

Royal Decree No. 39/2000
Promulgating the Law on the Protection of Industrial Designs

We, Qaboos Bin Said, Sultan of Oman

Having reviewed the Basic Law of the State promulgated by the Royal Decree No. 101/96.

And the Royal Decree No. 63/98 on the Sultanate's accession to each of Paris Convention for the Protection of Industrial Property and Berne Convention for the Protection of Literary and Artistic Works.

And in pursuance of the public interest.

Have decreed as follows:

1. The provisions of the attached Law on the Protection of Industrial Designs shall take effect.
2. The Minister of Commerce and Industry shall issue the regulations and decisions necessary for the implementation of the provisions of this Law.
3. This Decree shall be published in the Official Gazette and shall come into force from the date of its publication.

Qaboos Bin Said
Sultan of Oman

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Law on Industrial Designs

1. For the purposes of this Law, any composition of lines or colors or any three-dimensional form, whether or not associated with colors, shall be deemed to be an industrial design to be used in industrial or handicraft production, including textile designs, provided that such composition or form gives a special appearance to the product of industry or handicraft.

2. An industrial design shall be protected under this Law only upon registration in the Industrial Design Register kept by the competent department of the Ministry of Commerce and Industry. The filing of the application, examination and registration procedures shall be prescribed by the Regulations. An application may contain more than one design, provided that they form together a homogeneous unit.

3. The creator of the industrial design or the successors in title shall be deemed the right holders. Registration shall be considered a presumption of ownership unless the contrary is established. The registration application may contain a claim of priority for an application that was filed with a State party to the Paris Convention or member of the World Trade Organization.

If two or more persons participate in the creation of an industrial design, the right in the design shall belong to all of them equally. If two or more persons create the same industrial design separately from one another, the person who is first to file a registration application

may claim priority, unless the application was assigned, withdrawn or refused. The creator shall be mentioned as the right holder with respect to the said design, unless a signed declaration expressing the wish not to be mentioned as such is addressed to the competent authority.

4. The following may not be registered as industrial designs:

(a) an industrial design which lacks novelty or originality or which was disclosed to the public in any country of the world by way of publication, use or in any other manner prior to the filing date of the application or, if any, priority date of a registration application.

(b) an industrial design that is contrary to public order or morality.

5. The applicant shall have the right to appeal against the decision refusing registration. The appeal shall be filed with a committee to be established by decision of the Minister. The rules of procedure of the committee shall be fixed in the Regulations. The decision of the committee may be the subject of an appeal before the competent court within sixty days from the date of notification of the decision of the committee by registered mail.

6. If the industrial design is made in execution of an employment contract, the right shall belong to the employer, unless otherwise agreed.

7. Any act related to the transfer of ownership of the design or decision as to the use of that design shall have effect only if the design is registered in the Register provided for in Article 2.

8. The right holder in an industrial design may request the deferment of the publication for a period not exceeding twelve months from the priority date, in which case, deferment shall be mentioned in the Register with the name of the applicant and the filing date of the application.

9. The term of protection afforded to industrial designs shall be ten years from the filing date of the application. Such term may be renewed for the same period of time, failure of which shall cause the registration to be cancelled by the competent authority of the Ministry. The application for renewal shall be filed within the last six months of the initial term. The registration and renewal fees shall be fixed in the Regulations. The registration and renewal decisions shall be published in the manner prescribed by the Regulations.

10. Any interested person may request from the competent court the cancellation of the registration of an industrial design if the registration was effected in the name of a person other than the true owner of the design or in contradiction with the provisions of Articles 1 and 2.

The registrar shall proceed with the cancellation of the registration upon receipt of a final decision to that effect.

11. Any person may consult the Register and obtain extracts therefrom according to the conditions and upon payment of the fees prescribed by the Regulations.

12. Any person who carries out any of the following acts shall be punishable by imprisonment for a period not exceeding two years, a fine not exceeding two thousand rials Omani or both:

(a) imitates an industrial design registered under this Law.

(b) knowingly sells, offers for sale, imports or possesses with the intention to sell products embodying an industrial design registered in Oman.

(c) illicitly affixes on products, advertisements, trademarks, containers or other object indications that may lead to believe that the object is a registered industrial design.

13. The right holder in an industrial design may request from the chief judge of the competent court or any judge designated by him from that Court to issue an order to take the necessary conservative measures, such as preventing third parties from manufacturing, selling or importing for commercial purposes goods which embody, wholly or partly, a protected industrial design, and seizing used equipment or implements. The same shall apply to products, goods, packages, papers or others.

An action on the merits shall be filed with the competent court within fifteen days from the date at which the order was issued, failure of which shall cause the measures to cease to have effect.
