

INDUSTRIAL DESIGNS AND MODELS LAW

LAW NO. 14 FOR THE YEAR 2000

Article 1

This Law shall be known as “The Industrial Designs and Models 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 meanings designated hereunder unless otherwise indicated by context:

<u>Ministry:</u>	Ministry of Industry and Trade.
<u>Minister:</u>	Minister of Industry and Trade.
<u>Industrial Design:</u>	Any composition or arrangement of lines, which gives the product special appearance and appeal, whether by industry or handicraft, including textile designs.
<u>Industrial Model:</u>	A three-dimensional form, whether associated with lines or colors or not, which gives special appearance, that may be used for industry or handicraft.
<u>Owner of Industrial Design or Model:</u>	The natural or juridical person who registered under his/its names an industrial design or model, in accordance with the provisions of this Law.
<u>The Registrar:</u>	The Registrar of Industrial Designs and Models in the Ministry, nominated by the Minister.
<u>The Register:</u>	The Register of Industrial Designs and Models.

Article 3

A- A Register known as “ The Industrial Designs and Models Register” shall be established at the Ministry, under the supervision of the Registrar, in which records shall be maintained of all information related to industrial designs and models, names and addresses of their owners, and any changes thereto resulting from procedures and legal acts thereof, including the following:

- 1- Any assignment, transfer of ownership, or license granted by the owner of the industrial design or model to others.
- 2- The hypothecation or attachment placed upon the industrial design or model, and any restriction on its use.

B- The Register shall be available for the public in accordance with the Instructions issued by the Minister for this purpose, which shall be published in the Official Gazette.

- C- The Ministry may maintain computerized records for the registration of industrial designs or models and data related thereto. The data and documents retrieved therefrom and certified by the Registrar shall be valid proof against others.

Registration of Industrial Models and Design

Article 4

- A- An industrial design or model may be registered if the following conditions are met:
 - 1- If it is new, undisclosed to the public anywhere in the world, by any means, including use or publication in a tangible form thereof, whether disclosure occurred prior to the filing, or the priority date of the application for the registration, as the case may be, and in accordance with the provisions of this Law.
 - 2- If it is independently created.
- B- Disclosure to the public of an industrial design or model shall not be taken into consideration, if the disclosure occurred within twelve months preceding the date of filing for registration in the Kingdom, or the claimed priority date of the application, if such disclosure was a result of an act committed by the applicant, or of an unlawful act committed by a third party against the applicant.
- C- Industrial designs or models dictated by technical or functional considerations may not be registered. However, the Registrar shall issue his decision in this regard upon a recommendation of a technical committee, which shall be formed for this purpose.
- D- An industrial design or model that is contrary to public order or morality shall not be registered.

Article 5

The right of registering an industrial design or model shall be as follows:

- A- To the creator or to whomever the right of the design or model passes thereafter.
- B- To all persons participating in the creation of the design or model, if it is the result of their joint effort, provided that it is registered for them jointly and equally, unless they agree otherwise.
- C- To the creator who is the first to file an application for registration, if the creation is independently made by more than one person.
- D- To the employer, if the creation is a result of an employment contract which requires the employee to accomplish such a creation, unless otherwise stipulated by contract.

Article 6

The registration of an industrial design or model shall be as follows:

- A- An application for the registration of an industrial design or model shall be filed with the Registrar, on the form designated for this purpose, stating the kind of product, and attached thereto drawings, photographs and other illustrative data embodying the design or model.

- B- The application may include more than one industrial design or model, provided that they relate to the same class, set, or composition according to the relevant international agreements. In such case, each industrial design or model shall be subject to the payment of the prescribed fees.

Article 7

- A- The date the Registrar receives the application for the registration of the industrial design or model shall be considered the date of filing, provided that the application fulfills all the legal requirements, and attached thereto all the data indicating the identity of the applicant, and the illustrative data of the industrial model or design.
- B- Where the Registrar finds that the application has not fulfilled the requirements stated in paragraph (A) of this Article, he shall invite the applicant to fulfill such requirements within the prescribed period in the Regulation issued according to this Law, or to make the necessary amendments. That date of fulfilling such requirements shall be recorded as the filing date. Otherwise, the Registrar shall issue a decision in this regard that would deem the applicant to have abandoned the application. The Registrar's decision may be appealed to the High Court of Justices within sixty days of notification.

Article 8

- A- 1- The applicant for the registration of an industrial design or model, may claim priority thereto, for an application submitted by the applicant or his predecessor in title and filed on a prior date, for any State party to a treaty with the Kingdom, for the protection of industrial property, provided that the application is filed in the Kingdom within a period not exceeding six months, calculated from the day following the date of filing of the first application.
- 2- If the application includes a priority claim, according to item (1) of this paragraph, 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 was filed. In such case, the date of filing of the first application for registration according to the Paris Convention for the Protection of Industrial Property, shall be the date of filing an application for registration in the Kingdom.
- B- Where the applicant does not prove the priority right according to paragraph (A) of this Article, the date of filing with the Registrar shall be considered the date of filing for registration in the Kingdom.

Article 9

- A- If the application for the registration of an industrial design or model fulfills all the legal requirements and conditions, the Registrar shall issue his decision accepting the application. In such case, the fees prescribed shall be collected.
- B- 1- The Registrar shall announce the acceptance of the application in the Official Gazette. Third parties may oppose this acceptance within ninety days from the date of publication, in accordance with the procedures, which shall be determined in a Regulation issued for this purpose, pursuant to this law.
- 2- If no opposition is submitted against the acceptance of the application for the registration of an industrial design or model, the Registrar shall issue a

decision for registering the design or model, and shall issue a certificate after collecting the prescribed fees.

Protection of Industrial Designs or Models

Article 10

- A- After the registration of an industrial design or model, the owner shall have the right to prevent third parties not having his consent from making, importing or selling articles bearing a design or embodying a model which is a copy, or substantially a copy, when such acts are undertaken for commercial purposes.
- B- The protection shall not extend to any part of an industrial design or model that had been registered, if such part was dictated essentially by technical or functional considerations.
- C- Any person committing any of the acts stated in paragraph (A) of this Article shall be considered committing an act of infringement upon the rights of the owner of the industrial design or model and shall be subject to liability, if that person knew or should have known that he is infringing upon an industrial design or model protected in accordance with the provisions of this Law.

Article 11

The term of protection of an industrial design or model shall be for fifteen years beginning from the date of filing the application for registration with the Registrar.

Article 12

- A- Industrial designs and models displayed by any creator at exhibitions held in the Kingdom or abroad shall be accorded temporary protection in accordance with the procedures and conditions determined in a Regulation issued in accordance with the provisions of this Law.
- B- The temporary protection stated in paragraph (A) of this Article shall not result in extending the priority period stated in this Law.

Article 13

- A- Any interested person may apply to the Registrar for the nullification of the registration of an industrial design or model, if the registration is contrary to the provisions of this Law. The owner of the design or model shall be notified of such application; in accordance with the procedures stipulated in the Regulation issued in accordance with the provisions of this Law.
- B- The Registrar shall issue his decision regarding the application, which may be subject to appeal to the High Court of Justice within sixty days of notification. However, the protection accorded to the industrial design or model shall continue until the Court issues its decision.

The Transfer of Ownership, Hypothecation and Attachment of an Industrial Design or Model

Article 14

- A- 1. The ownership of an industrial design or model may be transferred, completely or partially, with or without consideration, and may be subject to hypothecation or attachment, which shall be published in the Official Gazette.
2. The transfer of ownership or hypothecation of an industrial design or model shall not be deemed as valid proof against third parties prior to the date of its recording in the Register.

B- An industrial design or model and all rights and obligations related thereto may pass by succession.

Article 15

The procedures of the transfer of ownership of an industrial design or model, its hypothecation, attachment and all other legal acts related thereto, shall be determined in Instructions issued by the Minister for this purpose, which shall be published in the Official Gazette.

Article 16

The owner of an industrial design or model may grant third parties license with respect to its use, by virtue of a written contract to be recorded with the Registrar, who shall keep the provisions of the contract confidential.

Provisional Measures and Other Penalties

Article 17

A- The owner of an industrial design or model may, when filing a civil lawsuit to prevent the infringement upon his rights in the design or model, or during the course of the hearings, 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 product, subject matter of the infringement, wherever found.
- 3- Preserve the relevant evidence to the infringement.

B-1. The owner of an industrial design or model 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 owner proves any of the following:

- That his rights had been infringed upon.
- That such infringement is imminent and is likely to cause damages of irreparable harm.

- That there is a demonstrable risk of evidence being disappeared or destroyed.
 - 2. If the owner of the industrial design or model 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.
 - 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 plaintiff was unlawful in his petition to take provisional measures, or if the plaintiff failed to file the lawsuit within the period determined in item (2) of this paragraph.
- C- The defendant may claim compensation for the damages he suffered, if the Court decides that the plaintiff's claims are invalid.
- D- The Court may seek, in all cases, experts opinion.
- E- The Court may order the seizure of the products subject matter of infringement, the tools, and main materials used in the manufacturing of such products. The Court may also order the destruction of such products, tools and materials, or use of such outside the channels of commerce.

Article 18

The Council of Ministers shall issue the necessary Regulations for implementing the provisions of this Law including:

- A- Fees to be collected.
- B- Periods relevant to the procedures to be taken in accordance with the provisions of this Law, and the provisions of extension thereto.

Article 19

The Patents and Designs Law No. 33 for the year 1953 shall be repealed along with its amendments. The provisions of any other legislation in conflict with the provisions of this Law shall not be applied.

Article 20

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

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