

**REGULATIONS OF BORDER  
PROCEDURES FOR PROTECTION OF  
INTELLECTUAL PROPERTY RIGHTS OF  
TRADEMARKS AND COPYRIGHTS**

**Ministerial Decision No. (1277)  
15 *Jumada I* 1425H – 3 July 2004**

**Article 1: Scope of Regulations**

Provisions of these Regulations shall apply to intellectual property rights with regard to trademarks and copyrights.

**Chapter One  
Border Procedures Undertaken by Customs**

**Article 2: Suspending Clearance Procedures by the Customs' Self Initiative**

- (a) The Customs Authorities may suspend the clearance of goods suspected of bearing imitated trademarks upon having *prima facie* evidence to this effect, and they shall notify the importer and the trademark owner, if his address is known, of the suspension.
- (b) The Customs Authorities shall refer samples of the imported works to the competent officials at the Ministry of Culture and Information. The Ministry may suspend the clearance of said works upon having proofs of infringement upon others' intellectual rights, and it shall notify the Customs Authorities, the importer and the right holder, if his address is known, of the suspension.

**Article 3: Inspection of Suspended Goods**

Without prejudice to the protection of confidential information, the right holder and importer may inspect samples of goods or works the clearance of which has been suspended in order to confirm the claim of the competent authorities.

**Article 4: Requesting Assistance of the Trademark Owner**

Upon suspending the clearance of goods of their own accord, the Customs Authorities may ask the trademark owner to provide, free of charge, any information or assistance, including technical know-how and facilities, in order to determine if the goods are counterfeits.

**Chapter Two**  
**Border Procedures**  
**Pursuant to an Order by the Board of Grievances or a**  
**Decision by the Ministry of Culture and Information**

**Article 5: Seeking the Issuance of a Preventive Seizure Decision against a Work in Violation of Copyright Law**

Upon having legitimate reasons for suspending the clearance of infringing works, the copyright owner may, at any time, even prior to filing a civil or criminal lawsuit, submit a request in writing to the Ministry of Culture and Information for the issuance of a decision to suspend the clearance of said works, in accordance with the procedures specified by the Implementing Regulations of Copyright Law.

**Article 6: Seeking the Issuance of a Preventive Seizure Order against Goods Bearing Counterfeit Trademarks**

The trademarks owner may, at anytime, even prior to filing a civil or criminal lawsuit, and on the basis of a petition enclosed therewith an official trademark registration certificate, seek the issuance of a judicial order by the Board of Grievances to seize the goods bearing a counterfeit of his trademark and suspend their clearance by Customs, in accordance with the procedures and conditions stipulated in Article Forty Nine of Trademarks Law.

**Article 7: The Customs' Suspension of Clearance of Infringing Goods or Works pursuant to an Order by the Board of Grievances or a Decision by the Ministry of Culture and Information**

The Customs shall, pursuant to a preventive seizure order by the Board of Grievances or a decision by the Ministry of Culture and Information, suspend the clearance of infringing goods or works.

**Article 8: Request for Reconsideration by the Party against whom the Preventive Seizure has been Issued**

Without prejudice to the execution of the seizure, the party against whom the preventive seizure has been issued may, within ten days from the date of notification of the seizure, file a request either with the circuit handling the case at the Board of Grievances or the competent department at the Ministry of Culture and Information to reconsider it by revoking the same or staying its execution.

**Article 9: Annulment of Seizure if not Followed by Filing a Lawsuit**

The seizure order issued by the Board of Grievances or the preventive seizure decision issued by the Ministry of Culture and Information shall be deemed null and void unless the right holder follows it by filing a civil or criminal lawsuit against whom such an order has been issued, within ten days from the date of its issuance.

**Article 10: Grace Period for Clearance of Goods**

If the right holder does not submit to the Customs Authorities, within ten days from his notification of the preventive seizure order or decision, proof of his filing a civil or criminal lawsuit with the Board of Grievances or with the competent committee at the Ministry of Culture and Information, the Customs Authorities shall clear the goods and works subject of seizure, if other conditions of import and export have been complied with.

**Chapter Three**  
**Disposal of Goods and Works**  
**Infringing Intellectual Property Rights**

**Article 11: Disposal of Infringing Goods and Works**

The Customs Authorities shall be entrusted with the execution of judgments and decisions issued by the competent bodies for the confiscation or destruction of infringing goods and works, and they shall have the power to dispose of the same through non-commercial outlets, unless otherwise adjudicated by the judicial authority or as directed by the competent administrative authority.

**Article 12: Re-Exportation**

The Customs Authorities shall undertake not to allow the re-exportation of goods bearing counterfeit trademarks without altering their condition or subjecting them to another customs procedure, other than in exceptional circumstances.

**Chapter Four**  
**General Provisions**

**Article 13: Challenging Decisions of the Customs Authority**

The parties concerned may challenge the decisions issued by the Customs Authority, in respect of the application of these Regulations, before the Board of Grievances within sixty days of notification in writing or through publication, if notification is not possible.

**Article 14: Publication of these Regulations and their Coming into Effect**

These Regulations shall be published in the Official Gazette and shall come into effect after ninety days from the date of publication.

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