

# **GEOGRAPHICAL INDICATIONS LAW**

## **LAW NO. 8 FOR THE YEAR 2000**

### **ARTICLE 1**

This Law shall be known as "The Geographical Indications Law for the Year 2000," and shall come into force thirty days after the date of its publication in the Official Gazette.

### **ARTICLE 2**

The following words and phrases, wherever mentioned in this Law shall have the meaning designated hereunder, unless otherwise indicated by context:

Minister:

Minister of Industry and Trade.

Geographical Indication:

Any indication which identifies a good as originating in the territory of a specific country, or a region or locality of that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its origin.

### **ARTICLE 3**

A- Any person is prohibited from the following:

1. The use of any means in the designation or presentation of a good that indicates that the good in question originates in a geographical area other than the true place of origin, in a manner which misleads the public as to the geographical origin of the good.
2. The use of any means for identifying wines or spirits that indicates that the wines and spirits originate in a geographical area other than the true place of origin, including the use of a geographical indication that is translated or accompanied by expressions such as "kind" or "imitation" or the like.
3. The use of a geographical indication which, although literally true, falsely represents to the public that the goods originate in other than the true place of origin.
4. Any use of a geographical indication which constitutes an act of unfair competition contrary to honest practices in industrial or commercial activities.

B- Committing any of the acts or legal conducts stated in Paragraph (A) of this Article shall be considered an infringement upon the geographical indication and shall be subject to legal liability.

### **ARTICLE 4**

- A- 1. The Trademarks Registrar may refuse to register any trademark if it consists of or contains a geographical indication with respect to goods originating from other than that indicated by use of such geographical indication, and in a manner, which misleads the public.
2. An opposition may be filed with the Trademarks Registrar for registering a trademark as stated in Item (1) of this Paragraph. A request to cancel such

trademark from the Register may also be filed without restriction to the period related thereto, which is determined in the Trademarks Law in force.

- B- The provisions of Paragraph (A) of this Article shall apply where the geographical indication is literally true, if the geographical indication falsely represents to the public that the goods originate in other than its true origin.
- C- The provisions of Paragraph (A) of this Article shall apply even if the geographical indication in a trademark identifying wines or spirits does not mislead the public.
- D- For purposes of this Article, and subject to Item (2) of Paragraph (A) of this Article, the procedures and periods provided for in the Trademarks Law in force shall be applied.

#### **ARTICLE 5**

The decision of the Trademarks Registrar in any of the cases stated in Article 4 of this Law, may be subject to appeal to the High Court of Justice within sixty days from the date of its notification.

#### **ARTICLE 6**

- A - Subject to the provisions of Item (3) of Paragraph (A) of Article (3) and Paragraph (B) of Article 4 of this Law; the protection determined in this Law shall be accorded to homonymous geographical indications for wines, provided that equitable treatment of the producers concerned is ensured, and that consumers of such products are not misled.
- B- The practical conditions, under which homonymous geographical indications for wines will be differentiated from each other, shall be determined in Instructions issued by the Minister for this purpose. Such Instructions shall be published in the Official Gazette.

#### **ARTICLE 7**

The following acts shall not be considered in violation of the provisions of this Law:

- A- 1. Acquiring through use, in good faith, a trademark, which is identical or similar to a geographical indication before the provisions of this Law came into force or before the geographical indication is accorded protection in its country of origin.
- 2. Filing an application for registering a trademark in the Kingdom, identical or similar to a geographical indication, or registering such trademark in good faith.
- B - Using a geographical indication of any other country, by any means, for which the indication is identical to the common Arabic term for such goods or services in the Kingdom.
- C - Using one's name or that of his predecessors in the course of trade in a way that would not mislead the public.
- D - Using a geographical indication which is not, or has ceased to be protected in its country of origin, or which has fallen into disuse in that country.

#### **ARTICLE 8**

- A- The interested party, when filing a civil lawsuit to prevent the infringement upon the geographical indication or during the course of the hearings, may petition the

competent Court for the following, provided that the petition is attached with a bank guaranty or a cash deposit accepted by the Court:

1. Cease the infringement.
  2. Place a provisional seizure on the goods, the subject matter of infringement, wherever found.
  3. Preserve the relevant evidence to the infringement.
- B-1. The interested party may, prior to filing the lawsuit, petition the Court to take any of the measures provided for in Paragraph (A) of this Article without notifying the counter-party, provided that the petition is attached with a bank guaranty or cash deposit accepted by the Court. The Court may approve the petition if the interested party proves any of the following:
- That the geographic indication had been infringed.
  - That such infringement is imminent and is likely to cause damages of irreparable harm.
  - That there is a demonstrable risk that evidence will disappear or be or be destroyed.
2. If the interested party fails to file the lawsuit within eight days from the date the Court approves the petition, all measures taken in this regard shall be nullified.
  3. The counter-party may appeal the court's decision in taking the provisional measures to the Court of Appeal, within eight days of his notification or acknowledgment thereof. The decision of the Court of Appeal in this regard shall be final.
  4. The counter party may claim compensation for damages he suffered, if he proves that the petitioner was unlawful in his petition to request for provisional measures, or if the petitioner failed to file the lawsuit within the period determined in Item (2) of this Paragraph.
- C- The defendant may claim compensation for damages suffered, if the Court decides that the plaintiff's claims are invalid.
- D- The Court may seek, in all cases, the opinion of experts.
- E- The Court may order the seizure of the goods found to be infringing, tools, and main materials used for infringing upon the geographical indication embodied by such goods. The Court may also order destruction of such goods, tools and materials, or use of such outside the channels of commerce.

## **ARTICLE 9**

The Council of Ministers may issue regulations necessary to implement the provisions of this Law.

## **ARTICLE 10**

The Prime Minister and the Ministers shall be responsible for implementing the provisions of this Law.

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