietor exercises his rights in a manner that prevents honest competition with third parties.

#### Article 18

The following should be considered when licensing according to Article 17 of the subject Act:

- Each licensing application should be dealt with according to each application's circumstances and on an individual basis.
- The scope of the license and its duration is restricted to the purpose of the license grant. If the license application is related to semi-conductors technology it is not to be granted for other than public, non-commercial utility or for practices that an administrative or judicial authority ruled that such prevents competition.
- Licensing for utilizing the design should not be restricted to licensee.
- License may not be assigned to third parties.
- Licensing is granted to fulfill the local market needs with the exception of the case mentioned in paragraph B of Article 17 of the subject Act.
- The proprietor should receive fair compensation from the licensee considering the economic value of the licensed design.

#### Article 19

The Minister may, on his part, or upon a request from the proprietor cancel the granted license as per Article 17 of the present Act if the reasons for such licensing is no longer valid and is not foreseen to be repeated, such cancellation should, in no way, infringe any of the rights accrued to relevant parties based on granting the license.

#### Article 20

Licensing procedures are based upon the provisions of Article 17 of the present Act according to the regulations issued accordingly.

## Article 21

Relevant party/parties may appeal against any decision of licensing issued by the Minister to the Supreme Court of Justice within sixty days of being notified or execution of such decision according to the situation.

## **Precautionary Measures and Sanctions**

### Article 22

The proprietor may upon filing a civil law suit to prevent infringement of the design or during hearing such case, present a plea to the court accompanied by an acceptable bail or cash bond in order to take one of the following measures.

- Cease the infringement.
- Preventive retention of the products subject of the infringement wherever it occurs.
- Preservation of evidence related to the infringement.

Before filing his lawsuit, the right holder may submit an application to the court, accompanied with an acceptable bank or cash guarantee, for taking any of the procedures provided for in paragraph A of this Article, without notifying the defendant. The court may respond to his application, if any of the following is proven:

- That the infringement fell upon the design.
- That the infringement has become imminent, and may cause damage which is impossible to prevent.
- That he fears the evidence of infringement may disappear or be damaged.

If the right holder does not file his lawsuit within eight days from the date of the court's response to his application, the procedures taken in this respect shall be considered canceled.

The defendant may appeal the court's decision to take provisional procedures by the court of appeal within eight days as from the date of knowing or being notified of it, and the court's decision shall be final.

The defendant may claim compensation for the damage he suffered if it is proven that the plaintiff was not right in taking provisional procedures, or if he did not file his lawsuit within the period specified in Item 2 of this paragraph.

The defendant may claim compensation for the damage he suffered, if the court concludes in its decision that the plaintiff is not right in his lawsuit.

The court may seek, in all cases, the opinions of experts and specialists.



The court may order the confiscation of the infringing products and the material and tools mainly used in infringement upon the design of these products. The court may also order damaging these products, material and tools and dispose of them for any noncommercial purpose.

#### Article 23

The Council of Ministers shall issue the necessary regulations for implementing the provisions of this law including fixing the fees to be levied.

#### Article 24

The Prime Minister and the ministers shall be entrusted with the implementation of the provisions of this law.