

# **Law No. 28 of 2007 on Amendments to the Law on Patents**

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## **Article 1**

This Law (Amended Patent Law of 2007) shall be read in conjunction with Law No. 32 of 1999, referred to herein as Original Law, and both shall be deemed one Law; and shall be effective thirty days after the date of publication in the Official Gazette.

## **Article 2**

Article 2 of the Original Law shall be amended in accordance with the following:

First: To consider what is enumerated therein as paragraph (a), and to add the following definition to the end thereof:

Treaty: the Patent Cooperation Treaty which was signed in Washington on 19/6/1970 and its administrative instruction published pursuant to it, and any other treaty which amends it or replaces it.

Second: To add paragraph (b) which shall state:

B. For the purposes of this Law the terms and definitions contained in the Treaty are to be adopted wherever the text indicates in its provisions and the regulations issued pursuant to it, this shall include the following:

The International Application, the Designated Office, the Elected Office, and the International Preliminary Examination.

## **Article 3**

Article 13 of the Original Law is amended by adding paragraph (c) which shall read as follows:

c. If the application doesn't meet the conditions prescribed in this law, the Registrar shall issue a decision rejecting the application and stating the reason for rejection. This decision shall be notified to the applicant. The applicant may appeal such decision to the High Court of Justice within 60 days of the decision notification date.

## **Article 4**

Article 15 of the Original Law is amended by adding paragraph (c) in accordance with the following:

c. If the applicant does not comply with paying the applicable registration fees, the Registrar shall notify the applicant of the necessity to pay such fees in the time frame which the Registrar shall decide. If the applicant defaults on such payment then it shall be deemed that he relinquished his patent application.

## **Article 5**

Article 22 of the Original Law is amended by adding paragraph (d) in accordance with the following:

d. If the exporting will be done to countries which suffer from pandemics or epidemic illnesses in compliance with the Kingdom's obligations under the World Trade Organization agreements and the decisions issued pursuant thereto.

## **Article 6**

Article 23 of the Original Law is amended by deleting paragraphs (f) and (g) and replacing them with the following:

f. The license shall be granted for meeting the demands in the local market with the exception of the circumstances stipulated in paragraphs (c) and (d) of Article (22) of this law.

g. The applicant shall receive an equitable remuneration which takes into account the economic value of the invention. For such a valuation the case stipulated in paragraph (d) of Article (22) of this law shall take into consideration the conditions and proceedings which are present in the international agreements and decisions which the Kingdom is subject to pursuant to joining the World Trade Organization.

## **Article 7**

The Original Law shall be amended by adding the following Articles (38), (39), (40), (41) and by re-numbering the Articles from (38) to (40) so as to become Articles (42) to (44) respectively:

Article 38:

a. The Registrar shall perform all the duties of the Receiving Office of international applications as indicated in the treaty; this shall include the international applications submitted by nationals of the Kingdom or residents and receiving the fees applicable to it in accordance with the Treaty.

b. The procedures relating to the submission of international applications identified in paragraph (a) of this Article and the method in which the applicable fees are paid will be identified pursuant to instructions which the Minister shall issue for this purpose.

c. The amount of the fees which the Registrar shall collect from receiving international applications shall be decided pursuant to the regulations issued in accordance with the provisions of this Law.

Article 39:

a. The Registrar shall be responsible for receiving the international applications which designate or elect the Kingdom for registration, in accordance with the conditions and procedures outlined in the Treaty.

b. The applicant of the international applications who designates or elects the Kingdom for registration must specify his address in the Kingdom for the purposes of notification, or by assigning a local agent for that purpose.

c. The international application which designates or elects the Kingdom for registration and which is submitted to the Registrar will be subjected to the same provisions which relate to registering local patents. The filing date of said application is considered in accordance with Article (11) of the Treaty to be the date of submission to the Registrar notwithstanding what is described in paragraph (b) of Article (8) of this Law.

Article 40:

a. The applicant of the international applications is obliged to complete the following procedures in the specified period pursuant to paragraph (a) of Article (22) or paragraph (a) of Article (39) of the Treaty:

1. Submit a copy of the international application to the Registrar and provide him with a translated Arabic copy.
2. Attach the necessary documents which are specified in the regulations issued pursuant to this Law with the international application.

3. Pay the fees set by the Treaty and the local fees which are specified in the regulations published pursuant to this Law.

b.1. If the applicant of the international applications does not comply with the procedures and requirements mentioned in paragraph (a) of this Article, then the Registrar may deem the application to be withdrawn.

2. The applicant of the international applications may request from the Registrar to reconsider the decision issued pursuant to paragraph (1) of this Article, and the Registrar must hear the applicant's opinion prior to taking a decision in accordance to the applicable legal procedures and timelines.

c. The Registrar shall start the procedures for examining the application that designates or elects the Kingdom after the expiry of the period highlighted in paragraph (a) of this Article. Nevertheless the international applicant may and before the end of this period, request from the Registrar to perform an early examination of his application in accordance with the applicable legal procedures if the application has satisfied all the conditions stipulated in that paragraph.

d. If the international application which designates or elects the Kingdom for registration satisfies all the required conditions under this law and the regulations issued pursuant to it, then the Registrar shall declare the acceptance of the application and shall grant a preliminary acceptance in accordance with the provisions stipulated in Article (13) of this Law. He shall also notify the applicant, and in such case the provisions stipulated in Article (14) shall apply, however in the event that such application did not satisfy all the conditions then Article (13) paragraph (c) shall apply.

e. The patent which is issued through an international application which designates or elects the Kingdom and its holder shall enjoy equal rights and privileges as a local patent and its holder.

Article 41:

The Registrar may delegate any of his authorities which are stipulated and outlined in this law and the regulations issued pursuant to it, to any of the employees of the Industrial Property Protection Directorate at the Ministry, provided that such delegation is specific and in writing.

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