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Draft Amendments are in Track Changes

Trademarks Law

**Chapter 1
General Provisions**

**The Basis
Article 1:**

Types of Trademarks

Article 4:

Trademarks shall include (one or more) names, words, signatures, letters, numerals, figures, combinations of colors, drawings, titles, seals, pictures, inscriptions, advertisements, templates or any other mark or a combination thereof.

Use of Trademarks

Article 5:

Use of each one of the trademarks specified in Article (4) of this Law shall be optional, unless the Ministry of Commerce and Industry or the Central Business Registry (Trademarks Registration Section) has made their use mandatory.

Request for Registration of Trademarks

Article 6:

1. A person desiring to have the exclusive use of a trademark to identify and distinguish goods of his own production, manufacture, selection, or in respect to which he has been issued a

concerning the same trademark and governing the same goods, products or services of the previous application in accordance with the provisions of this law and the rules of the Central

Article 13:

1. Where changes are made to a registered trademark, or to the goods, products or services for which the trademark has been registered, such changes shall be registered within 14 working days of the change in the Central Business Registry (Trademarks Registration Section) taking into account the provisions of this law, otherwise they shall not be valid.
2. The owner of the registered trademark may request in writing any additions or modification to his/her trademark provided they do not substantially affect the registered trademark or its identity. Similarly, he/she may take action concerning omission of goods, products or services which constitute the subject matter of the trademark.
3. Any other changes to the registered trademark or the goods, products or services to which the trademark relates shall take place on the basis of new application for registration of trademarks.

Correction of Print Error in Registered Trademark**Article 14:**

Where a trademark is reproduced in a dictionary, encyclopedia or a similar reference work without indications that it is registered, and where it is likely to give the impression that it constitutes the generic name of the goods, products or services for which the trademark is registered, the publisher shall, at the request of the owner of the trademark, correct such fault in the next edition.

Refusal of Registration in the Name of Representative**Article 15:**

Agent or representative of the owner of the trademark cannot register the trademark in his/her own name without agreement of the owner.

Using the Name and Address of the Owner of the Trademark**Article 16:**

The owner of a trademark may prevent other individuals or entities from using in the course of trade his/her own name or address, indications concerning the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of the goods or of rendering of the services, or other characteristics of the goods, products or services, unless such use conforms to lawful practices in industrial or commercial matters and permission of the owner has been obtained in this regard.

Transference of Trademarks**Article 17:**

Trademarks are transferable and the transfer shall be valid if recorded separately with the Central Business Registry (Trademarks Registration Section) in accordance with the provisions of this law and the relevant regulations.

Publication of the Registered Trademark**Article 18:**

1. The owner of the trademark shall be obligated to submit the registered trademark and the changes therein within 10 working days of the registration thereof for publication in the official

gazette at a reasonable fee payable to Central Business Registry (Trademarks Registration Section); he/she may also publish the trademark in other mass media.

2. The registered trademark which is sent for publication in the official gazette shall contain the following information:

- 1) Trademark Registration Date
- 2) Trademark Display
- 3) Application Date
- 4) List of goods, products or services relating to the trademark
- 5) Classification of goods, products and services
- 6) Name and citizenship of the owner of the trademark and names of agents (if any)
- 7) Occupation of the owner
- 8) Country and address of the office of notary public of the owner of trademark
- 9) Changes related to the trademark and the rights requested by the applicant
- 10) Other instances foreseen in this law.

3. The Central Business Registry (Trademarks Registration Section), may, upon request, provide the requested parties with a copy of the list of trademarks against payment of a fixed amount of fee.

Trademarks Protection

Article 19:

The trademarks shall be protected from the date of the submission of the application to the Central Business Registry (Trademarks Registration Section).

Validity Period of Trademarks Registration

Article 20:

1. The validity of a registered trademark is 10 years, and this period can be renewed for an indefinite number of times upon the request of the owner of the trademark.

2. The owner of the trademark shall be obligated to submit its application for renewal to the Central Business Registry (Trademarks Registration Section), within six months prior to the expiry of the period set forth in paragraph (1) of this Article.

3. The owner of the trademark cannot, during the course of renewal, bring changes in the registered trademark or in the list of goods, products or services for which the trademark has already been registered.

Ownership of the Trademark

Article 21:

The ownership of a trademark belongs to the person that used it for the first time, unless proven otherwise by a court. With exception of well-known trademarks.

Termination of Ownership of the Trademark

Article 22:

The right to ownership of the trademark shall terminate in the following cases:

1. Cessation of trade, industry, agriculture and

3. Failure to apply for renewal of the trademark registration right within six months prior to expiry of the registration in accordance with the provisions of paragraph (2) of Article (20) of this Law.
4. When registration is formally cancelled by the commercial court based on a petition by an interested party and on a showing of at least three uninterrupted years of non-use of the trademark by the owner. No cancellation on these grounds may take place if the trademark owner shows valid reasons for non-use, including circumstances arising independently of the will of the owner, such as import restrictions or services associated with the trademark. Use of trademark by another person but subject to the owner's control shall be recognized as use of the trademark for the purpose of maintaining the registration.
5. Issuance of ownership termination order by an authorized court.

Production and Supply in Famous Geographical Area

Article 23:

1. Where the name of a well-known geographical area has been registered as part of the trademark, the owner thereof shall be obligated to manufacture goods and products or render services in the same geographical area.
2. Natural or legal persons cannot, by use of any means, introduce or designate any goods, products and services in a manner contrary to the factual relevant geographical area in order to mislead the public.
3. Natural or legal persons who embark on manufacturing goods, products or rendering of services in the well-known geographical area cannot use the geographical symbol in respect of similar goods, products or services being manufactured or delivered in other areas in such a manner as to show as if the said goods, products or services have been manufactured and rendered in the well-known geographical area.

Use of Well-Known Names

Article 24:

Natural or legal persons may use such geographic indications and names as are used in commercial terminology to describe relevant goods, products or services unless such common geographic indications are found to be misleading according to the provision set forth under Article (31) of this law.

Chapter 3 Objections and Cancellation Proceedings

The Right to Object or Initiate Cancellation Proceedings

Article 25:

The following persons may object in relation to a trademark that has been applied for, or initiate cancellation proceedings in relation to a registered trademark:

1. A person who claims the ownership of the trademark.
2. A person who has a similar trademark that can mislead consumers.
3. Any interested party may file an objection in the Central Business Registry (Trademarks Registration Section) or court based on Articles 8 or 9 of this Law.

Initiating a Cancellation Proceeding

Article 30:

1. Cancellation proceedings shall be initiated at the Central Business Registry (Trademarks)

3. The implementation responsibilities of this Committee shall be set forth in the regulations promulgated pursuant to this law.

Enforcement Date

Article 36:

This law shall be enforced upon signature by the president and shall be published in the official gazette. With the enforcement of this law, the Trademarks Code published in official gazette # (100) of 1339 shall be repealed.