

# Geographical Indications Law Law No. 8 for the Year 2000<sup>1\*</sup>

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### Article 1

This law is called (The Geographical indications law of 2000) which shall be effective after thirty days as of the date of its publication date in the official Gazette.

### Article 2

The following words and phrases shall imply the meanings set forth hereinbelow unless otherwise indicated.

The Minister: the Minister of Industry and Trade.

The Geographical indication: Any indication which identify a good as originating in a certain country or a region or territory of a country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

### Article 3

A. Any person shall be prohibited from doing the following:

1. The use of any means in the designation or presentation of a good that indicate or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good.

2. The use of any mean for identifying wine or spirits in a manner indicates or suggests that the goods in questions originates in a geographical area other than the true place of origin including the use of a geographical indication in translation or accompanied by (kind), (imitation) or the like.

3. The use of a Geographical indication in a manner that may form public delusion in terms of the source of the product, even if the indication is literally correct.

4. Any use of the geographical indication forming unfair competition contradictory to the honest practices in the commercial and industrial activities.

B. Any acts or practices provided in paragraph (1) of such article, is deemed infringement of the geographical indication, which shall be liable for legal responsibility.

#### **Article 4**

A.1. The trademark registrar may reject the registration of any trademark which contains or consists of a geographical indication with respect to goods not originating from the place of origin implied by the use of the geographical indication in a manner that misleads the public.

2. The registration of the trademark cited in item (1) of such article may be opposed against before the trademark registrar. Such trademark may be canceled as well from the register without being bound by the legal period related thereto which is stipulated in the prevalent trademark law.

B. The provisions of article (A) of such article shall be applied even if the geographical indication is literally true, but misleads the public in respect of the product real place of origin.

C. The provision of item (1) of such article shall inure even if the use of the geographical indication in the wine or spirit related trademark does not mislead the public.

D. For the purposes of this article and subject to provisions of item 2 of paragraph (A) thereof, provision of the effective trademark law related to procedures and periods shall be applied.

#### **Article 5**

The decision of the trademark registrar, in respect of the cases mentioned in article 4 of such law shall be liable for cassation by appeal before the supreme court of justice within sixty days as of the date of notification thereof.

#### **Article 6**

A. Subject to the provisions of item (3) of paragraph (A) of article (3) and paragraph (B) of article (4), the protection stipulated by such shall be granted to all wine related homonymous geographical law indications, provided ensuring equitable treatment of the producers concerned and that consumers are not misled.

B. The practical principles of distinguishing the wine related homonymous geographical indications pursuant to the instructions issued by the Minister shall be determined and published in the official gazette.

#### **Article 7**

The following are not deemed violation of the Law:

A.1. To own a trademark being similar or identical to a geographical indication through the bona fide use thereof before the effectiveness of the provision of such law, or before granting protection to the geographical indication in the place of origin.

2. To submit a trademark registration application in the kingdom being identical or similar to a geographical indication or to register thereof in *bona fide*.

B. To use a geographical indication in any manner indicating another country, if being identical to Arabic familiar expression of a common name of any product or service in the kingdom.

C. A person using his/her name or ancestors name in a commercial activity in a manner that does not mislead public.

D. To use geographical indication which has no protection, or its protection was terminated in its place of origin, or is no longer used in this country.

## **Article 8**

A. Upon filing a civil lawsuit for preventing infringement on a geographical indication or upon examining such lawsuit, any interested party may submit an application to the relevant court, accompanied by bank or cash security, for undertaking the following procedures:

1. Stopping infringement.
2. Precautionary impoundment of the goods subject of infringement wherever it was.
3. Maintaining the evidences related to the infringement.

B.1. Before filing a lawsuit, the interested party should submit an application to the court accompanied by bank or cash security approved by the court, for undertaking the procedures provided in section (A) of this article, without notifying the respondent. The court shall accept his application on proving that:

- The existence of infringement on the geographical indication.
- The interested party fears of losing the evidence of infringement.
- That the infringement has become imminent, and may cause damage which is impossible to prevent.

2. If the interested party did not file his lawsuit within 8 days as of the date of the court approval for his request, the procedures taken for that purpose shall be deemed void and null.

3. The respondent may appeal against the court decision of adopting the precautionary measures before the court of appeal within eight days as of the date of the respondent notification of the decision. The court decision shall be definite.

4. The defendant may claim compensation for the damages caused to him if proving that the plaintiff was not rightful in his request of adopting the precautionary measures or that the plaintiff did not file his lawsuit during the period stipulated in item (2) of such paragraph.

C. The defendant may claim compensation for the harm caused to him if the claim proved that the plaintiff was not right in his claim.

D. The court may in every case resort to the opinions of the experienced people.

E. The court may decide to impound the goods subject of infringement and the materials and tools used mainly in the infringement on the geographical indication born by such products. The court may further decide to spoil or dispose of such products, materials and goods in any purpose other than the commercial one.

### **Article 9**

The cabinet may issue the necessary regulations for implementing the provisions of such law.

### **Article 10**

The Prime Minister and the ministers are entrusted by implementing the provisions of this law.

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<sup>1</sup> Official Gazette No. 4423 dated 2.4.2000