

PATENT LAW

LAW NO. 32 FOR THE YEAR 1999

Article 1

This Law shall be known as "The Patent Law for the Year 1999," and shall come into force thirty days after its publication in the Official Gazette.

Article 2

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

Ministry:	Ministry of Industry and Trade.
Minister:	Minister of Industry and Trade.
Invention:	Any inventive idea reached by an inventor, in any of the fields of technology, which is related to a product, or a process, or to both, which provides a practical solution to a particular problem in any of the said fields.
Patent:	The certificate granted for the protection of the invention.
Patentee:	The natural or juridical person who is granted a Patent.
Register:	The Patents Register.
Registrar:	The Patents Registrar in the Ministry.

Article 3

An invention may be granted a patent protection, if the following conditions are met:

- A-
- 1- If it is new in terms of industrial technology, previously undisclosed to the public anywhere in the world, whether in written or verbal description, or through use, or any other means which affect knowledge of the invention, prior to the date of filing a patent application, or the priority date claimed in the application, pursuant to the provisions of this Law.
 - 2- Disclosure of an invention to the public shall not be taken into account if it occurs within twelve months preceding the date of filing the patent application, or the date of claiming priority in the application, if such disclosure was a result of an act committed by the applicant, or the result of an unlawful act committed by a third party against the applicant.
- B- If the invention involves an inventive step, which reaching is not obvious to a skilled person in the art familiar with the prior state of the technology in the field of the invention.

- C- If the invention is capable of industrial application, whereby it is capable of being manufactured or used in any field of agriculture, fishing, services, or industry broadly defined, including handicrafts.

Article 4

The following shall be excluded from patent protection:

- A- 1- Inventions, the exploitation of which would be contrary to public order or morality.
- 2- Inventions, the prevention of its commercial exploitation is necessary to protect life and health of humans, animals, or plants, or to avoid serious prejudice to the environment.

The application of the provisions of subparagraph (1) and (2) of this Paragraph is conditional on the fact that the exclusion of protection is not made merely because the invention's exploitation is prohibited by other legislation in force.
- B- Scientific discoveries or theories, and mathematical methods.
- C- Diagnostic, therapeutic and surgical methods for the treatment of both humans and animals.
- D- Plants and animals, other than microorganisms.
- E- Biological processes for the production of plants or animals, other than non-biological and microbiological processes.
- F- Inventions, whose application for registration for the first time outside the Kingdom, had been filed by the owner more than eighteen months prior to the date of filing for registration in the Kingdom.

Article 5

The right to a patent shall be granted as follows:

- A- To the inventor or to whomever the patent ownership passes thereafter.
- B- 1- If the invention is a result of a joint effort of more than one person, each of them shall have the right to the patent jointly and equally, unless they agree otherwise.
- 2- If the invention is independently made by more than one person, the right to a patent shall be granted to the person who is the first to file his application with the Registrar.
- C- 1- To the employer, if the invention is a result of an employment contract which requires the employee to carry out a particular inventive activity, unless otherwise stipulated by contract.
- 2- If the economic value of the invention is not foreseen by the employer and employee upon concluding the contract, then the inventive employee shall be entitled to a fair compensation proportionate to such value. If the two parties fail to reach an agreement regarding the amount of compensation, such shall be determined by the competent court.

- D- 1- If an invention of relevance to the field of activity of the employer, is made by an employee not required to carry out an inventive activity by the employment contract, and if such an invention is made through use of expertise, documents, tools, or the raw materials of the employer placed under the employee's disposal, then the employee shall immediately notify the employer in writing of the invention. In such case, the employee shall be entitled to the patent, if the employer does not express in writing an interest in owning the patent after the lapse of four months from the date of notice, or the date the employer becomes aware of the invention, whichever is earlier.
- 2- If the employer expresses his interest in owning the invention within the period stipulated in subparagraph (1) of this Paragraph, then he shall be entitled to the patent as of the date the invention is made. The employee shall be entitled to a fair compensation, which takes into account the significance and the economic value of the invention, and all benefits accruing therefrom to the employer. If the two parties fail to reach an agreement regarding the amount of compensation, it shall be determined by the competent court.

Article 6

Notwithstanding any other legislation, Paragraphs (C) and (D) of Article 5 of this Law shall be applied. Moreover, any contractual agreement, which detracts from the rights of the employee, as stipulated in those two paragraphs shall be deemed void.

Article 7

- A- A Register known as the "Patents Register" shall be established at the Ministry, under the supervision of the Registrar, in which records shall be maintained of all information related to the invention, names and addresses of their owners, and patents granted thereto, and any changes thereto resulting from procedures and legal acts and measures thereof, including:
- 1- Any assignment, transfer of ownership, or license to use the patent granted by the patentee to others, subject to the provisions of confidentiality in the licensing agreement.
 - 2- The attachment or hypothecation placed upon the patent, or any restriction on its use.
- B- The Register shall be available for the public in accordance with Instructions issued by the Minister for this purpose, which shall be published in the Official Gazette.
- C- The Ministry may maintain computerized records for registering patents and information related thereto; such data and documents retrieved therefrom and certified by the Registrar, shall be valid proof against others.

Registration of a Patent

Article 8

- A- Any person may apply for registering a patent, on the form designated for this purpose, according to the following procedures:

- 1- The patent application shall be filed with the Registrar, attached thereto a detailed description of the invention, including a clear and complete disclosure of the invention, sufficient to enable a person skilled in the art to carry out the invention, together with an indication by the inventor of the best mode for carrying out the invention that is known to the inventor at the filing date, or at the priority date of the application.
 - 2- The applicant shall be required to submit complete information about any patent applications filed in other countries for the same invention filed, before or at the same time, and the results of such applications. If the applications filed are related to biological materials or microorganism, the applicant shall provide proof of submitting samples to any of the specialized facilities.
 - 3- If other than the inventor, the applicant shall provide proof of the right to the patent.
 - 4- The application shall determine the specifications for which protection is sought in a clear and complete description. Graphical drawings may be used to illustrate such specifications if needed.
 - 5- The application shall include a brief summary description of the invention, new specifications for which protection is sought, name of the inventor and applicant and their addresses for purposes of publication in the Official Gazette.
- B- The date the Registrar receives the application shall be considered the date of filing, provided that the application is complete and encloses all documents required according to the Regulation issued for this purpose.
- C- The Registrar may request the applicant to amend the application, and to complete the information required by this Law or the Regulation issued in its accordance, provided that such amendments do not exceed the information disclosed in the original application. Should the applicant fail to fulfill the Registrar's requirements within the period determined in the Regulation, he would be deemed to have abandoned the application, and the Registrar shall issue a decision in this regard. The applicant may appeal this decision to the High Court of Justice within sixty days from the date of notification.

Article 9

- A- The application shall be limited to only one invention, or a group of interrelated inventions representing one creative concept.
- B- The applicant may amend the application submitted to the Registrar at any time prior to the issuance of the patent, provided that the amendments do not exceed the information disclosed in the original application.
- C- The applicant may divide the application into sub-applications, prior to the issuance of the patent, provided that each sub-application does not exceed the information disclosed in the original application. The date of filing the original application, or the priority date shall be considered the date of filing the sub-application.

Article 10

A-1- The applicant may claim priority in the application, for an application submitted by him or his predecessor in title, and filed on a prior date in a country with which Jordan is party to a bilateral or multilateral treaty for protection of industrial property, provided that the application is filed in Jordan within a period not exceeding twelve months, calculated from the day following the date of filing the first application.

2- If the application includes a priority claim, the Registrar may request the applicant, within the period specified in the Regulation, to submit an authenticated copy of the first filing issued by the office at which the application is filed. In such case, the date of filing for registration shall be the same as the date at which the application was filed in the foreign country, pursuant to the Paris Convention for Protection of Industrial Property.

B- If the applicant fails to prove the priority right according to Paragraph (a) of this Article, the application shall be registered as of the date of filing with the Registrar.

Article 11

Subject to the provisions of this Law, the heirs of a deceased who had reached an invention and had not file for its registration, shall have the right to file a patent application to be registered under their names, provided that the name of the real inventor is mentioned in this case.

Article 12

The applicant may, at any time prior to the publication in the Official Gazette, request to make amendments to the invention specifications or the graphic illustrations thereof, with an indication to the nature or reasons for the amendment, provided that such amendments do not modify the substance of the invention, or the information disclosed in the original application. The procedures applied on the original application shall apply on the amendments.

Article 13

A- If the application fulfils all the conditions specified in this Law, the Registrar shall announce its acceptance, and shall grant the applicant a preliminary approval. The Registrar shall publish an announcement of the approval in the Official Gazette, which shall include an abstract of the specifications, and any designs or related information thereto if applicable. The period for publication and the information to be published shall be specified in a Regulation issued for this purpose.

B- 1- Subject to the provisions of Article 36 of this Law, the applicant shall be granted temporary protection for the period between the date of acceptance of the application and the date of granting the patent. The applicant may exploit the invention within this period and take legal measures to prove any infringement thereof.

2- After being granted the patent, the applicant may take any legal measure to cease any infringement on the patent and claim compensation if the infringement persists.

Article 14

Any person shall be entitled to object to the registration of a patent to the Registrar within a period not exceeding three months from the date of publication in the Official Gazette of the preliminary approval of the application. The objection procedures, notifications and conditions for extending the objection period shall be determined in a Regulation issued for this purpose.

Article 15

- A- If no objection is submitted to the registration of the invention, or if the objection is rejected, the Registrar shall issue a decision to grant a patent after collecting the prescribed fees.
- B- If the applicant dies prior to granting the patent, the patent shall be granted to the successors in title, upon submission of appropriate documents of proof.

Article 16

The Registrar shall not be liable for the novelty of the invention, innovation thereof, its industrial applicability, conformity with the actual specifications of the invention, or any benefits resulting therefrom, all of which shall be borne by the Patentee.

Article 17

The term of protection shall be twenty years beginning from the date of filing the application for registration pursuant to the provisions of this Law.

Article 18

- A- The Patentee shall be entitled for an additional patent for improvements or changes made on the original invention. In such case, the term of protection for the additional patent shall be the remaining term of protection for the original patent, as long as the original patent is valid.
- B- The additional patent shall be subject to the provisions of this Law relevant to the original patent.

Article 19

Fees for applications to register inventions, patents and additional patents shall be determined in a Regulation issued for this purpose.

Article 20

- A- The procedures and conditions for temporary protection of inventions, displayed by the inventor at exhibitions held in the Kingdom or abroad shall be determined in a Regulation issued for this purpose.
- B- The temporary protection stated in Paragraph (A) of this Article shall not result in extending the priority period stated in this Law.

Rights of the Patentee

Article 21

- A- The Patentee shall be entitled to the following rights:

- 1- Where the subject matter of the patent is a product, the right to prevent third parties from making, exploiting, using, offering for sale, selling, or importing the product, without the patentee's consent.
 - 2- Where the subject matter of the patent is an industrial process, the right to prevent third parties from using the process, or using the product manufactured directly by such process, or offering for sale, selling, or importing such product, without the patentee's consent.
- B- The Patentee shall have the right to assign the patent to others, or to conclude licensing contracts for its exploitation.
- C- Notwithstanding the provisions of this Law or any other legislation, carrying out research and development, and submitting applications for obtaining approvals to market a product prior to the expiry date of the patent protection shall not be considered an act of civil or criminal infringement.

License to Exploit the Invention

Article 22

The Minister may grant licenses for the exploitation of an invention to other than the patentee and without his consent in any of the following cases:

- A- For relevant government departments or third parties licensed by such departments to use the patent, if such use is necessary for national security, emergency situations, or for public non-commercial benefit, provided that the patentee is notified as soon as practicable.
- B- If the patentee fails to exploit the patent, or if exploitation thereof is insufficient, prior to the lapse of three years from the date of granting the patent, or four years from the date of filing the patent application, whichever period lapses later. However, the Minister may decide to grant the patentee extension period, if the reasons for non-use or insufficient use are beyond the patentee's control.
- C- If it is decided judicially or administratively that the Patentee practices his rights in a manner that deters third parties from fair competition.

Article 23

The following shall be taken into account upon issuing a license:

- A- The merit of the application for license on a case by case basis.
- B- Whether the applicant for a license has sought to obtain a license from the patentee to exploit the patent at a reasonable price and terms, and has failed to reach an agreement with the patentee within a reasonable period of time in the case stated in Paragraph (B) of Article 22 of this Law.
- C- The scope and duration of the license shall correspond to the purpose for which the license is granted. In case the license application relates to semi-conductor technology, a license shall only be granted for public non-commercial benefit, or to remedy practices which are determined to be anti-competitive by a judicial or administrative authority.
- D- The license to exploit a patent shall not be exclusive.

- E- The license shall not be assigned.
- F- The license is granted to meet the local market demand, in other than the case stipulated in Paragraph (C) of Article 22 of this Law.
- G- The patent applicant shall be paid adequate remuneration, which takes into account the economic value of the invention.

Article 24

The Minister may, upon his own initiative, or request of the Patentee, revoke the license if the reasons for granting it are no longer applicable. Such revocation shall not prejudice the related rights of others having an interest in the license.

Article 25

The procedures for issuing a license to exploit a patent shall be determined in a Regulation issued for this purpose.

Article 26

Decisions to license a patent issued by the Minister, may be appealed to the High Court of Justice within sixty days from the date of notification of the concerned parties.

Transfer of Ownership, Hypothecation, and Attachment of a Patent

Article 27

- A- Ownership of a patent may be transferred, completely or partially, with or without consideration, and may be subject to hypothecation or attachment.
- B- The patent and all rights attached thereto may pass by inheritance.

Article 28

Transfer of ownership of a patent, its hypothecation or attachment shall be deemed as valid proof against others only as of the date of its recording in the Register, which shall be published in the Official Gazette.

Article 29

The procedures of the transfer of ownership of a patent, its hypothecation and attachment and all other legal acts related thereto, shall be determined in Instructions issued by the Minister for this purpose. Such Instructions shall be published in the Official Gazette.

Expiry and Nullification of Patents

Article 30

- A- A patent and all the rights arising therefrom shall lapse in any of the following cases:
 1. The lapse of the term of protection as stipulated in the provisions of this Law.

2. Issuance of a final and conclusive decision by the competent judicial authority nullifying the patent.
 3. Non payment of the annual fees and any additional fees related thereto after the lapse of six months from the due date.
- B- The Registrar shall announce the expired patents according to Paragraph (A) of this Article in the manner stipulated in the Regulation issued for this purpose.
- C- 1- Any interested party shall be entitled to file at the High Court of Justice nullification for a patent granted in violation to the provisions of this Law. The Registrar shall cancel such patent from the Register if a decision for nullification is issued.
- 2- The Registrar may cancel any patent granted in violation of this Law. The Registrar's decision may be appealed to the High Court of Justice. The protection granted to such patent shall continue until the issuance of the court's decision.

Industrial Property Registration Agents

Article 31

- A- 1- No person may practice the profession of an industrial property registration agent or represent oneself as such, unless registered in the designated register for this purpose, or a lawyer registered at the Bar Association.
- 2- Any person violating subparagraph (1) of this Paragraph shall be fined, by the competent court, of not less than one thousand Jordanian Dinars and not more than five thousand Jordanian Dinars.
- B- The conditions for practicing, as an industrial property registration agent shall be stipulated in a Regulation issued for this purpose.

Crimes and Penalties

Article 32

- A- Any person committing, in bad faith, any of the following acts, shall be subject to imprisonment for a period not less than three months and not more than one year, or to a fine not less than one hundred Dinars and not more than three thousand Dinars, or both penalties:
1. Forged an invention patented pursuant to the provisions of this Law for commercial or industrial purposes.
 2. Sold, acquired for the purposes of selling, offered for sale or dealing, or imported from abroad, counterfeited products, of the subject matter of the invention, if such invention is registered in the Kingdom.
 3. Placed misleading data on his products, trademarks, advertisements, or his packaging material that would make belief that he has obtained a patent or a license.

- B- Paragraph (A) of this Article shall be applied on the attempting, assisting, or inciting to commit any of the acts stated therein.
- C- The Patentee shall be entitled to claim compensation for damages suffered as a result of any of the acts provided for in Paragraphs (A) and (B) of this Article.

Provisional Measures and Other Penalties

Article 33

- A- The Patentee of a registered patent in the Kingdom, when filing a civil or criminal lawsuit or during the course of the hearings, may petition the court to take any of the following measures, provided 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 product, the subject matter of infringement, wherever found.
 - 3. Preserve evidence relevant to the infringement.
- B- The Patentee alleging infringement upon his patent may, prior to filing a civil or criminal lawsuit, petition the court to take any of the measures provided for in Paragraph (A) of this Article, without notifying the counter-party, if he proves that he is the patentee and that his rights have been infringed, or that such infringement is imminent and is likely to cause damages of irreparable harm, or where there is a demonstrable risk that evidence will be destroyed or disappear, provided that such petition is attached with a bank guaranty or a cash deposit accepted by the court. The counter-party may appeal this decision within eight days of notification. The decision of the Court of Appeal in this regard shall be final.
- C- If the Patentee fails to file the lawsuit within eight days from the date the court approves his petition, all measures taken in this regard shall be nullified
- D- The court may, upon the petition of the counter-party, and provided that the petition is attached with a bank guaranty or a cash deposit accepted by the court, terminate the provisional measure taken to close down the commercial store or the factory or any other place. This decision may be appealed within eight days from the date of notification. The decision of the Court of Appeal in this regard shall be final.
- E- The counter-party may claim just compensation if the court decides that the plaintiff's claims are invalid, or if the plaintiff fails to file the lawsuit within the specified period.
- F- The court may seek, in all cases, expert opinions for purposes of implementing the provisions of this Article.
- G- The court may order the seizure of the products, tools, and main materials used in manufacturing such products, or used in the infringement, or resulted therefrom. The court may also order destruction of such products, tools and materials, or use of such outside the channels of commerce.

Article 34

- A- The court may require the defendant in any civil procedure regarding an infringement of the rights of the Patentee provided for in this Law, to prove that the process of producing his product which is identical to the product produced by the Patentee, is different from the process protected by the patent, if the production is made without the Patentee's consent and if there is a substantial likelihood that the identical product is made by the process protected by the patent, and the patentee was unable through reasonable effort to determine the process actually used.
- B-
 - 1- The court shall take into account the legitimate interests of the defendants to protect their industrial and commercial secrets when requesting for evidence according to Paragraph (A) of this Article.
 - 2- If such secrets are disclosed during a lawsuit filed by the plaintiff and based on an unjust claim, the defendant may claim compensation for damages by virtue of a court's decision.

Final Provisions

Article 35

This Law shall apply to all patents granted in accordance with the Patents and Designs Law No. 22 for the year 1953 and amendments thereto, which are still in effect at the time this Law comes into force.

Article 36

- A- Patents shall be granted for manufacturing and special chemical operations related to chemical products, medications, pharmaceuticals compound, or food.
- B- Patent applications for the protection of chemicals related to medications, or pharmaceutical or food final products may be filed after this Law comes into force.
- C- Decisions regarding applications referred to in Paragraph (B) shall not be made unless the provisions of this Article come into force.
- D- Subject to the provisions of any other legislation, the Minister may grant the patent applicant in the Kingdom an exclusive right to market the chemical products related to medical drugs or pharmaceutical compounds, or food products which are included in the subject matter of the invention, for a period of five years or until the period of granting or rejecting the patent, whichever is less, if the following occurs after the provisions of this Article come into force:
 - 1. An application is filed for a patent in the Kingdom for products mentioned in this Article
 - 2. An application is filed at another member country in the World Trade Organization, and the patent is granted.
 - 3. A marketing approval has been granted in the said country.
 - 4. A permit to register the drug in the Kingdom is granted from the Ministry of Health

- E- 1- The provisions of Paragraphs (C) and (D) of this Article shall come into force one month after the issuance of a decision to this effect by the Council of Ministers, within a period not exceeding three years from the date of Jordan's accession to the World Trade Organization.
- 2- If the decision referred to in subparagraph (1) of this Paragraph is not issued, the provisions of the said Paragraph shall come into force automatically upon the lapse of the said three years.

Article 37

Nothing in this Law shall prohibit any person from importing any products or materials from a third party, if such party is accorded the legal protection for the same patent which is accorded protection in the Kingdom, if the importation is legal and complies with the fair commercial competition principles and takes into account the economical value of the protected patent in a fair manner.

Article 38

The Council of Ministers shall issue Regulations necessary for implementing the provisions of this Law including the fees to be collected.

Article 39

The Patents and Designs Law No. 33 for the Year 1953 shall be repealed along with its amendments and any other legislation to the extent it conflicts with this Law.

Article 40

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

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