

**Draft Law**  
**No. (    ýý) For The Year 1999**  
**Patent Law**

**Article (1):**

This Law shall be named (The Patent Law for the Year 1999), and shall come into force 30 days after its publication in the Official Gazette.

**Article (2):**

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

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

### **Article (3):**

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

- A.
  - 1.If the invention is new in terms of industrial technology and previously undisclosed to the public in any part of 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 prior to the priority date of a patent application as determined according to the provisions of this Law.
  - 2.Disclosure of an invention to the public shall not be taken into account if it takes place within twelve months preceding the date of filing the patent application or the date of filing the priority claim, if such disclosure was a result of the applicant's act or the result of an unlawful act 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 hand crafts.

### **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.



shall be entitled to the patent if the employer does not express 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 interest in owning the invention within the period stipulated in subparagraph (1) of this paragraph, then the employer shall be entitled to the patent as of the date the invention was made, and 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, the compensation shall be determined by the competent court.

**Article (6):**

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

**Article (7):**

- A. A Register named 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, and the names of owners, addresses and the patents granted thereto, and any changes thereto resulting from procedures and legal acts and measures thereof, including:
  - 1- Any assignment or transfer of ownership or license to use the patent granted by the patentee to others subject to the provisions of confidentiality in the license agreement.
  - 2- The attachment or hypothecation placed upon the patent or any restriction on the use of the patent.
- B. The Register shall be available to 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 of patents and information related thereto; such data and documents retrieved therefrom and certified by the Registrar, shall be effective against third parties.

## **REGISTRATION OF THE PATENT**

### **Article (8):**

- A- Any person may apply for registration of a patent on an application form designated for this purpose according to the following procedures:
- 1- The patent application shall be filed with the Registrar enclosing 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 known to the inventor at the filing date, or at the priority date of the application.
  - 2- The patent applicant shall be required to submit complete information about any patent applications 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 specialized facilities.
  - 3- If other than the owner of the invention, 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



Subject to the provisions of this law, the heirs of an inventor who dies before filing an application for patent may file a patent application in their names, provided that the name of the real inventor is mentioned in this case.

**Article (12):**

The patent 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, and shall indicate the nature and reasons for the amendment, provided that such amendments do not modify essentially the invention, or the information disclosed in the original application. The procedures applied in the original application shall apply to the amendments.

**Article (13):**

- A. If the application meets all the provisions specified in this Law, the Registrar shall announce his acceptance and 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 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 on the invention.
2. After being granted the patent, the applicant may take any legal measure to stop any infringement on the patent and claim compensation if the infringement persists.

**Article (14):**

Any person shall be entitled to oppose a Patent at the Registrars' Office within a period not exceeding three months from the date of publication in the Official Gazette of the preliminary approval of the application. The procedures for oppositions, notifications and conditions for extending the period for oppositions shall be determined in a regulation issued for this purpose.

**Article (15):**





Draft  
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September 21, 1999

As approved by Parliament

Not an official translation

## **License to Exploit the Invention**

### **Article (22):**

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

- A- For government departments or third parties, if the invention is exploited for national security, emergency situations, or for non-commercial public benefit, provided that the patentee shall be notified whenever possible;
- B- If the patentee fails to exploit his patent, or if exploitation is insufficient within three years after being granted the patent, or within four years from the period 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 determined by a judicial or administrative authorities decision that the Patentee practices his rights in a manner to deter third parties from fair competition.

### **Article (23):**

The following shall be taken into account upon issuing licenses:

- A- The merit of the application for license on a case by case basis;
- B- Whether the license applicant 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 cases 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 of license application related to semi-conductor technology, a license shall only be granted for public non-commercial use or to remedy practices, which are determined to be anti-competitive by judicial or administrative authority.
- D- The license to exploit a patent shall not be exclusive.
- E- The license shall not be capable of assignment.
- F- The license is granted to meet local market demand, if in cases other than that provided for 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):**







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**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 the product identical to the product produced by the Patentee, is different from the process protected by the patent, if the production was made without the Patentee's consent and there was a substantial likelihood that the identical product was 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 consider the legitimate interests of the defendants to protect their industrial and commercial secrets when requesting





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