

Law No. /8/

Pursuant to the rules of the constitution & to what has been approved by the People Assembly in its session that was held on 16/2/1428 AH corresponding to 6/3/2007, president of the Republic issues the following:

First Part Identifying Marks

First Chapter Definitions

Article (1)

In connection with applying the rules of this law, the following words & phrases shall have the meanings that are mentioned beside each one of them.

- The law: The law governing identifying marks, geographical indications, industrial designs & models & unfair competition.
- The executive regulations: The executive regulations of this law.
- The ministry: Ministry of Economy & Trade.
- The minister: Minister of Economy & Trade.
- The directorate: Commercial & Industrial Property Protection Directorate at The Ministry of Economy & Trade.
- The director: The Director of Commercial & Industrial Property Protection Directorate.
- The identifying mark: The commercial, industrial or service mark.
- The competent committee: The committee that have the authority to look into the objections that are submitted against the decisions of the directorate according to this law.
- The competent court: The court that is authorized to look into the suits that are related to the commercial & industrial property according to the rules of this law.
- The agent or legal representative: The person who is authorized to register the commercial or industrial property rights for his authorizer according to this law.
- Property protection journal: The commercial & industrial property protection journal that is issued by the directorate.
- Paris Convention for Industrial Property Protection: The convention dated 20/3/1883 that Syria joined in /1939/ & which was amended by virtue of

Stockholm Convention in /1967/ that Syria joined by virtue of decree law No. /47/ issued in 2002.

- Madrid Accord & Protocol: These are Madrid accord concerning the international registration of marks in /1891/ & Madrid protocol in 1989 that Syria joined by virtue of decree No./92/ in 2004.
- Nice accord: Nice accord concerning the international classification of commodities & services for the marks registration purposes that Syria joined by virtue of law No./37/ in 2004.

Second Chapter Identifying Marks

Article (2)

Every sign that allows distinguishing the products of a natural or artificial person shall be considered an identifying mark & the identifying mark may consist for example of the names, the appellations, the symbols, the seals, the words, the letters, the features, the embosses, the designs, the pictures, the signatures, the imprints, stores names; groups, arrangement & grades of colors, products shapes or packages that have special distinguished form or any mixture of these elements. In all cases, the identifying mark shall have to be visible i.e. can be perceived by sight.

Article (3)

a. The distinguishing feature of a mark shall be evaluated by taking into consideration the products & the services that are related to it.

b. The following shall not be considered identifying marks pursuant to this law:

1) The signs & the appellations that do not have a distinguishing feature or those that are the necessary, usual, generic or vocational appellations of the product or service.

2) The signs or the appellations that may be used to indicate one of the characteristics of the product or the service particularly the type, property, quantity, usage, value, geographical origin and product or service manufacturing date.

3) The signs that are exclusively consist of the form that is necessitated by the nature or function of the product.

c. With the exception of what is stipulated in item No.(3) of clause /B/, the distinguished feature of the mark might be attained by lengthy usage.

Article (4)

The following may not form an identifying mark or part of an identifying mark:

a. The signs that are excluded pursuant to the rules of article No.(6) of the third paragraph of the amended Paris Convention for industrial property protection in 1883.

b. The signs that violate general order or the public rules of conduct or those that their usage is banned by law.

c. The signs that might mislead the public particularly concerning the nature, the quality or the geographical origin of product or the service.

d. The logos, the flags, the seals and the other symbols of the countries or Arab, international or religious organizations or one of their institutions or imitating those logos or flags in addition to the symbols of the red crescent & the red cross and the other signs that are similar to them & the marks that imitate them.

e. The marks that are identical with or similar to the symbols that have a pure religious feature or the names of the holy places.

Article (5)

Every sign that infringes former rights like the following rights shall not be considered a mark:

a. A mark that is formerly registered for identical or similar products or services whether the mark is identical with or similar to it concerning shape, pronunciation or spelling in a way that might deceive the public.

b. A mark that is famous worldwide & in Syria according to article /44/ of this law.

c. The title or appellation of a company if that is liable to create confusion to the public.

d. A nationwide well-known name or logo if that is liable to create confusion to the public.

- e. A protected geographical indication.
- f. Protected copyright.
- g. A protected industrial design or model that is registered for others.
- h. The rights that concern the personal affairs of others like their family names, surnames, portraits or commercial names unless they or their successor accept that.
- i. The name, portrait or quality of a local group.

Article (6)

a. The identifying marks that placed on the commodities & services of national origin & that are produced or used in The Syrian Arab Republic should be written in Arabic letters and they may contain foreign letters beside the Arabic letters with equal size.

b. The identifying mark that are written in foreign letters may be placed on the following goods regardless of the nationality of the products whether they are Syrian or non-Syrian.

1. The commodities & the products that are produced inside Syria & that are exported without being circulated in Syria.

2. The marks that are placed on the commodities & the services that are produced outside Syria & that are entered & put in use inside Syria with specifying the country of origin.

c. The foreign mark may be placed on the commodities or the services that are produced or provided inside Syria by virtue of a license from the owner of a its owner without any modification on the condition that the phrase "made & packed in The Syrian Arab Republic by the licensee by virtue of license from the company that granted this license" is written in Arabic without being erasable or removable.

d. Registering or renewing the marks that do not comply with the rules of this article shall not be accepted.

Third Chapter

Earning the right in the mark & losing it

Article (7)

a. The ownership of the mark may be individual or joint
b. The ownership of the mark may be earned through genuine & continuous registration pursuant to the rules of this law subject to the following:

1) The one who registers the mark shall be considered its owner as long as that has been accompanied by using it during the five years that follow the date of registration unless it is proved that the priority of usage belongs to other another party.

The party which first used the mark shall have the right to appeal to registering the mark during the aforementioned five years. Nevertheless, it might appeal to registering the mark if the registration is accompanied by bad faith.

2) The registration of the mark that was registered contrary to the rules of article 4 of this law may be nullified by virtue of a justified decision by the director without observing any time limit on the condition that the concerned party or his agent is notified of the directorate decision & the directorate decision of nullifying the registration of the mark may be appealed to within a period of /30 days/ starting from the date of notification & the committee decision may be appealed to before the competent court within a period of /30 days/ from the date of notification & the nullification decision does not incur any fees.

3) Both general prosecution & the director in addition to every concerned party may apply to the competent court concerning the nullification of the registration of the mark contrary to the rules of articles 2, 3 & 4 of this law without observing any period.

4) The owner of the priority right of the mark shall only have the right to file the nullification application according to article 5 but his suit shall not be accepted if the mark has been registered with good faith & it has been allowed to be used for five years.

Article (8)

a. Depending on the request of any concerned party, the competent court shall have the right to decide canceling the registration of a mark if the mark proves not to have been used seriously for a period of three continuous years concerning all the products or the services for which the mark was registered unless the owner of the mark provides what justifies not using it during this period & using the mark by the party licensed to use it shall be considered a usage for the purpose of registration continuity & the following shall be considered a serious usage of the mark:

1) Placing the mark on the products or on their packing for the purpose of marketing.

2) Using the mark in a different way that does not void it of its distinguishing feature.

3) Using the mark by virtue of approval of its owner or by any person authorized to use a joint mark.

b. The burden of proving using the mark falls upon its owner & he may prove it in any way.

c. The cancellation shall be effective starting from the date of expiration of the time limit referred to in clause A of this article.

d. The right to request canceling the mark shall become invalid if serious usage of the mark is commenced or resumed during the period separating between the expiry of the three years period that is prescribed in the first clause & the date of filing the cancellation application but the commencement of usage or usage shall not affect the right to request canceling the mark if it was done during the three months that precede the filing cancellation application after the owner of the mark have known that such request might be filed.

Article (9)

The rights of the owners of a mark shall become null & void and the mark shall be canceled by virtue of decision of the court depending on a request from any interested person in the following cases:

a. If the mark comes to represent the normal appellation of the product or the service in the commercial field due to an action performed by the owner of the mark.

b. If the mark involves the public in obscurity or confusion concerning the nature, the quality or the geographical indication of the product or service due to the usage of the mark owner or through his approval.

Article (10)

After having been canceled due to any reason or due to non-renewal, the mark might be reregistered in the name of its owner within a period of three years from the date of cancellation and after the expiration of this period the mark may be registered in the name of its owner or any other one while if the mark has been cancelled as execution of an effective judicial judgment of not having the right to register the mark, it might be registered in the name of the one who has the right once it is canceled according to the conditions, the procedures & the fees that are required for registration pursuant to this law & its executive regulations.

Fourth Paragraph Registering, Publishing & Renewing Marks

Article (11)

Without prejudice to the rules of the international laws & agreements that are valid in Syria, the following parties shall benefit from the rules of this law:

a. Every Syrian natural or artificial person wherever his residence address might be.

b. Every non-Syrian natural or artificial person on the condition that he has the nationality of one of the countries that are members of the commercial & industrial property protection agreements that are valid in Syria.

c. Every natural or artificial person from the citizens of the states of Arab League on the condition of applying reciprocity.

Article (12)

The identifying mark is optional unless there are legal texts that are to the contrary of that & the registration of all the identifying marks whether they are optional or mandatory shall be subject to the rules & regulations of this law.

Article (13)

The application shall be registered in a special register with serial numbers according to the date & time of submitting the application & the registration applicant shall be given a document that proves registering his application according to the form the is prescribed by the executive regulations & the registration applications of the international marks shall - according to Madrid Accord & Protocol - be dealt with just like the national applications.

Article (14)

The registration application should be submitted by the applicant or by his legal representative with the prescribed financial fees. In case the applicant is not resident in Syria, he has to depute a person who "resident" in Syria to act for him for the registration procedures. The registration application shall have to include the documents & the data prescribed by the executive regulations.

Article (15)

No registration application of a mark shall be accepted unless the receipt of the fees prescribed by this law is attached with it

Article (16)

a. The registration of the mark may be requested for one category or more of the products or services categories. The number of the applications shall multiply according to the number of the categories for which the mark is requested to be registered pursuant to the conditions & procedures prescribed by the executive regulations.

b. The products may not be considered as similar or different just depending on its inclusion or non-inclusion in one or multiple categories of Nice classification.

Article (17)

Every person may request the directorate in writing to make a previous check up of the identifying marks for not more than five marks per application for a prescribed charge for the benefit of the directorate & the directorate shall have to reply to his application within /fifteen days/ from the date of submitting the

application. The result of the check up may not incur any liability upon the directorate & it may not establish any right for the applicant towards the directorate.

Article (18)

In case the registration application includes one or more words written in a foreign language, a translation into Arabic or explanation should be submitted & it shall not be a condition to register a mark that it has a meaning.

Article (19)

The mark may wholly or partially include one or more of the peculiar colors & in this case, the directorate or the court shall take into consideration the distinguishing feature of this mark for being exclusive to these colors when passing judgment. However, if the mark is registered without restricting it to peculiar colors, it shall be considered as registered for all colors.

Article (20)

The applicant may request to cancel his application at any time without paying any fees or he may assign it to the others in return of paying the prescribed fees.

Article (21)

The directorate shall keep a special register for the identifying marks in which it shall record all the data mentioned in the registration certificate in addition to the restrictions & incidents occurring to the mark as well as any other modifications that might happen to it.

Article (22)

a. The directorate shall review the application & its attached documents to verify the fulfillment of the legal conditions that are stipulated by this law & its executive regulations. The formal conditions including the required documents might completed within /six months/ from the date of submitting the application with the exception of fees & a delay penalty shall have to be paid for every month with month parts considered a whole month.

b. The application shall be considered null & void in case of not fulfilling the required conditions after the expiry of the mentioned period.

Article (23)

The directorate may impose what it deems required of conditions & modifications on the applicant for the purpose of delimiting the mark & clarifying it in a way that prevents mixing it with another registered or requested-to-be-registered mark. In case the directorate refuses to register the mark according to the rules of article (22) of this law or the registration was suspended due to conditions or modifications, it has to notify the applicant in writing of the directorate decision & the directorate may refuse the application in case the applicant does not implement the modifications imposed on him by the directorate within the period of /three months/ from the date of notification.

Article (24)

a. The registration applicant whose application has been refused or suspended due to conditions & modifications may object in writing to the decision of the directorate which is mentioned in article (23) of this law before the competent committee within /thirty days/ from the date of being notified of the decision in writing after paying the prescribed fees.

b. The objections shall be looked into by a committee that shall be formed by decision of the competent minister as the following:

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| - A judge of the rank of advisory to be appointed by Minister of Justice | Chairman |
| - The competent deputy minister | Member |
| - The director of legal affairs at the Ministry | Member |
| - A representative of Commercial Chambers Union | Member |
| - A representative of Industrial Chambers Union | Member |

and the executive regulations of this law shall specify the procedures of the objections, looking into them, deciding about them & the compensations of the committee members.

c. The decisions of the committee shall be effective & executing them might be stopped through decision of the competent court.

d. In case the committee supports the decision of the directorate, this mark may not be registered for the applicant except through an effective judicial judgment issued by the competent court depending on the appeal submitted to it from the registration applicant within thirty days from the date of being notified of the decision of the committee.

Article (25)

- a.** a journal shall be introduced at the directorate under the name of Property Protection Journal and its rules shall be included in the executive regulations.
- b.** The approved applications that fulfill the required conditions shall be published in the property protection journal in the form that is prescribed by the executive regulations of this law on the condition that the publishing includes the mark model & description of the products or the services for which a mark is requested to be registered at the cost of the registration applicant.

Article (26)

Every interested person may object in writing to the mark registration application at the directorate after paying the prescribed fees within (ninety days) from the publishing date & the directorate has to notify the registration applicant or his representative with a copy of the objection within (thirty days) from the date of receiving the objection. The registration applicant or his representative in turn has to submit a written & justified refutation of this objection within (thirty days) from the date of being notified of the objection or the registration applicant shall be otherwise considered as giving up his application.

Article (27)

The directorate shall issue its justified decision concerning the objection by either approving or disapproving the registration after reviewing the documents that are submitted by the dispute parties & hearing their pleadings. The directorate might add to its decision of approval binding the registration applicant to execute the stipulations it deems necessary for registering the mark and in case of disapproving the application, half of the paid fees will be kept by the directorate & the other half will be returned to the registration applicant.

Article (28)

- a.** The directorate shall notify the two parties of the dispute of its decision & the decision of the directorate referred to in article /27/ of this law might be appealed to before the competent committee within /thirty days/ from the date of notification.
- b.** The decision of the committee shall be appealable before the competent court within /thirty days/ from the date of notification.

c. The registration applicant shall be considered as giving up his application if he does not execute the modifications & the conditions that the directorate requests from him within the date that shall be prescribed in the notification that shall be addressed to him and in case he does not object to the decision of the directorate or appeal to the decision of the committee at the prescribed dates.

Article (29)

The duly approved mark registration application shall be considered legally null & void if the registration applicant or his representative does not accomplish the procedures of registering the mark & obtain the certificate within (ninety days) from the date of expiry of publishing period or issuance of an effective judicial judgment in his favor.

Article (30)

The directorate shall assume registering the approved marks at the marks register & publishing them in the property protection journal at the cost of the mark owner.

Article (31)

The directorate shall grant the mark owner a certificate within (thirty days) from recording it at the marks register according to the model & data that are prescribed by the executive regulations. A copy of the mark shall be affixed on the certificate at the space that is prescribed for this purpose & it shall be sealed by the directorate seal & signed by the director or the one he authorizes.

Article (32)

The protection period of the registered mark shall be ten years starting from the date of filing the registration application & expires ten years after the last day of the month in which the registration application was submitted. The mark registration may be renewed for equal periods by virtue of request from its owner or his legal representative & the renewal should be during the last year of the protection period in return of prescribed fees.

Article (33)

The owner of the mark shall be granted a grace period of (six months) to renew the registration of the mark provide that he pays delay fees and the renewal shall be effective starting from the expiry date of the previous protection period. In case of not renewing the mark, it shall be considered as legally null & void due to the expiration of its protection period.

Article (34)

a. The mark registration renewal application should be submitted by the mark owner or his legal representative in the same way the registration application is submitted to the directorate. The renewal of the mark registration shall be made according to its final status and in case of submitting an application for renewing the mark registration, no addition modification may be introduced with the possibility of making deletions from the list of products or services for which the mark was registered.

b. The procedures of the substantive examination, publishing & objection shall be applied on the applications of marks registration renewal before this law is put into effect for one time. The decision of the directorate to refuse the renewal should be justified & it shall be liable to objection within (sixty days) from the date of notification before the competent committee. The decision of the court shall be appealable before the competent court within (thirty days) from the date of notifying the mark owner of the decision.

Article (35)

The renewed marks shall be registered in a special register & the owner of the renewed mark shall be granted a certificate signed by the protection director or the one he authorizes within (thirty days) starting from recording it at the renewal register. With regard to the marks that are registered for more than one category before the issuance of this law, a renewal certificate shall be granted for every category after paying the prescribed fees for every category and the previous number & registration date of the renewed mark shall be mentioned in the registration certificate & the renewal of the registration mark shall be published in the property protection journal at the cost of the mark owner.

Article (36)

a. The owner of the registered mark shall have to request the directorate in writing to introduce an omission modification for prescribed fees without adding any categories to the products & the services for which the mark is registered & the modification shall be published in the property protection journal.

b. Changing the address, name or representative of owner of the mark or any other modification shall be subject to the prescribed fees according to conditions

that are stipulated in this law & each modification of these should be published in the property protection journal.

Article (37)

Every person may request the directorate in writing to have information about the registered marks & he may also get data, data abstracts or abstracts of the records or the modifications made on them. The owner of the mark, the one to whom its rights are transferred & every one who proves to be a party in a judicial suit related to the mark may obtain a certified copy of the mark registration certificate after paying the prescribed fee and the request should be filled in the form that is prepared for that.

Fifth Chapter Joint Marks

Article (38)

a. A Joint Marks is the mark that is used to distinguish a product or a service of a group of persons who belong to certain entity that has a legal personality even if it does not own by itself an industrial or commercial foundation. The registration application should be submitted by the representative of this entity to be used by the members according to the instructions of using this mark that shall be defined by the owners of the joint mark registration.

b. A Joint Control Mark is the mark that designated to be placed on the products or the services to indicate performing control or examination over these products or services concerning their origin, nature, description, method of production or any other property as stipulated in the instructions of using this mark that are specified by the owners of the registration of this mark who practice the procedures of control & examination.

c. The mark registration application should point out that the mark is joint & it should be attached to the joint mark utilization system & the owner of the mark should inform the directorate of any change that occurs to this system.

Article (39)

The rules of this law shall be applied on the joint marks while taking the following into consideration:

- a.** The joint control mark may be registered only by the legal person who does not manufacture, sell or import the products & the services on which the mark is to be placed.
- b.** The use of the joint control mark shall be allowed for all the persons who provide products or services to which the instructions of using the mark apply with the exception of the owner of the mark.
- c.** The joint control mark may not be not be subjected to licensing, transferring, conveyancing, mortgaging or mandatory execution in any way and in case the legal person who owns it is dissolves, the mark may be transferred to another legal person according to the conditions that shall be defined by a decision that shall be issued by the minister.
- d.** Accepting a joint control mark shall be subject to the following conditions: Fulfilling the conditions that are stipulated in this law which is applied on the control process & obtaining the permits that are required for practicing control tasks.
- h.** When a joint control mark is cancelled for any reason, it may not be registered or used for any purpose whatsoever for ten years.

Article (40)

The registration of the joint control mark that violates the stipulations of this law shall be nullified by the competent court with a decision that has an absolute effect depending on the request of the property protection director, general prosecution or any interested person.

Sixth Chapter

The rights originating from registering the marks & famous marks

Article (41)

The registration of the mark gives its owner the right to own with regard to the products or the services that are included in the registration pursuant the rules of this law.

Article (42)

Without license from the owner, the others may not:

- a.** Copy, use or place a registered mark even if words are added to it like: way, system, composition, type or method nor can they use a copied mark concerning the products or the services that are identical to those mentioned in the registration.
- b.** Omit or modify the mark that was duly placed on the products or the services.

Article (43)

In the case of probability of confusing the consumers, the others may not without license from the owner:

- a.** copy, use or place the registered mark or use a copied mark for the products or the services that are similar to those mentioned in the registration,
- b.** Imitate the mark or using an imitated mark for products or services that are identical with or similar to those mentioned in the registration.

Article (44)

- a.** The owner of the identifying which is well-known worldwide & in Syrian - even if it is not registered - may request the competent court to cancel or ban the others from using a mark that is identical with or similar to it or is a translation of it on similar or dissimilar products or services if the use of the mark on the dissimilar products may cause the others to believe that there is a relation between the owner of the well-known mark & those products or if this use will lead to degrade the mark or damage its owner or if that use forms an unjustified utilization of it.
- b.** When deciding whether the mark is well-known, the extent of the fame the mark has with regard to the concerned section in Syria should be taken into consideration.

Article (45)

Registering a mark may not ban using the same sign or a similar sign in the following cases:

- a. A name, a logo or a commercial title of a store if the usage is prior to the registration or if the other used his family name with good faith.
- b. As a necessary reference to indicate the usage of the product or service especially for accessories & spare parts provided that this does not create confusion concerning the source of the product or the service.

However, if this use may infringe the rights of the owner of the registered mark, the owner may request the court to restrict the use or ban it.

Article (46)

The right of the owner in preventing others from importing, using, selling or distributing the products that are distinguished by a mark shall expire if he markets those products in any country or give license to another party to do that.

Seventh Chapter Transferring the ownership of a mark

Article (47)

The ownership of the mark may be transferred wholly or partially or through inheritance or will or be mortgaged or charged with any right in rem for a price or for free with the project or the commercial establishment or without them according to the rules & the procedures that are stipulated by the executive regulations after paying the prescribed fees.

Article (48)

The transference shall be recorded depending on an application submitted by one of the agreement parties or by his representative by virtue of an official special power of attorney within /ninety days/ from the from the date of agreement and the delay in applying for registration shall incur paying additional fees as prescribed in this law.

Article (49)

In case the transference of the ownership of the establishment or the commercial project does not include the identifying mark, the owner of the mark may use it

for the same products or services; the category or categories for which the mark is registered unless it has been otherwise agreed.

Article 50

The transference of the ownership of the mark, mortgaging it or charging it with a right in rem, may not be taken as an evidence against another party except until recording it in the special register at the directorate after presenting the authenticated & certified documents that proves the required procedure and the publishing shall be carried out at the cost of the mark owner in the method prescribed in this law & its executive regulations.

Article 51

If one person or more of the mark partners change without all of them being changed & this transference in ownership results from a contract or affiliation process, a written approval should be obtained from the other partners for this change.

Article (52)

If any person discontinues practicing his commercial activity for any reason & this results in transferring the ownership of the mark he owns to more than one person and these persons want to share it, the directorate shall have the right to assign it to the persons who prove to be actually practicing that commercial activity according to the restrictions, conditions & modifications that the directorate deems appropriate.

Eighth Chapter Licensing Usage

Article 53

The owner of the mark may give license to one natural or legal person or more to use & invest his mark for all or some of the products or the services for which the mark is registered & giving license to another party does not prevent the owner of the mark to use it unless otherwise agreed in writing and the period of the license should not exceed the prescribed period for the protection of the mark.

Article 54

a. The licensing contract should not include any stipulations that restrict the licensee with restrictions that are not necessary for keeping the rights resulting from the registration of the mark.

However, the licensing contract may include the following conditions:

1. Defining the scope of the geographical territory for marketing the products or the services that bear the mark that is licensed to be used.

2. Specifying a period of licensing using the mark.

3. Binding the licensee to abstain from any action that might lead to degrading the value of the products or the services that are identified by the mark.

b. The owner of the mark may resort to the rights that are vested in him by virtue of registering the mark & applying them on every licensee who goes beyond the conditions of licensing that are indicated in clause A of this article.

Article (55)

a. For the licensing contract to be registered, the signatures that are set down on it should be authenticated & certified by the competent authorities.

b. The licensing shall not be valid towards the other party except until registering it at the marks register at the directorate after paying the prescribed fees.

c. The delay in registering this contract after (ninety days) from the date of the licensing contract shall result in paying additional fees & it shall be published in the way prescribed in this law & its executive regulations.

d. The licensing contract should include the conditions that enable the owner of the mark to control the quality of the products or services.

Article (56)

The licensee may not assign the licensing contract to a third party or grant sub-licenses except if the licensing contract otherwise stipulates.

Article (57)

The owner of the mark & the licensee may request canceling the licensing record after submitting what proves the expiry or termination of the licensing contract. The cancellation shall be deemed effective from the date of submitting the request & the cancellation shall be published in the property protection journal at the cost of the concerned person.

Ninth Paragraph

Violations against the identifying marks & the penalties

Article (58)

a. Every violation against the rights of the owner of the registered mark shall exposes its doer to liability.

b. Violating the rules of articles 42 & 43 of this law shall be a violation of the rights of the owner of the registered mark.

Article (59)

The competent courts shall look into the suits of imitation the marks for the purpose of deception & imitation and also into marks resemblance in general after they consider the matter from the point of view of the ordinary product consumer or service receiver & after considering the overall resemblance between the original mark & the complained of mark without considering difference between them concerning parts & details.

Article (60)

The identifying mark that is governed by the criminal protection shall be the identifying mark that is registered according to the rules of the law.

Article 61

Without prejudice to any harsher penalty stipulated by any other law: everyone who commits any of the following violations shall be penalized by imprisonment from (three months) to (three years) & a fine from (300,000) to (1000,000) one million Syrian Pounds or by one of theses two penalties:

a. Using an identifying mark that belongs to another party trough placing it with bad faith on his products or services.

b. Imitating an identifying mark that belongs to another party even if he adds words or something else such as simile, imitated, category, kind or quality, etc.

c. Using an imitated identifying mark.

d. Selling, exhibiting for selling or exchanging or possessing for selling or exchanging products on which a mark that is unrightfully placed or imitated for while being aware of that.

e. Manufacturing, carving, engraving or selling a plaque, a wooden or steel stamp or seal or anything else that indicates a duly registered mark or an imitation of it for the purpose of enabling a person other than the owner of that mark to use or imitate it for the same category of goods for which the mark was registered.

Article (62)

Without prejudice to any harsher penalty stipulated by any other law, any one who produces a mark that is much like the identifying mark for the purpose of deception without imitating it & everyone who uses, exhibits to sell, circulates or possesses for the purpose of selling & exchanging products or services on which this mark is placed while being aware of that shall be punished by imprisonment for (three months) up to (two years) & fined with /200,000/ two hundred thousand up to /600,000/ six hundred thousand Syrian Pounds or by one of these two penalties.

Article (63)

Without prejudice to any harsher penalty that is stipulated by any other law any one who commits any of the following shall be punished by imprisonment for (two months) up to (two years) & fined from /200,000/ two hundred thousand to /500,000/ five hundred thousand Syrian Pounds or by one of these two penalties:

1. Using an unregistered mark the violates article (4) of this law.
2. Indicating by any means that the mark is registered while it is not.

b. Any one who delivers a commodity or provides a service other than the one ordered from him under a certain mark shall be punished by imprisonment for (one month) up to (one year) & fined with /100,000/ one hundred thousand up to /300,000/ three hundred thousand Syrian Pounds or by one of these two penalties.

Article (65)

Any one who commits the following while being aware of that, shall be fined with /100,000/ one thousand up to /300,000/ three hundred Syrian Pounds:

- a. Using a joint mark according to conditions other than those prescribed in the system that is attached to the registration application.
- b. Selling or buying a product that bears a joint mark used contrary to the regulations.

Article (65)

Without prejudice to any harsher penalty, everyone who violates the rules of article /6/ of this law shall be punished by imprisonment up to three months & fine from /10,000/ ten thousand to /50,000/ fifty thousand Syrian Pounds.

Article (66)

Any one who uses his registered mark in a way that is substantially different from the form of the mark that is granted to him shall be punished by the penalty that is stipulated in article /65/ if this use may lead to deceiving the public or violating the vested rights of others or their registered marks.

Article (67)

Judgment concerning the application of the penalties rules of this law may not in any case be less than the minimum penalty of imprisonment or financial fine in the course of applying the penalties rules of this law.

Article (68)

Any one convicted by one of the crimes stipulated in this law due to being a doer, a partner or intervener & get convicted with another one of these crimes during the five years following the first judgment shall be considered as repeating the crime.

Article (69)

In case of repeating committing the crimes that are stipulated in this law, the judgment should be imprisonment from two months to three years and the fine should not be less than the maximum limit that is prescribed in these articles & not higher than the double of this limit & repeating shall be defined according to article /68/ of this law.

Second Section Geographical Indications

Article (70)

a. Geographical indications mean the indications that define the origin of the product whether it is a state, a region, an area or a country as long as the quality, feature, reputation, fame or its other characteristics that affect promoting the product basically belong to that geographical origin.

And it is a condition for these indications to be protected that they be protected at the country of origin & are still protected.

b. Country of Origin: It is the country whose name represents the appellation of the product by which the product is well-known or the country in which the region or the area whose name represents the appellation of the origin by which the product is well-known.

Article (71)

It is a condition to register a mark containing a geographical indication that this commodity is being produced continuously by the registration applicant in the geographical region that has the special fame and a certificate of origin should be enclosed with the application.

Article (72)

No person from any region that is specially well-known for producing a certain commodity may place on the products he deals in geographical indications in a way that mislead the public about the origin of these products & gives the impression that their origin is the region that is well-known for producing such commodity.

Article (73)

No means of naming or exhibiting a certain commodity that mislead the public concerning the geographical region of the commodity may be used. Despite that, the geographical indications that are related to wine & alcoholic beverages benefit from this protection even though the usage does not result in misleading the public or unfair competition.

Article (74)

The producer of a commodity at a region that is specially well-known for producing it may not place a geographical indication on what he produces of similar commodities in another regions if they give the impression that the products are manufactured in the region that is specially well-known for producing such commodities.

Article (75)

A mark that includes a geographical indication may not be registered if its use may misleads the public concerning the real origin of the commodity.

Article (76)

No person may use a geographical indication that forms an unfair competition that contradicts with the honest practices of the commercial or industrial activities.

Article (77)

The mark that includes a geographical indication may be registered if the right in this mark has been earned through using it with good faith before the date of effectiveness of this law or before granting protection to the geographical indication in the country of origin, in case of expiry of its protection period or if it is no longer used in that country.

Article 78

Some products may be given geographical names that have come to basically indicate, according to the commercial tradition, the genre of the product other than its geographical origin.

Article (79)

Every interested person may bring a suit before the competent court requesting to ban using any geographical indication not included in a registered identifying mark if such use would mislead the public concerning the real origin of the commodity.

Article (80)

The minister shall issue a decision in which he prescribes the conditions & cases in which geographical indications shall be entered on the register that is prepared for that at the protection directorate.

Article (81)

Without prejudice to any harsher penalty stipulated in any another law, any one who commits any of the following shall be punished by imprisonment up to six months & a fine from /50,000/ fifty thousand to /200,000/ two hundred thousand Syrian Pounds or by one of these two penalties and in case of repetition, the imprisonment period shall not be less than one month in addition to a fine that shall not be less than the maximum limit stipulated above:

- a.** Placing geographical indications or symbols on the commodities that he deals in a region that is specially known for producing a certain commodity in a way that misleads the public & causes them to believe that they originated in this region.
- b.** Using a means in naming or exhibiting a commodity in a way that misleads the public & causes them to believe that it originated in a geographical region of special reputation other than the their real origin.
- c.** Any producer of a commodity in a region of special fame in production who places a geographical indication or symbol on what he produces of similar commodities in other regions in a way that gives the impression that they are produced in the aforementioned region.

Third Section Industrial designs & models

First Chapter

What may be considered an industrial Design or model

Article (82)

Industrial design: Every composition or format of the graphics or the colors that appear on the products in a shape that is new & distinguished from the previously known designs and gives the product glamour or a shape that distinguishes it from the other similar commodities & products whether that is done manually or through using the machine or computer including the designs of the textiles and other materials.

Industrial Model: It is the external shape of any solid whether that is related to the graphics & colors or not provided that it be new & distinguished from the other previously known models & that it gives a special shape that may be used for an industrial, handicraft or other product.

The textiles that have printed designs; the colored paper that is used for covering the walls or for packing materials or commodities; the new styles of dresses, coats, head covers and accessories like undershirts, bras, shoes, daggers sheaths, bottles; containers of wine & alcoholic beverages, food, drinks, perfumes & their shapes; carton packing that is used for pharmaceutical preparations and the external shape of any other goods or commodities.

Article (83)

Any one who innovates a design or a model or the one who becomes solely entitled to the its rights shall be the only one entitled to using, selling, exhibiting for selling, licensing the others to use it provided that he has previously registered this design or model at the directorate

Second Chapter **Registerable & Unregisterable Industrial Designs & Models.**

Article (84)

a. The designs & the models that have elements of novelty & distinctiveness & those that have external characteristics that give them special peculiarity that distinguishes them from the other previously known designs and models shall be considered registerable design & models.

b. The industrial design or model shall be considered novel if it has not been disclosed to the public anywhere in the world in any way including its concrete usage or publishing no matter whether it was disclosed before filing the registration application or before the date of the application priority according to the situation. Despite that, the industrial design or model doest mot lose the peculiarity of novelty if this disclosure or description has been made after filing its registration application in a country that is a member in an agreement that is effective in Syria & that deals with Syria reciprocally; or in case exhibiting is made at one of the national or international exhibitions or the industrial design or model is published about at one of the conferences or scientific periodicals not earlier than six months prior to depositing the registration application in Syria.

c. The industrial designs & models may not be considered novel & distinctive if they do not greatly & fundamentally differ from the previously known designs & models or if they are designed for another type of products other than the type for which previously deposited designs or models were designed.

Article (85)

The following industrial designs & models may not be registered:

- a. The industrial designs & models that are violative of general order & general conduct.
- b. The industrial designs & models that are imposed by the artistic, technical or functional considerations of the product.
- c. The industrial designs & models that represent national or foreign figures or logos; religious symbols, seals, flags and the flags of the Syrian Arab Republic, the other countries & the international organizations.
- d. The industrial designs & models that infringe the commercial, industrial or intellectual property rights that belong to the others or their famous marks.

Third Chapter

The right to register a design or industrial model

Article (86)

The right to register an industrial design or model shall be entitled to the following:

- a. The innovator or the one in whom the right in the design or industrial model is vested.
- b. if two persons or more innovate together an industrial design or model, the right to register it shall equally belong to all of them or to the one in whom the right becomes vested unless otherwise agreed.
- c. if two persons or more innovate an industrial design or model without sharing it, the right to register it shall be vested in the one who first apply to register it.

d. To the employer if the employee innovates it as a result of executing an employment contract by virtue of which the employee was bound to carry out this innovation unless otherwise agreed in the employment contract.

Fourth Chapter

Registering, Publishing & Renewing Industrial Designs & Models

Article (87)

a. The industrial design or model registration application should be submitted to the directorate by the innovator of the industrial design or model or by his legal representative according to the terms & conditions prescribed by the executive regulation. The application may include up to fifteen industrial designs & models provided that they are homogeneous & that he pays the prescribed fees for each one of them according to the designs & models included in the application.

b. If the registration applicant is not resident in Syrian, he should delegate a person who is resident in Syria to act for him with regard to the registration procedures. The registration application should include the documents & data prescribed by the executive regulations & the rules of articles /11 – 13 – 22 – 23 – 24 – 25 – 26 – 27 – 28 – 29 – 30/ of this law shall apply to the industrial designs & models with the necessary modifications.

Article (88)

The registration applicant may cancel his application at any time without paying any fees or he may assign it to another person in return for paying the prescribed fees by the other person.

Article (89)

The registration applicant may request postponing publishing the industrial design or model for a period that does not exceed /twelve/ months starting from the date of submitting the application or from the priority date in case of applying for priority.

Article (90)

In case of postponing the publishing, the registration applicant may not sue the infringers earlier than /ninety/ days from notifying the alleged infringer of the registration by sending a copy of the registration certificate of the registered design or model as long as it is not yet published & this is due to the secret nature of the registration application.

Article (91)

The directorate shall designate a special register that shall be named (the register of industrial designs & models) in which all the data related to the industrial designs & models; the names & addresses of their owners & what occurs to them of legal procedures & modifications shall be recorded.

Article (92)

The directorate shall grant the applicant an industrial design or model registration certificate within (thirty days) from the date of being recorded in the register that is designated for that. The certificates shall also be signed by the director or the one he authorizes; they shall be sealed by the directorate seal & information about them shall be published in the property protection journal according to the conditions or the data prescribed by the executive regulations at the cost of the certificate holder.

Article (93)

The registration of an industrial design or model shall result in granting its owner the right to prevent the others from manufacturing, selling, exhibiting to sell or importing the products that have the same shape of a design or model; or those that include it.

The right to prevent others from importing, selling, exhibiting to sell or distributing the aforementioned products shall exhaust if its owner markets those products in any country or licenses others to do that.

The others use of a protected industrial design or model shall not be considered an infringement of this right as far as the following activities are concerned:

- a. The activities that are related to scientific research.
- b. Training & teaching purposes.
- c. Uncommercial activities.
- d. Manufacturing or selling parts of the aforementioned products for the purpose of repairing them in return of a just compensation.
- e. The other uses that do not unreasonably conflict with the ordinary utilization of the protected industrial design or model & that do not unreasonably damage the legitimate interests of its owner while taking into consideration the interests of the others.

Article (94)

Any person might apply in writing to the directorate to be informed about the registered designs or models & may also obtain data or abstracts of the them, their records or the modifications performed on them. Furthermore, the owner of the industrial design or model, the one to whom the right in it is transferred & everyone who proves to be a party in a lawsuit related to an industrial design or model may obtain a certified copy of the registration certificate of the industrial design or model after paying the prescribed fees & filling in the application that is prepared for that.

Article (95)

a. The period of the protection of an industrial design or model shall be (five years) starting from the date of submitting the registration application & expires five years after the last day of the month in which the registration application was submitted & the prescribed registration may be renewed for (five years) for two consecutive times; the period of each shall be five years provided that renewal is made during the last year of the protection period after paying the prescribed fees & this renewal shall be published in the directorate journal.

b. The procedures of substantive inspection shall be applied on the applications for renewal of industrial designs & models before this law comes into effect and this shall be for one time and the decision of the directorate in refusing the renewal shall be appealable before the competent court that is prescribed in article /119/ of this law within (thirty days) from the date of notifying the owner of the industrial design or model of the decision.

Article (96)

The owner of an industrial design or model shall be granted a period of grace of (six months) to renew the registration starting from the expiry date of previous protection period in return of paying the delay fees and in case of non-renewal, the industrial design or model shall be considered null & void pursuant to law & it may not be reregistered whether in his name or in the name of someone else.

Article (97)

The competent minister may – for public interest requirements and through suggestion from the director and depending on the request of the concerned authority – issue a justified decision of granting a third party a mandatory non-exclusive license to use the protected industrial design or model in return of a just compensation & the executive regulations of this law shall prescribe the terms, conditions & procedures of granting such license.

Article (98)

The public prosecution, the directorate & every interested person may request the competent court to nullify registering an industrial design or model & the competent court may decide to nullify the registration if the registration proves to be conflicting with rules of this law. The execution of the decision shall take place after paying the prescribed fees and in case the execution took place through request from the public prosecution or the directorate, no fees shall have to be paid.

Fifth Chapter

Transferring the Ownership of the Industrial Design or Model

Article (99)

The ownership of an industrial design or model may be transferred wholly or partially through selling or conveyancing in return of a compensation or without compensation and through inheritance or will. It might also be mortgaged and might be charged with rights in rem. Moreover, the transference of ownership might be made with transferring the ownership of the establishment or commercial enterprise or without it.

Article (100)

The transference of the ownership, mortgaging or charging with any right in rem of an industrial design or model may not be taken as an evidence against the others unless it has been recorded in the register & the registration record has been published in the way prescribed in this law & its executive regulations after paying the prescribed fees.

Article (101)

Recording transferring the ownership, mortgaging, deciding any right in rem of an industrial design or model in the register shall be done depending on the request of one of the parties of the agreement within (ninety days) from conveyance after paying the prescribed fees and the delay in requesting recording the registration shall incur paying additional fees as prescribed by this law. Changing the address, the name or the legal representative of the owner of a an industrial design or model or any another modification shall be subject to fees that are shall be incurred according to the conditions that are stipulated in this law & every modification shall be published in the property protection journal.

Sixth Chapter

Licensing Using & Investing an Industrial Design or Model

Article (102)

The owner of a design or an industrial model may license the others to use & invest the design or model & licensing the others shall not prevent the owner of the design or the model from using the registered design or model unless otherwise expressly agreed & the period of licensing should not exceed the decided protection period.

Article (103)

Licensing usage or investment shall not come into effect towards the others unless it has been recorded in the designated register provided that it be recorded within (ninety days) from the licensing contract after paying the prescribed fees & the delay in recording the licensing at the directorate shall be subject paying additional fees & it shall be published in the way prescribed in this law & in its executive regulations. Moreover, it is a condition to record the licensing contract that the signatures are placed on it are authenticated & certified by the competent authorities.

Article (104)

The owner of the design or industrial model or the licensee may request to cancel the licensing record after submitting what proves the expiration or termination of the licensing contract and the directorate shall issue a certificate proving that & the cancellation shall be published in property protection journal at the cost of the concerned person.

Seventh Chapter

Infringing Industrial Designs & Models and the Penalties

Article (105)

Without prejudice to any higher penalties stipulated in any other law, any one who commits any of the following shall be punished by imprisonment from (two months) to (six months) & by fine that shall not be less than /200,000/ two hundred thousand Syrian Pounds & that shall not exceed /600,000/ six hundred thousand Syrian Pounds or by one of these two penalties:

a. Imitating an industrial design or model that is deposited according to the rules of this law.

b. Manufacturing, selling, exhibiting for selling or possessing for the purpose of trading or dealing in products that use an imitated industrial design or model while being aware of that.

c. Unrightfully placing on his products, advertisements, identifying marks, certain tools or others data that lead to believing that he has registered an industrial design or model.

In case of repetition, the penalty shall be imprisonment for a period of not less than (one month) in addition to a fine that shall not be less than the maximum limit stipulated above & deciding repetition shall be governed by article /68/ of this law.

Article (106)

The action preceding registration may not give the damaged party the right to bring any suit pursuant to this law while with regard to the actions following registration & preceding publishing, the suits by the damaged party shall not be looked into even if it is a civil suit originating from article /120/ of this law except if bad faith is proved to be available in both assumptions.

Fourth Chapter

Temporary Protection of the Markets & Fairs in Syria & Abroad

Article (107)

Identifying marks and industrial designs and models shall obtain temporary protection at the markets & fairs that are established in Syria & abroad if these markets & fairs are officially organized and the participation or organization should be official so that this law may be applied on them.

Article (108)

Those who wish to benefit from the rules of article (107) of this law to protect their products that are exhibited in the markets & fairs in a foreign country in which Syria is participating shall have to submit to the official representative of Syria an application that includes the type of the product attached with a document that proves that the exhibited product which is required to be protected has been exhibited at the mentioned market or fair.

Article (109)

Once the representative of Syria receives these documents, he shall record that in a special register & he shall give a certificate of record to the exhibitor in return of paying the prescribed fees & the exhibitor shall submit the protection application within a period of (three weeks) starting from the date of exhibiting the product that is needed to be protected.

Article (110)

After the end date of the fair or the market, the official representative shall send the prepared official register to the directorate in Syria and the person who obtained the temporary protection may transform it into final protection within the period of (one year) starting from the end date of the market or the fair after presenting the certificate that has been given to him pursuant to article /109/ of this law & the start date of the actual protection shall be then the day of opening such fair or market.

The concerned person shall submit the final protection application pursuant to the rules of this law & the articles that are related to commercial & industrial property rights protection.

Article (111)

A special decision shall be taken by the concerned authority before opening the markets & the fairs that are officially organized in Syria in which it shall clarify the procedures that the exhibitors has to take to guarantee for their products temporary protection that they may transform into final protection if they deem that useful.

Article (112)

The temporary protection that is prepared in this way shall grant the concerned parties in Syria the same rights as those granted by this law to the registered marks and industrial designs & models.

Fifth Chapter

Commercial & Industrial Awards

Article (113)

Any person who wishes to use a commercial or industrial award shall have to indicate when mentioning this award its type & the correct name of the exhibition or the official authority that has granted it in addition to the real & full date at which it was granted.

Article (114)

The person who gains an award personally may alone use it & he may not transfer it with his commercial store or vice versa. The award that is granted for a produced commodity belongs to this commodity & it may also be used when conveyancing a commercial store by the person to whom the commercial store is conveyanced and the same thing shall apply when the award is granted to a commercial or industrial establishment.

Therefore, the person to whom the award is transferred may use it for the award belongs to the commercial store. The award given to a person for his capacity as an assistant may not be used by the assistant unless the name of the commercial store in which he was employed has been mentioned.

Article (115)

Those who in a cheating way attribute to themselves awards given by commercial fairs & markets, those who allege unreal awards & use them publicly like affixing them on the commercial labels, goods packing & commercial papers or mentioning them in the boards or in any other way, the persons who try to convince the public that they have acquired an award while they have not in reality and the persons who in any way violated the rules of articles (113 – 114) of this law shall be penalized by imprisonment from (three months) to (two years) & a fine from /200,000/ two hundred thousand pounds to /400,000/ four hundred thousand pounds or by one of these two penalties (provided that the fine is not less than (400,000) four thousand Syrian Pounds in case of not being accompanied by imprisonment penalty)

Sixth Chapter

Protection against unfair competition & protection of commercial secrets

Article (116)

The natural and artificial persons are banned to assume any of the unfair competition actions & the following actions shall be considered unfair competition acts:

- a.** The competition acts that violate the honest practices of commercial & industrial activities.
- b.** The acts that may produce confusion by any means with the establishment of one of the competitors, his products, his services or his commercial or industrial activities particularly if they are related to an industrial or commercial patent, if they are related to an identifying mark that is used inside the country whether it is registered or not or if they lead to misleading the public.
- c.** The untrue allegations in practicing trade which might lead to weakening faith in the establishment of one of the competitors, his production or his commercial or industrial activity.
- d.** The statements & the allegations whose use in trade leads to misleading the public with regard to the commodities origin, type, characteristics, expiry date, method of manufacturing or quantity.
- e.** The actions that lead to degrading the distinguishing peculiarity of the others marks or unrightfully benefiting from their reputation or goodwill or from the reputation or goodwill of the others establishments.
- f.** Disclosing commercial or industrial secrets in a way that contradicts with the honest practices of commerce in case:
 1. These information that as a whole or in composition include elements that are not known or that are not in general common amongst those practicing commercial or industrial activity to the scope of which these information belong.
 2. Their commercial value stems from their secrecy.
 3. Reasonable procedures have been taken by their legal possessor to keep their secrecy.

g. Every violation of the rules of this law & every action that the competent court shall deem as belonging to the actions of unfair competence.

Article (117)

Any interested person may bring a civil suit to request compensation for the damage that was inflicted upon him as a result of the actions of unfair competition & may stop these actions and he shall have the right to request taking any of the precautionary measures.

Seventh Part General rules

First Chapter Priority Right

Article (118)

a. Any one who wishes to benefit from the priority right of a previous deposit that has been made at a country that is a member of Paris amended convention for industrial property protection, a member of an international multi-parties agreement in which Syria is a member or is a country that reciprocally deals with Syria shall have to enclose with his application a statement in which he states the number & date of this previous deposit & the name of the country in which it was made. He has also to submit within a period of (six months) from the date of the subsequent deposit a certified statement of the previous deposit and this procedure shall have to be preceded by paying the prescribed fees. Failing to execute the procedures stipulated in this article shall result in losing the priority right.

b. The priority period that has been indicated in the previous paragraph shall be (six months) for the identifying marks and the industrial designs & models. This period shall commence starting from the date of depositing the first application while the day of depositing shall not be included in calculating the period.

Second Chapter

Judicial Jurisdiction & Prosecution Right

Article (119)

- a.** One of the chambers of civil court of first instance shall be designated for looking into all the disputes & the civil suits that are related to commercial & industrial property.
- b.** The competent chamber at the civil court of first instance in Damascus only while excluding all other administrative courts shall look into the appeals to the decisions that are issued by the directorate & the competent committee.
- c.** One of the chambers of civil court of appeal shall be designated to look into the appeals to the decisions that are issued by the court aforementioned in paragraph /A/ of this article.
- d.** The jurisdiction to look into the suit that shall be being looked into before the different judicial authorities at the date this law comes into effect shall continue till passing the final judgment concerning them with regard to the different stages & levels of litigation while the new suits that shall originate after the effective date of this law shall be governed by the rules of the previous paragraphs of this article.
- e.** The parties shall still have the right to resort to local or international arbitration concerning the special civil disputes stipulated in this law.

Article (120)

The civil suits against infringing a mark or an industrial design or model may be brought by the owner and by the one who is granted the exclusive license in the mark or the industrial design or model shall have the right to bring such suits in case the owner does not bring them despite officially notifying him to do that unless otherwise prescribed by the licensing contract. Moreover, any party of the licensing contract shall have the right to intervene in the infringement suit to claim compensation for the damage that inflicted him as a result of infringement.

Article (121)

The defendant may claim compensation for the damage that inflicted him if by the result of the suit the plaintiff proves to be unrightful in his allegations or if he proves to be unrightful in requesting taking precautionary measures and also in

case the one who requested taking precautionary measures did not bring the suit for the right within the legal period.

Third Chapter

Summary Precautionary Measures & Prevention of Infringement

Article (122)

The judge of the summary matters may order – for or without a bail – to take one or more of the suitable precautionary measures till deciding about the basis of dispute especially for:

a. All the precautionary measures that are required for preventing the occurrence of an imminent infringement to any registered right of the commercial or industrial property rights in the cases where it is feared that an infringement might happen including refraining from doing specific action or actions or preventing continuing them and the judge may impose compulsory fines to enforce his judgment.

b. Stopping executing the registration procedures, stopping executing the effectiveness of the registration decision of a registered commercial or industrial right, preventing using the registered right, precautionarily reserving it, preventing disposing of it, preventing objecting to use it or licensing the others to use it & invest it.

c. Proving the incident of infringing the right that is protected, describing & surveying all that might form infringement to it or a proof of infringing it wherever it might be found and taking samples of it and deciding to reserve it with the one who acquired it for a guarantee or without it and assigning him as a judicial receiver of it or deliver it to a third party and for this purpose, the judge shall have the authority to appoint the one he deems appropriate of the experts to carry out what is required.

The civil or criminal suit for the right should be brought before the competent court within fifteen days from the date of passing the summary judgment or otherwise it shall be null & void.

Article (123)

a. The suit that is connected with dispute over the ownership of a commercial or industrial right that is registered at the directorate shall not be looked into before placing the sign of this suit on the record of this right at the directorate & this sign shall be considered a proof against the others that the right concerning which that suit was brought is still the subject of a judicial dispute from which effects that might limit or nullify the rights of the person in whose name the right is registered may originate.

b. The bankruptcy judgments that are passed concerning the owner of a commercial or industrial right that is registered at the directorate shall be recorded at the register that is related to this right depending on the request of the court or through the bankruptcy receiver.

Fourth Chapter Borderline Measures

Article (124)

a. The General Directorate of Customs – depending on a written request submitted by the owner of the registered commercial or industrial right or from the one who has an exclusive right registered at the directorate to invest it after submitting what proves that from the directorate – shall have to seize – as part of the control measures – the goods that represent infringement of this right even if they were goods of transit trade.

b. The customs authorities shall have to inform the general prosecution, the applicant, the owner of the goods or his legal representative and the possessor of the goods without delay of the seizure & keeping procedures of the goods.

c. The seizure shall be lifted ipso jure & the goods shall be released in case the applicant does not submit - within a time limit of (ten days) starting from the date of taking such procedures by The Customs General Directorate- what proves the following:

1) Issuing precautionary procedures by the court, summary matters judge, general prosecution or head of the execution department that state continuation of the procedures taken by the customs.

2) or bringing a civil or criminal suit and the court shall have to decide through deliberation within a time limit of (three days) from the date of bringing the suit to oblige the plaintiff to provide sufficient guaranty whose value shall be prescribed so that it shall cover the liability of the plaintiff in case of refuting the suit & the plaintiff shall have to provide this guaranty & submit of copy of it to The Customs General Directorate within a time limit of (twenty days) from the date of the decision or the seizure shall otherwise be lifted & the goods shall be released.

3) On account of the above mentioned suit, the petitioner may obtain the following from The Customs General Directorate:

The names & addresses of the suppliers, the importers & those to whom the seized goods are sent or its possessors in addition to its quantities despite any contrary stipulation.

d. The insignificant quantities of the commodities that come with the travelers luggage for personal non-commercial use pursuant to valid rules & regulations shall be exempted from applying this article.

e. The request stipulated in paragraph /A/ above shall have to include an undertaking by the applicant that he shall be liable to compensate the supplier or the exporter for any damage that might be inflicted upon him as a result of the request in case the request proves to be unrightful.

Fifth Chapter

Public Suit, Description & Seizure

Article (125)

The public suits with regard to the crimes stipulated in this law shall be brought by the general prosecution directly or depending on a request from the director or the damaged party.

Article (126)

a. The general prosecution shall have the right – no matter whether the damaged party submits his complaints or not – to order to specify the criminal things, the goods, the commodities, the tools & the machines, inventory them in details & seize them and the director shall be entitled to such right.

b. In case the procedures are taken depending on a complaint or petition by the damaged party, the directorate shall oblige him to provide an advance on the account of compensations for the members of the police force that is stipulated in article /137/ of this law and no procedure may be started before paying this advance. In case of not proceeding with the procedures or bringing a suit within the legal period, the advance shall be transferred to the directorate.

Article (127)

a. The staff of property protection who are assigned to specify the criminal objects, inventory them, take samples of them & detect the violations that are stipulated in this law shall have the capacity of the judicial police force for property protection and they shall be appointed by the minister. These shall assume their tasks by virtue of mission order or an authorization issued by the general prosecution, the protection director or the judicial authorities & they shall have to inform the directorate of they learn about violations to the rules of this law.

b. The staff who are mentioned in the previous paragraph who have not previously taken the legal oath till the date of putting the rules of this law into effect shall have to take the following oath (I swear by Allah The Almighty to do my job honestly & faithfully) before the civil court of first instance in the governorate before commencing their job.

c. The reports that are organized by the judicial police force for property protection shall have the same force of the judicial reports.

d. The reports shall have to be sent to the general prosecution to perform the required procedures with regard to them.

Article (128)

a. The criminal objects may be specified, inventoried & seized and samples may be taken from them at the following sites:

warehouses, showrooms, commercial stores, factories, vehicles, trucks that are used for trade, storehouses, slaughterhouses & the places belonging to them, grocery markets, trade markets, exhibitions, stations, departure & arrival ports and free zones.

b. The judicial force members at the directorate shall have the authority to close the stores, the factories, the warehouses and their administratively subordinate sites with sealing wax for three days during which the case should be referred to the director who shall have the authority to cancel the closing or extend it for (thirty days) at maximum in case of any opposition or hindering to executing the tasks that are mentioned in the previous paragraph.

c. The judicial police force may get help from the armed force to support them in executing the missions that are assigned to them when required by virtue of the rules of this law.

Article (129)

A report of the violative objects shall be organized and minutes shall be prepared for every specification or inventory & these shall include the following:

- a.** The names & surnames of the organizers of the minutes & their capacities.
- b.** The date, time & place of the mission.
- c.** The authority that ordered it & the date of the order that assigned it.
- d.** The name, surname, address, job & nationality of the person for whom the procedure was taken.
- e.** If the procedure was taken in the street, the names, capacities, addresses & nationalities of the persons whose names are mentioned in the letter of lading or bill of lading as consignees shall have to be indicated.
- f.** A brief explanation of the conditions in which the procedures were taken & the number of the persons who attended it.
- g.** The signature of the possessor of the objects & the goods or mentioning his refusal to sign.
- h.** The signatures of the persons who signed the minutes.

The one who seized the objects may mention in the minutes all the data & the reservations he deems appropriate. The objects & the goods shall have to be handed over to their possessor or to another one as a third party while waiting the competent court to issue its decision to either seize these goods or release them and the organizers of the minutes shall not be less than two persons.

Article (130)

The organizer shall not be obliged to inform the possessor of his capacity before starting his investigations and when he wants to verify delivering a product instead of the requested product under the guise of a registered commercial or

industrial right for in such cases he may not inform the possessor of the investigation order unless he has received the product. The commissioner may be accompanied by an expert to be appointed by the authority that have delivered such order or authorization whose name is mentioned in it.

Article (131)

The commissioner shall deliver to the possessor when he deems that appropriate a copy of the order by virtue of which he is working. When the procedure have been executed, the possessor shall further receive a copy of the minutes & list of the objects or the minutes with regard to which the procedure was done in case a separate list was prepared concerning them.

Article (132)

a. The civil or criminal suit shall have to brought before the competent court within (thirty days) starting from the date that is mentioned in the last minutes or the procedure shall otherwise be deemed null & void and the guaranty shall be seized, if any, in favor of the directorate.

b. The court shall decide before the issuance of the decision whether to confirm the taken procedures or to nullify them & it may decide to seize the whole or part of the objects that are mentioned in the minutes and in this case it may – before performing the seizure procedure - order the complaining party to pay a guaranty that it shall estimate depending on the value of the objects that are required to be seized. The decision shall further appoint the commissioner who is assigned to perform the seizure and it is preferred that the commissioner be the minutes writer who performed the original specification procedure, if any, that is stipulated in article /126/ of this law and the decision may finally indicate the site where the seized objects shall be deposited & appoint a guard of it who shall be assigned to preserve it when required.

Article (133)

The person whose goods are seized shall have to be given the following documents or the seizure shall otherwise be null & void:

- a. The seizure decision.
- b. The document that proves depositing the guaranty, if any.
- c. A list of the seized objects.
- d. Seizure minutes.

e. In case the person whose goods are seized refuses to receive the above mentioned documents, this shall have to be written down in the seizure minutes.

Article (134)

The commissioner who has performed the seizure procedures shall immediately organize minutes in two copies; one of which shall be delivered to the person whose goods are seized & he shall organize these minutes following the example of the minutes detailed in article /129/ of this law & he shall enclose a list of the seized objects & the person whose goods are seized shall sign both documents & in case he refuses to sign or if that was impossible, this shall have to be mentioned in the signature space if he refused to sign or signing was impossible.

Article (135)

Before specifying the criminal objects, the seizure & specification by the directorate, the directorate shall collect the following amounts:

/2000/ two thousand Syrian Pounds for the description, specification & seizure of the objects.

/2000/ two thousand Syrian Pounds for seizure or confiscation.

If the directorate assumes following-up depending on the complaint of the damaged party, this party shall have to give these amounts to the directorate in advance while if the directorate assumes following-up directly without a complaint, this shall not incur paying any fees & these amounts shall be dealt with as the compensation stipulated in article /137/ of this law.

Article (136)

The defendant may demand the plaintiff to compensate him for the damage that inflicted him if the plaintiff proves by result of the suit to be unrightful in his suit or proves to be unrightful in requesting precautionary procedures and in case the one who requested the precautionary procedures does not bring the suit for the right within the legal time limit.

Article (137)

Contrary to any effective stipulation in any another law, the compensations of the employee who is assigned to execute the procedures of article /126/ & article /135/ of this law shall be incurred by the interested person & they shall be prescribed by a decision by the minister and the compensations shall be paid by the interested person to the treasury (trusts department) & they shall be disbursed

to the representative of the ministry depending on a statement signed by him & certified by the protection director.

Article (138)

a. The court may – in any civil or criminal suit – decide to seize & sell the objects & the goods that are complained of and to deduct their value from the compensations of the damaged party or order disposing of them in any another way that the court deems appropriate.

b. The court shall order removing & spoiling the seized violative marks & industrial designs and it may – when required – order spoiling the industrial models, the products, the goods, the stores addresses, the packing, the invoices, the correspondence, the advertising means or anything else that bears the mark which is violative of the rules of this law and to also spoil the machines & the tools that were used particularly in committing the crime. The court may also - when passing the conviction judgment – order to close the foundation that the convicted person used in committing the crime for a period of not more than (six months) & the closing shall be obligatory in case of repetition.

c. When passing a judgment regarding any of the offenses that are stipulated in this law & regarding unfair competition, the court shall have to decide that the convicted person is not qualified to be elected as a member of the commercial chambers, the committees, the research authorities, the syndicates & the handicraft societies & in general every elected authority unless he has been rehabilitated.

d. The court may order to publish the judgment in one newspaper or more at the cost of the convicted person.

e. The court shall be entitled to pass a judgment for compensation of the damaged party even if the criminal court has decided guiltlessness and the court shall be entitled to order for whole or part of has been mentioned till the issuance of the decision of guiltlessness of the defendant party of the criminal suit.

Article (139)

Every judicial decision taken by virtue of the rules of this law shall have to conveyed to the directorate by the court that has issued it within a maximum period of (eight days).

Article (140)

The concrete mistakes in the documents that are issued by the directorate shall be corrected by it or depending on the request of any interested person without fees or fine within one year from the date of issuing the certificate or committing the mistake & the correction shall be made for prescribed fees after the expiration of this period.

Article (141)

All the registration, renewal, modifications, undertakings, objections, true copies, retrial, the advance disclosure, the agencies, the certificates & other applications shall be submitted on forms that are prepared for that by the directorate & that are attached with executive regulations of this law. These forms shall be modified & their value shall be prescribed through a decision by the minister through suggestion from the directorate & the value of these forms shall return to benefit of the directorate.

Article (142)

a. A treasury shall be established at the directorate for depositing the amounts & the values that are prescribed in this law & the executive regulations for the benefit of the directorate in return of covering the costs of publishing, prints & other services for the benefit of the depositors.

b. A personnel shall be introduced for this treasury & it shall be added to the bylaw of the ministry.

c. The director shall be disbursement commissioner of the amounts that are deposited in the treasury & these shall be disbursed by him to the benefit of the directorate & its staff.

Sixth Chapter

The Agents of Registering Commercial & Industrial Property Rights

Article (143)

The registration agent is the natural or artificial person who is authorized to register the commercial & industrial property rights for his authorizer.

Article (144)

a. No one shall be allowed to practice the job of the aforementioned registration agent except those whose names are registered in the table of commercial &

industrial property rights registration agents & the conditions for registration in this table are the following:

1. He should be one of the citizens of the Syrian Arab Republic or those having the same status.
2. He should be a university graduate.
3. Not convicted with an immoral criminal offense or violating public conduct.
4. He should practice his job at a special office that is qualified for practicing this job.
5. He should pay the prescribed fees.

b. The following shall be registered in the registration table: the local companies that are specialized in the field of commercial & industrial property protection & the companies that are established abroad & have a registered branch in Syria provided that the conditions mentioned in paragraph /A/ of this article are available in the manager in both cases.

d. The Syrian lawyers or those having their same status shall be exempted from submitting the documents mentioned in paragraph /A/ of the previous article with the exception of the prescribed fees.

Article (145)

The registration agent may have a number of employees at his office for following up the tasks & responsibilities given to him at the directorate according to the following conditions:

- a. They should be of the citizens of the Syrian Arab Republic or those having their same status.
- b. They should have an education qualification that is not less than the secondary school certificate.
- c. Not convicted with an immoral criminal offense or violating public conduct.

The agent (the office owner) shall give these employees who are working for him an authorization signed by him to assume such tasks.

Article (146)

The registration applications shall be submitted to the directorate & shall be registered at the bureau and the applicant shall be given a receiving note. The

applications shall be examined by a committee that shall be formed for this purpose through a decision by the minister.

The committee shall consist of:

- The protection director or the one he authorizes.
- The director of legal affairs or the one he authorizes.
- The head of a department at the directorate.

Article (147)

a. The registration applications with the required documents shall be referred to the committee. The secretary shall enter them in a special register of the committee according to their registration serial numbers at the bureau and these documents shall be revised by the committee in a meeting of all its members. The committee may request the applicant to complete the documents in case of insufficiency or submit clarifications concerning them before deciding about the application.

b. The secretary of the committee shall prepare a report of the meetings of the committee duly signed by all of its members.

Article (148)

The committee shall decide - after verifying the availability of the conditions & the required documents – to approve entering the name of the applicant in the table of the commercial & industrial property agents & in case of unavailability of such conditions & documents, it shall decide to refuse the application & the decision shall be justified & the reasons of refusal shall be mentioned in it.

Recording the applicant in the table shall be under successive numbers that are parallel to the dates of approvals.

Article (149)

The committee shall issue its decision regarding the registration application within a period of not more than (one month) from the date of submitting the application that fulfilled all the conditions & requirements. The directorate shall notify the applicant of the committee decision after issuing it by a written letter & the applicant whose registration is refused may appeal to the decision of the committee before the state council within (sixty days) from the date of notifying him of the decision.

Article (150)

The ministry shall issue an annual table of the names of the registration agents & this table & its appendices shall be published in the property protection journal & the directorate announcements board.

Article (151)

The registration agent whose name is registered in the table shall have to inform the directorate of all that occurs to his legal status during practicing that tasks assigned to him like changing the address of his office or lacking any condition of the registration conditions and he has to include his name accompanied by his record number in the table in all the correspondence & the papers that shall be issued by him.

Article (152)

The name of the deceased registration agent shall be omitted from the table pursuant to law by virtue of a death statement. The omission decision shall be issued by the committee & it shall be advised to the inheritors of the deceased to take the required procedures for duly liquidating the activities of the office. In case one of the inheritors requests using the office & the conditions of the agency were available in him, his name shall be entered in the table and he has to submit a new application accompanied by the required documents to the directorate & he shall have to follow the stipulated special procedures for approving his application.

Article (153)

In case of committing any violation of the rules of law or the executive regulations by the agent, the committee or one of its members - through assignment by its head – shall verify the occurrence of the incident that is attributed to the registration agent & prepare a report about the result of investigation with the recommendations.

In case the violation is confirmed, the committee shall decide to stop the agent job for a period of not more than one year. During this period, he shall be banned from submitting any new application & this may not affect the applications that are submitted before the date of imposing the penalty or omitting his name from the table of agents and the agent shall be duly advised of the decision in writing.

The one that the decision is issued regarding him shall have the right to appeal to the decision of the committee before the state council within sixty days from the date of being notified of the decision.

Article (154)

The registration agents may not register any of the commercial & industrial property rights in their personal names except with regard to their activity as agents and the directorate shall have the right to cancel the registration that was made contrary to the rules of this article for prescribed fees to be paid by the agent.

Article (155)

The applications, the certificates, the transactions & the modifications shall be subject to the fees indicated beside each of them:

Fees Type	Fees Value
Mark Registration Application	5000 SYP
Mark Registration	10000 SYP
Mark Registration Renewal Application	5000 SYP
Mark Renewal	10000 SYP for each category
Delaying Mark Renewal	3000 SYP
Assigning Mark Registration Application	2000 SYP
Objection to Mark Registration Application	1000 SYP
Objection to the Directorate Decisions (The Committee)	1000 SYP
Transferring the Ownership of a Mark or Conveyancing it	5000 SYP
Lifting Seizure, Mortgage or Suit Sign; or Stopping the Execution of a Mark	1000 SYP
Recording Licensing using a mark or amending the license to use a mark	5000 SYP
Every other modification (cancellation, changing the name, the address or the representative; modifying or canceling the licensing; or omitting products from a mark	1000 SYP
Certificate, statement or true copy of certificate or any other document or modification	500 SYP
Delaying the registration of any of the other types of modifications	300 SYP for each two months & each mark
Industrial Model Registration Application	4000 SYP for each model
Industrial Model Registration	8000 SYP
Industrial Design Registration Application	4000 SYP for each design
Industrial Design Registration	4000 SYP for each

	design
Application of renewal of an industrial design or an industrial model	4000 SYP for each design or model
Renewal of an industrial model	8000 SYP
Renewal of an industrial design	4000 SYP
Delaying renewal of an industrial design or an industrial model	3000 SYP for each design or model
Assigning the registration application of a design or model	2000 SYP for each design or model
Objection to the registration application of a design or model	1000 SYP for each design or model
Transferring the ownership of a design or model or conveyancing it	3000 SYP for each design or model
Lifting seizure, mortgage or suit mark; or stopping the execution of a design or model	1000 SYP
Recording the licensing to use a model or design or modifying the license	3000 SYP for each design or model
Every other modification of the other modifications of all types with regard to a design or model.	1000 SYP
Delaying the registration of any modification of any type	300 SYP for each design or model for each two months
Certificate, statement or true copy of certificate or any other document or modification	500 SYP
Delaying completion the requirements & the documents of the registration of a mark, a design or a model.	300 SYP per month for /6/ months
Application for temporary protection of a mark, a design or a model	1000 SYP per month
Priority Right	2000 SYP
Application for specifying the criminal objects or seizing the models by the directorate	2000 SYP
Application for seizing the criminal objects or confiscating them by the directorate	2000 SYP
International registration or renewal of a national mark and of all modifications	3000 SYP
Agent license	10000 SYP
Annual fees of agency	5000 SYP
Obtaining a copy of the agent agency	200 SYP

Seventh Chapter

Final Rules

Article (156) The fees of the international application shall be prescribed according to Madrid accord & protocol and the related international treaties through a decision from the minister.

Article (157)

Starting from the effective date of this law, all valid laws & regulations that contradict with its rules shall be null & void.

Article (158)

The executive regulations of this law shall be issued by the minister & he shall issue the decisions he deems necessary for the execution of the rules of this law & its executive regulations.

Article (159)

This law shall be published in the official journal & it shall be deemed effective after (thirty days) from issuing it.

Damascus, on 22/2/1428 AH corresponding to 12/3/2007

President

Bashar Assad

Authentic translation of the attached Arabic text.

Sworn translator