

## **Implementing Regulations of Law on Trade Names**

### **Article (1):**

Each trader shall have a commercial name name constrained in the commercial register, which consists of this name of his name in the civil register, or an innovative label, or both of them or may include statements regarding the type of trade allotted. In all cases, the name must be fit and does not lead to misleading or inconsistent with the rules of Islamic law or affect the public interest.

### **Article (2):**

Taking into account the provisions of the Companies Law, the name of the company is the trade name of it, and this may include the name of innovative label or data relating to the type practiced by the trade.

### **Article (3):**

trade name must consist of Arabic or Arabicized words, not include foreign words, and excluded from this provision are the names of foreign companies registered abroad, and companies with famous international names and companies with venture capital (mixed) to be specified by a decision of the Minister of Commerce .

### **Article (4)**

Application for trade name shall be made on a form prepared for that, shall be submitted to a commercial registry offices in the kingdom, in their domain of competence of the concerned official or agent the original warrant of of attorney or its copy shall be with the application, shall be saved at the Office of the Commercial Register.

### **Article (5):**

Name of the applicant must include the following data:

- The name of the applicant in accordance with what is stated in the civil registry, place of residence, nationality, and if the applicant is a company it shall demonstrates its name and headquarters address.
- If the application submitted by an attorney, his must be mentioned, address and civil record number.
- Brand.

- The type of activity that he is engaged by the merchant under the brand name.
- the address of the shop, which carries out trade under the brand name.
- signature of the applicant or his attorney or who has the right to sign on behalf of the company.

#### **Article (6)**

The Office of the CR shall study the application, and it may before deciding on it, to ask the owner fulfilling what it deems necessary to accept the application or enter what it deems necessary amendments to the trade name to distinguish it from the others and explain it in a way preventing falling into confusion between him and the former trade name.

#### **Article (7):**

The Commercial Register Office to decide on the application within thirty days from the date of submission, and if the Office finds that the application does not agree with the rules and the Regulations, it must notify the applicant in writing to reject his request with clarification of reasons for rejection and the person concerned to object to the Minister of Commerce within thirty days from the date of notification.

#### **Article (8):**

the concerned shall be informed on the minister's decision in writing and has in the case of rejection of his objection, to appeal against the Minister's decision before the Bureau of Grievances within thirty days from the date of notification.

#### **Article (9):**

Upon acceptance of the application the Commercial Register Office announces a declaration containing the following data:

- The name of the applicant in accordance with what is stated in the civil registry, his place of residence, nationality and if the applicant is a company, it shall demonstrate its name and headquarters address.
- The Commercial Name (Brand).
- The type of trade practiced by the merchant under the brand name.
- the address of the shop, which carries out the merchant trade under the brand name.

The applicant publishes announcement in the Official Gazette and another local newspaper at his own expense within thirty days from the date of receipt,

otherwise his request deemed waived, however it may be renewed for a similar period if the student an application before the expiry of the period mentioned and agreed to head the Commercial Register Office in Riyadh or a branch manager of the ministry's accepts the causes of renewal.

**Article (10):**

The trade name is registered after a month in the commercial register and be given as soon as his registration, a certificate to include the following data:

- Registration number.
- The date of enrollment.
- Brand.
- Name of the owner of the trade name in accordance with what is stated in the civil registry, place of residence, nationality and if the owner is a company it shall show its name and headquarters address.
- The type of trade practiced by the merchant under the brand name.
- The address of the shop, which carries out the merchant trade under the brand name.

**Article (11):**

May not for another tradesman after enrolling the brand in the commercial register to use this name in the Kingdom in the type of trade that is practiced, and if the brand name to be used likes a brand name already registered in the commercial register, then the merchant has to add to this name what sets it apart from the former name recorded.

**Article (12):**

The trader, whether an individual or a company has to write the trade name clearly in front of his shop and all publications, to be taken into account in the case of different trade name of an individual dealer name registered in the civil registry and his full name in the civil register shall be fully cited in all its publications and shall sign all commercial transactions.

**Article (13):**

It shall be marked in the commercial register the transfer of ownership of brand name at the request of whom the trade name has been transferred, or his agent, accompanied by documents indicating the transfer of ownership and agreements of the two sides over the responsibility of the predecessor and successor on the

commitments made under this name, before and after the transfer of ownership and not to be inconsistent with the rules and Regulations.

**Article (14):**

The Office of the commercial register announces the transfer of ownership of brand name including the following data:

- Number and date of the trade name.
- The name of the former owner of the brand name.
- The name of whom the ownership of the brand name has been transferred, as in the civil registry, place of residence, nationality and if it is a company the name shall cited and the address of its headquarters.
- Brand.
- Statement on the transfer of ownership, if any.

The owner of the trade name shall publish an announcement in the Official Gazette and other local newspapers at his expense.

**Article (15):**

The Office of the Commercial Register after publication, ticks in the register the transfer of ownership of the brand name with the name and address of the new owner, the reason of the transfer and the date of its ticking in the commercial register.

**Article (16):**

any agreement that violates the provision of Article IX of the system, may not be, to affect the right of third parties only if it is being in the commercial register at the request of the person concerned and notified to the third party in a non-registered letter issued by the Office of the Commercial Register, published in the Official Gazette and other local newspaper, in a declaration prepared by the Office of the Commercial Register and published by the person concerned at his expense.

**Article (17):**

Any interested party has to object the offending agreement stipulated in the previous article to the Minister of Commerce within thirty days from the date of notification or publication in the Gazette, whichever occurs first, and a decision of the minister shall informed in writing and has the right to complain against him before the Bureau of Grievances within thirty days from the date of notification.

**Article (18):**

If the trade name is used by other than the owner or used by its owner in way that violates the law, stakeholders may ask the Minister of Commerce to prevent the use or cancel it if registered in the commercial register, as they may resort to the Bureau of the Grievances to claim compensation if any arises.

**Article (19):**

Without prejudice to any severer penalty provided by another system, whoever uses the brand name in violation of the provisions of this Regulation, a fine not exceeding fifty thousand riyals, and may punishment be double in the case of repeat offenders.

**Article (20):**

The staff of the commercial register in their domain of competence checks the violations of the provisions of the brand names and decisions issued for its implementation, based on the mandate issued to them, by the president of the Commercial Register Office.

**Article (21):**

Staff referred to in the previous article in order to do their job and after presenting their card official statement of the purpose for which they come for, have the right to access books, records, papers and request the necessary data and they enter the shop and the consequent stores, warehouses and inspect when necessary and who is in charge at the shop has to provide them with all the facilities to achieve this end.

**Article (22):**

If the inspection results in violation of the provisions of the rules or decisions issued in implementation thereof, the competent staff has the right of reservation of the papers, report the incident, investigate and raise it to the President of the Commercial Registration Office, to refer the papers to the prosecutor general.

**Article (23):**

The employee is committed to adjust the irregularities in the implementation of the measures referred to the rules of good behavior and good manners and morals, but it is not permissible to visit the shops for the purposes of checking in, out of its daily working time.

**Article (24):**

The Prosecutor-General at the Ministry of Commerce and its affiliates, each according to his competence, directly proceed in prosecution of violations of the provisions of the brand names and decisions issued for its implementation before the Committee provided for in Article (14) of the brand names.

**Article (25):**

By a decision of the Minister of Commerce one or more committees shall be formed, in accordance with the provisions of Article (14) of the brand names, to deal with investigating violations of this system and decisions issued in implementation thereof and penalties and have to use those whom it sees experienced, call the stakeholders and assigning them to provide what it sees from the evidence or data.

**Article (26):**

Stakeholders shall be informed of the Commission's decisions in writing and each of them has to object the decision to the Minister of Commerce within thirty days from the date of notification and appeal against the Minister's decision before the Bureau of Grievances within thirty days from the date of notification.

**Article (27):**

protection elapses under the provisions of this Regulation when the commercial register of the dealer is written off, whether an individual or a company, whatever the cause of write-offs, and this protection expires on the removal of the name of the commercial register by the Minister of Commerce, if it appears that his registration was in violation of the provisions of this Regulation.

**Article (28):**

The Bureau of Grievances adjudicates all claims and disputes arising from the application of this system.

**Article (29):**

This regulation shall be issued by the Minister of Commerce, published in the Official Gazette and shall take effect from the date of the adopting of brand names system.