

ROYAL DECREE

No...../2000

PROMULGATING THE PATENT LAW

We QABOOS BIN SAID, SULTAN OF OMAN

- After viewing the Basic Law of the Country, promulgated by Royal Decree No. 101/96,
- and The Patent Law for the Arab Gulf Cooperation Council, and The **WTO** Agreement on Trade-Related Aspects of Intellectual Property Rights,

For the public interest.
Decreed the following:

The enclosed patent law is to be implemented. Article 1:

Its provisions implement the WTO Agreement on Trade Related Aspects of Intellectual Property. Article 2:

Article 3: The Minister of Commerce and Industry shall be responsible for implementing the patent law.

Whatever contradicts this law, or is in conflict with its provisions is null and void. Article 4:

This Decree is to be published in the Official Gazette. Article 5:

DRAFT PATENT LAW OF THE SULTANATE OF OMAN

2/6 - In the case of more than one application, the patent is granted to the first application, bearing priority in date.

2/7/1 - If the invention was the result of a joint work of several persons, the patent is granted for all of them equally if they had not agreed otherwise. Anyone who has not participated in the invention but whose efforts has only been limited to the implementation of ideas, is not regarded as a participant in the patent.

2/7/2 - The patent's ownership is for the employer if the invention was a result of the implementation of an agreement or commitment for the exercise of efforts in innovating, or if the employer gave evidence that the employee could not have achieved this invention if not for the use of capabilities and aides or data available to him/her at work.

This does not jeopardize the right of the employee to a special award specified by the concerned body where the invention took place in respect to the agreement or commitment's circumstances, and the economic significance of the invention. Any agreement depriving the employee from this right is considered void. The above regulations also apply for government employees.

An application for patent from an innovative employee two years from leaving service is regarded as if he was still at work.

This provision does not apply to inventions not made in Oman .

Article (3):

3/1 - The following are not regarded as inventions according to the regulations of this Law:

3/1/1 - Scientific discoveries and theories and mathematical methods.

3/1/2 - Pure mental activities and playing games.

3/1/3 - Methods of treatment of human and animal bodies, surgically or medically, and methods for diagnosis of illnesses applied to humans or animals, with the exemption of products used in any of these methods.

3/2 - This charter does not protect plant and animal types.

Article (4):

The Minister of Commerce and Industry has the right to exempt some inventions from their eligibility for a patent if considered necessary for the protection of public order and moral values including the protection of the life and health of humans, animals and plants, or the avoidance of seriously harming the environment.

Article (5):

5/1/1 - Patent applications are submitted to the Patent Office by the inventor or his accredited agent or by one to whom the rights for invention have been transferred, including a request for the issuance of a patent and the appropriate fees.

5/1/2 - The application has to include the name of the applicant, the inventor, and an accredited agent (if applicable) and an affirmation stating the justification of the applicant's right to the invention if he was not the inventor.

5/1/3 - An application should only include one invention or a group of interrelated parts that form one general innovative item.

5/2/1 - An application should include the name of the invention, a description, one or more scopes of protection, clarifying drawings or more (if available) and a summary of the invention.

5/2/2 - The description should clearly and fully reveal the invention so as to enable a man of profession to implement it.

5/2/3 - The scopes of protection should show the area of protection requested. Description and clarifying drawings can be made to describe that when necessary.

5/2/4 - Scopes of protection should be clear and summarized and should entirely depend on description.

5/2/5 - The summary is used for technical information only and should not be relied on for the application's explanation.

5/3 - The applicant should provide the Patent Office with additional required information and data relating to the application.

5/4 - The applicant can include any amendments he sees fit on his/her application as long as they are not essential changes on the information included in the original application.

Article (6):

If applicant is not a resident of Oman, he is required to assign an accredited agent resident in Oman to undertake activities authorized by the applicant with the Office.

Article (7):

7/1 - The application for patent may include a declaration claiming, as provided for in the Paris Convention, the desire to consider priority for an application previously submitted by the applicant or his predecessor in title for any State party to the Paris Convention, to any Member of the World

Trade Organization, or at the GCC Patent Office. In this case, the date and number of the previous application should be stated along with necessary evidence.

The effect of the declaration shall be as provided in the Paris 7/2 - Convention.

7/3 - Priority period is 12 calendar months.

Article (8):

An applicant can withdraw his/her application at any time if not finally settled. Withdrawal does not imply the right to have application documents, fees or costs refunded.

Article (9):

If the application meets the requirements, the Patent Office records the date of the application's submission and visually examines it. Then the Office examines it subjectively or refers it to any another concerned body to do so, after collection of subjective examination fees.

Article (10):

If it appeared from the visual examination that some legal conditions were not met, the Patent Office can request the applicant to do what is necessary for the completion of the application in a period of three months at most from the day of informing him/her. If that was not undertaken during the aforementioned period, the application is canceled.

Article (11):

If the subjective examination shows that the application has met the requirements of this Law, the Patent Office issues a decision on granting the patent and it is recorded and announced. The document is submitted to the applicant three months from announcement if no objection is presented by a person of interest.

However, if the subjective examination shows the non-eligibility of the applicant for the offer of a patent, the Office issues its refusal clarifying the reasons of refusal. The applicant is informed with a copy and the decision is announced.

Article (12):

12/1 - The patent gives its owner the right to exclude use of the invention without the permission of the patent owner. This is regarded as usage of the invention: the manufacturing of the product, usage, sale, and stocking such products for the purposes of usage, sale and exhibit for sale. If the invention was an industrial operation or a method for the manufacturing of a specific

product, the owner has the same right over what is produced utilizing this operation or method. Local working is considered to be satisfied by importation.

12/2 - The owner of the patent has the right to prohibit others, not acquiring his/her permission, from manufacturing, utilizing, exhibiting for sale, selling or importing that product for these purposes if the patented is a product. If the patent is for a manufacturing operation, he can prohibit others, who have not acquired his/her permission, from actively utilizing the method and from utilizing, exhibiting for sale, selling or importing the product directly acquired using this method.

12/3 - If an establishment is, unintentionally, manufacturing a product or using a manufacturing operation or method of a product or by undertaking serious preparations for that before the date of submission of an application by a different party or before the date of priority of an application for the same product or method of producti

The license contract of utilizing or disposing the patent is subject to supervision by the Patent Office. Subject to Articles 20 and 21, the Office may ask the contracting parties to amend the contract in order to avoid the misuse of the patent rights. If the contracting parties do not respond, the Patent Office can deny approving the contract and can refuse registering it in the logbook.

Article (19):

The Minister of Commerce and Industry may authorize a compulsory license for use of the subject matter of a patent by an applicant, by the government or by parties authorized by the government. However, a compulsory license shall not be authorized unless failure to work or insufficient working by the patentee for a period of three years from the date of grant of the patent has been established. A compulsory license shall be refused if the patentee justifies his inaction by legitimate reasons.

Article (20):

The following conditions shall govern the grant of a compulsory licence:

Authorization of such use shall be considered on its individual merits; (One)

Such use may only be permitted if, prior to such use, the proposed user has made efforts to obtain authorization from the right holder on reasonable commercial terms and conditions and that such efforts (Two)

21/3 – If the compulsory licensee does not abide by any other condition stated in the license granting decision.

21/4 – If the circumstances that led to granting the license have terminated and are not likely to be repeated, while observing licensee's legal interests.

Article (22):

22/1 – Ownership of a patent and all accrued rights are transferred through inheritance. Similarly, all or part of the ownership of a patent can be transferred with or without compensation.

22/2 – Whoever is concerned may submit

Application for patent.
Granting and promulgation of the patent.
Annual Fees.
Amendment or addition to the patent application.
Additional fee due to delaying payment of the patent annual fee.
Transferring rights in the application or transferring patent ownership.
Obtaining a copy of the application or of the registration of either the
application or patent.
Application for the compulsory license.
Granting the compulsory license.
Application for the license registration.
Registration of the license contract.
Registration of the grievance before the committee.
Renewal of the grievance before the committee.
Application to obtain a culture sample.
Application to permit the display of the invention in an exhibition.
Conduct search in the Office documents.
Subjective examination.
Separate decisions shall determine the amount of these fees.