
Industrial Designs

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Chapter One **General Provisions**

Article 1. Basis

This Law is enacted pursuant to the Article 47 of the Constitution of Islamic Republic of Afghanistan.

Article 2. Objectives

The objectives of this law are as follows:

1. To protect, encourage and enforce the intellectual property rights of the creators and owners of industrial designs;
2. To facilitate the registration of industrial designs; and

Article 5. Register of Industrial Designs

Chapter three

Registration of Industrial Designs

Article 9. Registrability

1. Independently created industrial designs which are new or original may be registered and protected under this Law.
2. Designs shall not be considered new or original if they do not significantly differ from known designs or combinations of known design features.

Article 11. Priority

An application for the registration of an industrial design filed in Afghanistan by or on behalf of any person who has previously filed a regular application for the registration of the same

2. The Registrar shall, within 20 working days of confirmation of the completed application, inform the applicant in writing of its determination and the legal basis there for.

Article 18. Marking

1. The owner of a registered industrial design shall have the right to affix [designated sign], along with the name, or the usual abbreviation of the name, of the owner of the design, to any article embodying the design and/or to the labels or packaging associated with those articles which are circulated in trade.
2. Such marking shall create constructive notice of the registration to the public. However, marking shall not be required as a condition of protection.

Article 19. Application to Supplement or Alter a Registered Industrial Design

1. The owner of any registered industrial design may apply to the Registrar for permission to supplement or alter such industrial design in any particular not being an essential particular.
2. Notice of any requested supplementation or alteration shall be published in the Official Gazette in the time and manner prescribed, along with notice of procedures for objections.
3. The Registrar, taking into account the application and any objections, shall refuse or grant the application on such terms as he may think fit.
4. Any supplementation or alteration to a registered design shall be reflected in the Registry and on the Certificate of Registration.

Article 20. Termination of Registration

5. If the owner files and serves a response in a timely manner, the Registrar shall afford the

The owner of an industrial design registered under this Law shall, with regard to that design and during the protection term stated under Article 22 of this Law, have the right to prevent third parties not having his consent from making, selling or importing articles bearing or embodying a

Article 28. Indemnification

1. The judicial authorities may order a party at whose request enforcement measures were taken, and who has abused enforcement procedures, to provide to a party wrongfully enjoined or restrained adequate compensation for the injury suffered because of such abuse.
2. In such a case, the judicial authorities shall also have the authority to order the applicant to pay the defendant's expenses, which may include appropriate attorney's fees.

Chapter 6
Final Provisions

Article 29. Appeals

1. The commercial court shall have jurisdiction to hear appeals on any administrative decision made by the Registrar under this Law.
2. An appeal made pursuant to this Article shall follow the prescribed form and procedure of the commercial court, and shall be subject to payment of the prescribed fee.

Article 30. Implementation

The Ministry of Commerce and Industries shall implement this Law.

Article 31. Enactment of Regulations and Procedures

The Ministry of Commerce and Industries may promulgate regulations and adopt by-laws and procedures for better implementation of the provisions of this Law.

Article 32. Date of Enforcement

The present Law shall come into force on the date which it is published in the Official Gazette.