

The Regency Council, Pursuant to article (31) of the Constitution and based on the resolution passed by the Senate and Parliament Houses,
The Council— on behalf of His Majesty the King— enacts and orders the promulgation of the following law as well as the addition of the same to the Laws of the State.

PATENTS & DESIGNS LAW
No. 22 for the Year 1953

CHAPTER ONE

ARTICLE (1)

Name of Law and Commencement of Its Operation

This law shall be called the “Patents and Designs Law for the year 1952” and shall be put into operation after the lapse of one month from its publication in the official gazette.

ARTICLE (2)

Definitions

The following terms and expressions contained herein shall have the meanings assigned thereto unless the context indicates otherwise.

The word “Substance” as related to designs shall mean any manufactured substance either natural or artificial or some of which are artificial and others are natural.

The word “Copyright” shall mean the absolute right to use the design of any type for which a design has been registered.

The word “Kingdom” shall mean the Hashemite Kingdom of Jordan

The word “Court” shall mean the competent Court as determined in this law.

The word “Design” shall mean the patterns, forms, models or graphics used for any material, process or artificial means whether manual, mechanical or chemical either separately or installed in a manner which is admired or appreciated by the naked eye. The word "design" does not include the method or means of manufacturing or any other thing which is only in essence an inventive art.

The word “Invention” shall mean a new product or merchandise or the use of any means discovered, known or applied in a new way for any industrial purpose.

The two words “Inventor and Applicant” shall include the legal representative of the deceased inventor or applicant pursuant to the provisions of this law.

The term “Legal Representative” means the executor or guardian appointed by the Court or the person or persons legally liable to pay the debts of the deceased if there is no executor or guardian.

The term “ Patent” shall mean the patent of invention.

The word “Patentee” shall mean the person whose name is entered in the register as the Patentee.

The term “Patentee Agent” shall mean any person, company or business place engaged in the submission of applications for patents in the Kingdom or any other place against a consideration.

The term “New or Original Design Proprietor “ shall mean:

- a) The person for whom the design is made if the Designer has carried out his work for the account of another against proper consideration.
- b) The Owner of the design or holder of the right of its use if the person possesses the design of the right of absolute use of any substance or otherwise for the purpose and extent for which the design or right of use is possessed.
- c) The Designer in any other case as well as in case of transfer of design ownership or right of its use from the original owner thereof to any other person shall cover the said person.

ARTICLE (3)

Register of Patents & Designs

- 1- A register for patents and designs under this law shall be kept at the Ministry of Trade in Amman or in any other place designated by the Minister of Trade from time to time by virtue of an order published in the official gazette.
- 2- The patents register shall include the names of Patentees, their addresses, transfer notices, licenses, amendments, cancelled patents and other matters which may be determined by a decision issued pursuant to this law.
- 3- The designs register shall include the names of the registered design owners, their addresses, transfer notices, licenses, cancellation of the design registration and other matters that may be designated by a decision issued pursuant to this law.
- 4- The Minister of Trade shall appoint a Registrar for the patents and designs to be known herein as the “ Registrar” who will be assisted by a number of staff and clerks as determined by the Minister.
- 5- The registers of patents and designs shall be deemed evidence to the matters provided for or allowed to be registered under this law in case of the non-availability of a contrary evidence.

CHAPTER TWO
PATENTS
GENERAL PROVISIONS

ARTICLE (4)

The Inventor's Right of a Patent

- 1- Without prejudice to any other conditions provided for herein, the first original inventor of any new invention shall be granted a patent which confers upon him the absolute right to use, exploit, operate, manufacture, produce, prepare and sell such invention or grant licenses to others thereof.

- 2- The Patentees shall be responsible for all invention patents granted under this law without the government's guaranteeing the responsibility for the seriousness, utilization, characteristics or consistency of the invention with the specifications.

ARTICLE (5)

Application for Patent

The first original inventor may submit an application to the Registrar, on the prescribed form, to obtain a patent either severally or jointly with another person or persons.

ARTICLE (6)

Description of Invention

- 1- The description of the invention shall include specifically a description of the type of invention and the manner of application. Such description shall begin with the name of invention and end with a clear definition thereto.

- 2- The Registrar may ask the Applicant to produce the relevant illustrations, samples or specimens of the invention, if it is chemical, either upon the production of the specification or at any time before the acceptance thereof. These illustrations shall be deemed a part of the specifications.

ARTICLE (7)

Provisional Protection

- 1- The Registrar shall verify the conformity of the specifications with the specimen. If he satisfies himself, he shall give the Applicant a written notice indicating that his application is filed upon payment of the fees that may be determined.

- 2- If a receipt for the filing of an application is given, the patent may be used and published within the period between the date of application and the date on which the invention patent is stamped, without prejudice to the patent which is to be granted. This protection is known as the provisional protection.

ARTICLE (8)

Examination and Amendment of Specifications

- 1- The Registrar may, at any time before accepting the specifications, request the Applicant to make any amendment in the application or specifications he deems fit to ensure the compliance with the provisions of Articles 5 and 6 of this law.
- 2- If the Registrar finds that the invention claimed by the Applicant had been previously claimed or its description was included:
 - a) In a specification previously submitted or in a patent previously registered, or,
 - b) In specifications or patent for which an application for its protection or registration has been made and the right of another person shall be predominant to the Applicant in obtaining the patent or registration pursuant to Article (50) of this law (whether or not the applicant's specifications had been accepted or the patent granted).

Then, the Registrar shall advise the Applicant and he may ask him to make the amendments required under the circumstances provided that the Registrar in all respects is not required to conduct any investigation whether the claimed invention had been previously claimed or the description of same is reported or registered as aforesaid.

- 3- If any amendment is made in the application or specifications, the application should be dated with the date on which the amendment was made if the Registrar issues his instructions to do so.
- 4- If the Registrar is convinced that the claimed invention was previously claimed or described :
 - a- In specifications previously submitted or in a patent previously registered, or,
 - b- In specifications or patent for which an application for its protection or registration had been made and the right of another person shall be predominant to the Applicant in obtaining the patent or registration under Article (50) of this law (whether or not the applicant's specifications had already been accepted or the patent had been already granted).

Then, the Registrar will decide whether to publish the contents of the previous specifications in public unless the grounds of objection are removed by amending the specifications in a manner satisfactory to him provided that the Registrar shall reject the invention specifications if he is convinced that such invention had been claimed in its entirety particularly in the specifications which were previously filed.

- 5- The Registrar shall refuse to accept the application and the specifications relating to any invention if he finds that the use of such invention is contradictory to law, contrary to morals or inconsistent with the public interest.

ARTICLE (9)

Application for Patents of Military Significance

If the Registrar finds that the invention described in the application and specifications is related to military equipment or ammunitions or of military significance, he shall refer the application to the Minister of Trade who may, after conducting the investigations he deems proper:

- a- Order not to grant the invention patent if he finds that the public interest requires so.
- b- Order the processing of the transaction provided that the granting of the patent shall be dependent on the conditions pertaining to the granting of a license thereof to the Government or to entitle the government to purchase the invention, as it deems fit.

ARTICLE (10)

Notice of Acceptance

- 1- If the Registrar accepts the specifications, he shall advise the Applicant thereof.
- 2- Upon the Registrar's acceptance of the specifications or when his decisions are appealed pursuant to Article (49), the Registrar shall announce his acceptance and display the application together with the specifications and illustrations, if any, to the public.
- 3- The Applicant shall have the same privileges and rights after the acceptance of the specifications until the relevant patent is sealed or upon the expiry of the term thereof as if the patent was stamped on the date of acceptance of the specifications, provided, however, that the Applicant shall not have the right to take any legal proceedings regarding the infringement upon his invention until he is granted a patent.

ARTICLE (11)

Objection on Granting a Patent

- 1- Any person may, at any time, within two months from the date of acceptance of the specifications, notify the Registrar of his objection for the granting of a patent thereof based on any of the following reasons :
 - a- That the Applicant has acquired the patent from him or from any other person whom is his legal representative.
 - b- That the patent has been claimed in a patent specification of a Jordanian invention whose date precedes the date of the invention subject of the objection or preceding same.

- c- That the claimed patent has been registered by the Objector under any law or legislation which was previously in force.
 - d- That the invention was available for display to the public through publication in a newspaper in the Kingdom prior to the submission of the application.
 - e- That the nature of invention or the manner of its use was not adequately and clearly explained in the specifications.
 - f- That the specifications– if the application was submitted pursuant to Article (50)–describe an invention or claims an invention other than the one for which an application for protection was submitted in foreign countries and that an application for such invention was submitted by the Objector within the period between the date of submission of the application in foreign countries and the date of its submission in the Kingdom.
- 2- If an objection is submitted for the granting of a patent, the Registrar shall notify the Applicant of the objection and the issue shall be finalized after the lapse of two months from the date of submission of the objection and after hearing the statements of the Applicant and the Objector, if they wish to do so.

ARTICLE (12)

Granting and Stamping of the Patent

- 1- If no objection is submitted for granting a patent or if an objection was submitted and a decision for the granting of the patent was issued, the patent shall be granted to the Applicant or Applicants if the application was submitted jointly, after the payment of the prescribed fees. The Registrar shall stamp the patent with the stamp of the Patents Office.
- 2- The patent shall be expeditiously stamped but it shall not be stamped after the lapse of eighteen months from the date of the application provided that the patent may be stamped at the time ordered by the Court or upon the Registrar's decision – as the case may be – if the stamping thereof was postponed for the submission of an appeal or objection.
- 3- If the Applicant passes away before the stamping of the patent and granting the patent to his legal representative, it may be stamped then at any time within twelve months from the date of the Applicant's demise.
- 4- If stamping of the patent is not possible for one of the reasons during the period specified in this article, the period may be extended after paying the specified fees and complying with the established requirements.

ARTICLE (13)

Date of Patent

The patent shall be stamped and dated with the date of the application unless the law expressly provides otherwise provided that no actions are taken in respect of any infringement that took place before acceptance of the specifications.

ARTICLE (14)

Effectiveness, Extent and Form of Patent

- 1- Every patent stamped with the seal of the Patents Office shall be effective all over the Kingdom. However, it shall be pre-requisite for the Patentee to allocate his patent to any place in the Kingdom or part thereof, and the effectiveness thereof shall be as if the patent was originally granted to that place or that part only.
- 2- The patent shall be in the designated form and shall be granted for one invention only. However, the specifications may include more than one claim. Nobody shall have the right to object against a patent under a case or proceedings on the grounds that it was granted for more than one invention.

ARTICLE (15)

Duration of Patent

- 1- The patent shall be valid for sixteen years as from the date thereof unless this law provides otherwise.
- 2- The patent shall be void if the owner thereof fails to pay the prescribed fees within the prescribed period. However, it shall be pre-requisite that the Registrar may, upon the request of the Patentee and payment of the prescribed additional fees, extend the duration of the patent according to the application provided that such period may not exceed three months.
- 3- If proceedings are taken due to infringement upon the patent after the Applicant's failure to pay the fees within the prescribed period and before being extended, the Court before which the proceedings were brought may decline to pass a judgement for the payment of compensations for such infringement.

ARTICLE (16)

Additional Patent

- 1- If a patent is granted for an invention or an application is submitted for the granting of a patent and the patent Applicant or its Owner asks for an additional patent so as to make any improvement or modification therein, he may request that the duration of the additional patent be the same as the duration of the original patent or the remaining period thereof.
- 2- If such an application is submitted a patent may be granted and referred in this law as the "additional invention patent" for the period mentioned as aforesaid.

- 3- The additional patent shall only be effective as long as the original patent is valid and no fees shall be collected for the renewal of the additional patent. However, it shall be pre-requisite that if the original patent is revoked, the additional patent shall stand independent by itself if the Court or Registrar orders so and the fees and dates of payment thereof shall be determined at the date of such patent provided that its duration does not exceed the remaining period of the original patent.
- 4- The granting of an additional patent shall be conclusive evidence that the invention deserves to be granted an additional patent. No objection to the validity of the patent shall be acceptable on the grounds that the invention requires an independent patent.

ARTICLE (17)

Renewal of Expired Patents

- 1- If a patent is cancelled due to the failure of its owner to pay the prescribed fees within the prescribed time, the Patentee may request the Registrar to pass, according to the prescribed manner, an order for the renewal of the patent.
- 2- Every application shall mention the circumstances that led to the failure of payment.
- 3- If it is found in the statement that the non-payment was not deliberate and no delay took place in the submission of the application, the Registrar shall announce the application in the prescribed manner and then anybody shall have the right to submit his objection to the Patents Registrar within the prescribed period.
- 4- If such an objection is made, the Registrar shall advise the Applicant thereof.
- 5- After the lapse of the prescribed period, the Registrar shall hear the case and issue his order to renew the patent or reject the application.

ARTICLE (18)

Amendment of Specifications

- 1- The Applicant or Owner of the patent may at any time submit a written application to the Patents Registrar to allow him to make amendments to the specifications of his invention including the illustrations which form a part thereof either by transferring any right to him therein, correcting or clarifying same provided that the type of amendments to be made as well as justifying reasons thereto are mentioned.
- 2- The application and the amendments to be made shall be announced in the prescribed manner. Any person may submit an objection to the Patents Registrar within one month from the date of its first publication.

- 3- If such an objection is made, the Registrar shall notify it to the Applicant, hear the case and finalize same.
- 4- If no notice of objection is filed or if the Objector fails to appear, the Registrar will decide whether to allow the amendment and determine the conditions to be observed, if any.
- 5- No amendment shall be allowed which would make the amended specifications cover a more extensive invention than that shown in the specifications before being amended or significantly differ therefrom.
- 6- The permission of amendment shall be deemed concluded in respect of the party allowed to make the amendment unless there is a fraud. The amendment shall be announced in the prescribed manner and shall be deemed a part of the specifications.

However, it shall be pre-requisite that the Court shall have the right to consider the amended specifications upon its interpretation thereof as if they were accepted and announced.

- 7- This Article shall not be applied as long as there is an infringement case or proceedings that are still pending before the Court for the cancellation of the patent.

ARTICLE (19)

Amending the Specifications by the Court

In any infringement case filed against a patent or any proceedings taken for the cancellation of a patent, the Court may allow the Patentee to amend the specifications of his invention in the manner it deems fit and subject to the conditions determined for the payment of the Court's expenses, publication and other matters.

However, it shall be pre-requisite that no such amendment which would make the amended specifications cover an invention that differs in substance from the invention mentioned in the specifications prior to its amendment shall be allowed. If an application is submitted in this respect, it will be reported to the Registrar who is entitled to appear before the Court and plead. He shall also appear upon the Court's request.

ARTICLE (20)

Damages

If the specifications are allowed to be amended pursuant to this law, no damages shall be paid under any case pertaining to the use of the invention before the date of the decision which provides for permitting the amendment unless the Patentee proves that his original claim was filed in good faith and reasonable skill and knowledge.

ARTICLE (21)

The Invention's Display Does not Prejudice the Right of Obtaining the Patent

The display of any invention in any industrial or international fair or the publication of details thereon during the period of the fair or its use in the affairs of the fair and at its venue or used during the period of holding the fair by any person in any other place without securing the inventor's approval or reading a letter from the inventor about the invention before a scientific body or the publication of such letter as one of the activities of such body shall not diminish the inventor's right to apply for and obtain a patent or of the validity of every other patent which was granted on the basis of this application provided that :

- a- The Exhibitor before the display of the invention, the person who recites the letter or the person who is allowed to publish the invention details should forward to the Registrar the established notice stating therein his wish to display the invention, recite or publish a letter thereon.
- b- The application for the patent is submitted before the opening date of the fair, reciting or publishing the letter or within six months from that date.

ARTICLE (22)

Compulsory Licenses and Cancellation of Patent

- 1- Any concerned party shall have the right to submit a petition to the Registrar stating therein that the reasonable requirements of the public to any registered invention are not realized and to request either a compulsory license thereof or cancellation of the patent issued thereon.
- 2- The Registrar shall review the petition and if it appears that the parties did not agree between themselves and he discovers that the submitted case is reasonable , he shall refer the petition to the Court of Cassation in its capacity as a Supreme Court of Justice.
- 3- If the Registrar refers the petition to the Court which ascertained that the reasonable needs of the public with respect to the registered invention are no longer existing, the Court may order the Patentee to grant licenses of its use according to the conditions it deems fit. If it discovers that reasonable requirements of the public to the granting of licenses are not fulfilled, it shall issue an order for the cancellation of patent.

However, it shall be pre-requisite that the Court may not issue an order pursuant to this Article before the lapse of three years from the date of granting the patent even if the Patentee submits justified reasons for his default.

- 4- Upon considering any petition pursuant to this Article, the parties to the proceedings shall be the Patentee and any person claiming the right of patent in his capacity as the sole owner of the license or in any other capacity. The Attorney General shall have the right to submit his pleading.
- 5- In fulfillment of the purpose of this Article, the reasonable public needs shall not be deemed realized:

- a- If any trade, industry or a new commercial or industrial firm in the Kingdom sustains unjust damage or if the demand on the patented item or the item reasonably generated out of the current work pursuant to the patent, not met, due to the failure of the Patentee to produce sufficient quantity of such item and displaying of same under reasonable conditions.
- b- If any trade or industry in the Kingdom sustains unjust damage due to the conditions formulated by the Patentee for the purchase of the patented item, use of same or use of the process for which a patent has been granted.
- 6- The order issued by the Court for the granting of a license under this Article shall be effective as if it has been included in a legal license made between the parties in the proceedings.

ARTICLE (23)

Cancellation of Patent

- 1- The cancellation of the patent may be obtained by submitting an application thereof to the Court of Cassation in its capacity as a Supreme Court of Justice.
- 2- An application for the cancellation of any patent may be submitted by :
 - a- Chief Public Prosecutor , or
 - b- Any other person who claims :
 - i) That the patent was acquired through fraud against the rights of the petitioner or the right of any person who claims on his behalf or through him, or,
 - ii) That the petitioner or any person claiming on his behalf or through him to be the actual inventor of the patent mentioned in the Patentee's claim, or,
 - iii) That the petitioner or any other person who claims his share on his behalf or through him in any trade, work, manufacturing plant, used or sold in public in the Kingdom before the date of the patent some thing which the Patentee claims to have been invented by him.

LEGAL PROCEEDINGS

ARTICLE (24)

Hearing the Case with the Expert

- 1- Upon hearing any case instituted or proceedings made due to an infringement against a patent or its cancellation, the Court may seek the assistance of an Expert if it deems fit.
- 2- The Court shall determine the remuneration (if any) to be paid to the Expert pursuant to this Article and shall be paid in the specified manner.

ARTICLE (25)

Injunction

The Plaintiff in a patent infringement case may request the issue of an injunction for the use of the patent and obtain damages.

However, it shall be pre-requisite that the Patentee may not obtain damages due to an infringement on a patent, granted after the operation of this law, by any Defendant where it is established that on the date of occurrence of such infringement, he was not aware of the existence of the patent.

MISCELLANEOUS PROVISIONS

ARTICLE (26)

Provisions Relating to the Anticipating the Patent's Publication

Any patent may not be deemed illegal because the invention for which a patent or a part thereof has been granted was published before the date of the patent if the Patentee proves to the Court that the publication was made without his knowledge and consent and the published materials were taken from him and that had he known of the publication thereof prior to the date of the patent application, he would have requested the protection of his invention and exerted every effort to this effect after hearing of the announcement and obtained same .

ARTICLE (27)

Patent and Application of the Legal Representative

- 1- If the person claiming the patent passes away without submitting an application to obtain a patent of his invention, his legal Representative may submit an application to obtain the patent, and such patent may be granted to him.
- 2- Every such application shall include a declaration from the legal representative stating that the deceased is the original real inventor.

ARTICLE (28)

Loss or Damage of Patent

If a patent is lost or damaged or the Register is satisfied with the reasons for not producing it, he may issue a second stamped copy thereof at any time.

ARTICLE (29)

Publication of Application and Specifications in the Official Gazette

The Registrar may at any time publish the description and specifications of the patent in the official gazette or in any other newspaper he designates at the expense of the Patentee.

CHAPTER THREE DESIGNS

ARTICLE (30)

Designs Registration Application

- (1) The Registrar may, based on an application submitted to him, according to the prescribed form and manner, by any person claiming to be the proprietor of a new or original design which was not previously published in the Kingdom, register the design pursuant to this Chapter.
- (2) The same design may be registered in respect of more than one class and, in case of doubt as to the class in which a design ought to be registered, the Registrar shall decide on this matter.
- (3) The Registrar may, if he thinks fit, refuse to register any design presented to him for registration and shall refuse to register any design if he believes that its use will violate the law, morals or public interest.
- (4) Every application which is not followed up in a manner which would enable its registration within the prescribed time due to the default or negligence of the registration Applicant shall be considered abandoned.
- (5) If any design is registered, the date of its registration shall be considered the date of submission of the registration application.

ARTICLE (31)

Registration of Designs for New Classes

Where a design is registered for one class of products or more, the application of the design owner to register same in another class whether for one class or more shall not be refused and the registration shall not be considered incorrect:

- 1- Because the design is not new or original due to its previous registration in this manner, or,
- 2- Because the design was previously published in the Kingdom due to its use for any class of products for which it was previously registered.

It shall be prerequisite that every such subsequent registration shall not extend the period of copyright in respect of the design for more than the period ensuing from the first registration.

ARTICLE (32)

Certificate of Registration

- 1- The Registrar shall grant a certificate of registration to the Owner of the design after registration.
- 2- The Registrar may issue one copy of the certificate or more to the Owner of the design if the original certificate is lost and in any other case where the Registrar deems it reasonable.

ARTICLE (33)

Design Copyright upon Registration

- 1- When a design is registered, the registered Owner of the design shall be granted the copyright in respect of the design for a period of five years from the date of registration with due observance to the provisions of this law.
- 2- If an application is submitted to the Registrar at the prescribed time before the lapse of the aforesaid five years in the prescribed manner for the extension of the period of the copyright, the Registrar may, upon payment of the prescribed fees, extend the period for another five years from the date of termination of the first five years.
- 3- If an application is submitted to the Registrar at the prescribed time before the termination of the second five years in the prescribed manner for the extension of the period of the copyright, the Registrar may, considering any regulation issued pursuant to this law and after paying the prescribed fee, extend the period for a third five years from the expiry date of the second period.

ARTICLE (34)

Requirements before Offering the Materials for Sale

The design Owner, before offering for sale any materials for which a registered design has been used, shall:

- a- Submit to the Registrar the prescribed number of copies and specimen of the printed design, if they were not submitted upon requesting the registration and if he fails to do so, the Registrar may cross out his name from the register, whereupon his copyright in the design shall stand void.
- b- Brand the article with the specific mark, words or numbers which indicate the registration of the design. If the Owner of the design fails to do so, he shall not be entitled to recover any fine or obtain damages due to any infringement upon his copyright in the design unless he shows that he had taken all the necessary measures to ensure the branding of the article or that the infringement occurred after the infringer's knowledge of the copyright or his receipt of a notification thereof.

ARTICLE (35)

Review of the Registered Designs

- 1- It shall not be permissible to review a design during the validity of a copyright or within a period not less than two years from the date of registration of the design as may be prescribed, except to its owner or the person authorized in writing by him, Registrar or the Court.

However, it shall be pre-requisite that if the registration of a design is refused due to its similarity to a previously registered design, the registration Applicant shall have the right to examine and inspect such registered design in the aforesaid manner.

- 2- After the lapse of the copyright period in the design or the above-mentioned shorter period, the design may be inspected and copies thereof taken after payment of the prescribed fee.
- 3- Different periods may be prescribed, pursuant to this article, for various classes of goods.

ARTICLE (36)

Cancellation of Design Registration

- 1- Any concerned party may apply to the Registrar at any time after the design registration in order to cancel the registration on the basis of one of the following two reasons:
 - a) Because the design was published in the Kingdom before the date of its registration.
 - b) Because the design was used for goods being manufactured in foreign countries and was not used for products manufactured in the Kingdom to the reasonable extent required under the circumstances.
- 2- If the Registrar thinks that the application is premature, he may postpone it and order also the granting of a compulsory license instead of canceling the registration or he may refer the application, at any time, to the Court of Cassation, in its capacity as a Higher Court of Justice, for trial.

ARTICLE (37)

Piracy of Registered Design

- 1- During the period of copyright of any design, no one may :
 - a- Print, for the purpose of sale, such a design or any apparent imitation or forgery on any material of any class of goods for which the design is registered except with the consent or written permission of the registered Owner, or to carry out some thing with the intention of using the design in such a manner, or ,
 - b- Advertise such article or offer it for sale with the knowledge that the design, any apparent or forged imitation thereof has been printed on any article without the consent of the Owner of the registered design.
- 2- Any one who violates this Article shall expose himself in every violation to pay an amount not exceeding fifty Dinars to the Owner of the registered design as an agreed upon damages. If the registered Owner opts to institute a lawsuit in order to obtain damages for this violation and to have the Court issue an injunction to prevent him from its use, he shall be obligated to pay the damages adjudged by the Court and shall be prevented from using such design.

However, it shall be pre-requisite that the total sum collected as an agreed upon damages, in respect of any design, shall not exceed one hundred Dinars.

CHAPTER FOUR GENERAL PROVISIONS

ARTICLE (38)

Government's Right to Use the Patent

Every patent shall have the same effect towards the Government of the Kingdom as that towards any other person.

However, it shall be pre-requisite that any Ministry may use any patent under the conditions to be agreed upon between itself and such Patentee subsequent to the Minister of Finance's approval or under the conditions determined by the Minister of Justice or the Arbitrator he selects thereto upon none agreement.

ARTICLE (39)

Access to Records and Taking Extracts Thereof

The public shall have access at all reasonable times, to every register kept pursuant to the law and observance of its provisions. Attested and stamped copies with the seal of the Patents Department on every entry recorded in that register shall be given after the payment of the prescribed fees.

ARTICLE (40)

Banning the Publication of the Specifications and Illustrations

- 1- If a patent application has been abandoned or has become invalid, the public may not have access to the specifications and illustrations (if any) attached to the application and the Registrar may not publish same unless the law provides otherwise.
- 2- If a design application has been abandoned or rejected, the public may not have access, at any time, to any illustrations, photographs, marks or specimen related to the application and the Registrar may not publish same.

ARTICLE (41)

Registrar's Power to Correct the Clerical Errors

The Registrar, upon the submission of a written application thereof accompanied by the prescribed fee, may:

- a- Correct any clerical error in the patent application, in respect thereof or any patent or specifications.
- b- Cancel the registration of any design either completely or in respect of a specific class of goods for which the design was registered.

- c- Correct any clerical error in the design photograph or in the name or address of the Patentee or the Owner of a design or any other matter entered in the registers of patents or designs.

ARTICLE (42)

Entry of Transactions of Transfer and Devolution in Registers

- 1- If a person becomes entitled to a patent or a copyright in a registered design or any other right therein through transfer, devolution, under a license or by virtue of the law, he must submit an application to the Registrar to register his right and the Registrar may register him as a Patentee of such invention or design if he is satisfied of the correctness of such right as well as insert in the register the title deed or the deed which substantiates such right.
- 2- The person registered as a Patentee or Owner of a design shall have the absolute power to transfer the patent or design or to grant licenses or disposal thereof in the manner he deems appropriate, give legal receipts for any consideration he collected in return for the transfer, license or disposal with due observance to the provisions of this law and any rights which show in the register to entitle any other person.
- 3- The Court shall not accept any document or contract, in the course of evidences, which was not inserted in the register according to the provisions of paragraphs “1” and “2 “ to substantiate the patent title, copyright in a design or any other right therein unless the Court orders otherwise. The applications submitted pursuant to the following Article shall be excluded.

ARTICLE (43)

Correction of Registers by the Court

- 1- The Court of Cassation in its capacity as a Supreme Court of Justice may, upon the request of any person who claims to have sustained injustice due to the non-insertion of an entry in the patents or designs register without a sufficient reason, due to the deletion of any entry from one of these two registers, due to an erroneous entry in one of them or due to an error or shortage in such entry, order the insertion, crossing out or amendment of such entry.
- 2- The Court may, in any pending proceedings pursuant to this Article, finalize any question related to the correction of the Register where it deems necessary or appropriate to finalize.
- 3- The specific notice in respect of submission of an application pursuant to this Article shall be sent to the Registrar who shall be entitled to appear before the Court and give his statement in this respect. He must appear if the Court orders so.
- 4- Every decision issued by the Court on the correction of the register should refer to the necessity of serving notice of the correction upon the Registrar in the

prescribed manner and the Registrar should correct the register accordingly upon his receipt of this notice.

ARTICLE (44)

Expenses

The Registrar may, in the proceedings brought before him pursuant to this law, order the payment of the expenses to any party at his discretion and to show how they will be paid as well as the party charged with the payment thereof.

ARTICLE (45)

Testimony before the Registrar

- 1- With due observance to the decisions issued pursuant to this law, the testimony shall be heard in any proceedings brought hereunder before the Registrar by an affidavit under oath in the absence of instructions to the contrary. However, the Registrar may, if he finds that the hearing of the oral testimony is proper instead of the written testimony or in addition thereto, permit the questioning of any witness.
- 2- The Registrar, upon hearing a part of the oral testimony, shall have all powers of the Justice of the Peace in connection with obligating the witnesses to appear and the like matters.

ARTICLE (46)

Considering the Registrar's Testimony as Evidence

The certificate issued by the Registrar in connection with any entry, matter or thing which the law permits the recording thereof, its carrying out or insertion in the register as well as the context thereof and the carrying out of the matter or thing or the none carrying out of same shall be considered as an evidence unless the contrary is substantiated.

ARTICLE (47)

Declaration of Minor and Insane, etc.

If any person fails to make any declaration or to take any action required or permitted under this law because he has not reached the age of maturity, being, mentally disturbed or due to any other disability, his guardian, attorney or any other person who is lawfully or legally authorized may make such declaration or any other similar declaration to the extent permitted under the circumstances as well as do the needful on behalf of that person with due observance to his disability.

ARTICLE (48)

Register of Patent Agents

- 1- No one may carry out the profession of patents agent or introduce himself as patents agent or describe himself as such unless he is registered in the register of patent agents as a patents agent.
- 2- Anyone who violates the provisions of this Article shall be penalized by a fine not exceeding twenty Dinars.

- 3- Nothing in this Article prevents the persons who are licensed to practice the profession of Attorneys-At-Law in the Kingdom to file any documents with the Patents and Designs Registration Department, to appear in any proceedings or upon review of any application on behalf of another person.
- 4- The register of patent agents shall be kept with the Registrar who shall be entitled to collect the prescribed fee for each registration.

ARTICLE (49)

Appeal

- 1- The infringement cases on patents and copyrights of designs shall be within the competence of the Court of First Instance.
- 2- The Registrar's decisions shall be appealed to the Court of Cassation in its capacity as a Supreme Court of Justice on any of the following matters.
 - a- Rejection of the specifications of an invention.
 - b- The decision taken by him on the objection to the granting of a patent.
 - c- Rejection of the application for the renewal of a patent.
 - d- The orders issued for amending the specifications or patents.
 - e- Rejection of registration of a design.
 - f- The order issued upon the application submitted for the cancellation of registration of a design.
 - g- Every such appeal shall be submitted by a statement of appeal to the Court's Secretariat from the date of the Registrar's decision.

ARTICLE (50)

Granting of Patents or Registration of Designs Pursuant to International Conventions

- 1- If any agreement is concluded with the government of any foreign country for the exchange of protection of patents and designs, any one who applies for the protection of his invention or design in the countries of such States, his legal representative or the assignee shall then have the right to obtain a patent or registration of the design pursuant to this law in a distinctive manner from other applicants. The patent or registration shall have the same date in which the application was submitted in the foreign countries, provided that :
 - a- The application of patent should be submitted within twelve months and the application for the design registration within six months

from the date on which the application for protection in the foreign countries was submitted.

- b- No provision in this Article shall be considered to entitle the Patentee or Owner of the design to obtain damages for any infringement that took place before the actual date in which the specifications of his invention were accepted or in which his design was registered in the Kingdom.
- 2- The granted patent and the registered design shall not be annulled:
 - a- Due to the mere publication of the invention's description or its use if the issue pertains to the patent, or,
 - b- For the mere display, use, publication, description or illustration of the design in the Kingdom within the period specified in this Article for the submission of application if the issue pertains to the design.
- 3- The application for the granting of a patent or for the registration of a design shall be submitted pursuant to this Article in the manner in which the ordinary application is submitted pursuant to this law.
- 4- The provisions of paragraphs 1, 2, and 3 of this Article shall be valid only towards foreign countries where the Minister of Foreign Affairs declares the validity of same towards them by a notice published in the official gazette and shall remain valid in respect of every such foreign country throughout the period of operation of the notice issued in respect of such country.

ARTICLE (51)

Formulation of Special Provisions in Respect of Vessels, Planes and Vehicles

- 1- With due observance to the provisions of this Article, no infringement shall be deemed to have occurred on the Patentee 's rights:
 - a- If the registered invention is used in the hull, machinery, equipment or parts of a foreign ship where the ship had arrived to the coastal waters of the Kingdom either temporarily or casually only and the invention was being used only in the actual requirements of the ship.
 - b- If the registered invention has been used in the construction or operation of a foreign plane or vehicle or its parts and such plane or vehicle had arrived to the Kingdom temporarily or casually only.
- 2- This Article shall only be applicable to ships, planes and vehicles belonging to the foreign country where the Minister of Foreign Affairs announces by a notice in the official gazette that the laws and legislation thereof grant similar rights with

respect to the use of inventions in ships, planes and vehicles belonging to the Kingdom upon their arrival to such foreign countries or the coastal waters thereof.

- 3- In fulfillment of the targeted purpose of this article, the ships and planes shall be considered to be the ships and planes of the country in which they were registered.
The vehicles shall be considered to be the country's vehicles where the owners thereof are usually domiciled.

ARTICLE (52)

Patents and Designs Registered before the Operation of this Law

Any patent or design which is registered in the date of operation of this law pursuant to any previously effective law or legislation shall be considered effective and valid as from the effective date of this law as if it has been granted or registered pursuant to this law and the provisions of this law shall be applicable thereon under all cases.

However, it shall be pre-requisite that the period during which the granting of the patent or design registration shall be valid does not exceed the period during which the granting or registration was valid under the law of the country where the patent or design registration is originally granted.

ARTICLE (53)

Crimes

- 1- Any person who enters a false entry or causes the entry of same in any register kept pursuant to this law, executes or causes to execute an instrument which fraudulently denotes that it is a copy of any entry in such register or produces upon testimony, any such instrument whilst knowing of the none validity of the entry or instrument, shall be penalized by imprisonment for a period not exceeding one year or a fine not exceeding one hundred Dinars or by both penalties.
- 2- Any one who fraudulently claims that the article he sold is patented or describes falsely any design marked on any article he sold as being a registered design shall be penalized by a fine not exceeding ten Dinars.
- 3- Any one who sells an article on which it has been engraved inscribed or printed the phrase "Patent" or "Patented " or the word "Registered" or any other terms and words denoting that the article is registered or the design marked thereon is registered shall be deemed to be fulfilling the targeted intention of such an article and that it is a description of such an article as being registered pursuant to a patent or the design printed thereon is registered (sic.).
- 4- Any one who places the word: "Registered " on any article of which the design, any word or other words are printed which indicate that the rights of such design are reserved after the expiry date of the design rights or causes same shall be penalized by a fine not exceeding twenty-five Dinars.

- 5- The competent Court for hearing any crime which was committed in violation of this article shall be the Court of First Instance located in the venue where the crime or the act which forms part thereof took place, place of residence of the suspect or one of the suspects or the place where he conducts his business.
- 6- Nothing in this Article prevents any person who sustains injustice or damage due to any action on which this Article applies from taking the measures to ensure his rights either by issuing a cautionary order or obtaining damages for the damages he sustained whether or not he was notified of same or take any measures which would lead to the penal trial of the suspect under this Article against the action that caused such measures or meant to lead thereto.

ARTICLE (54)

Decisions

- 1- The Council of Ministers may pass decisions to implement the following matters with due observance to the provisions of this law:
 - a- To regulate the registration pursuant to this law.
 - b- To classify the goods in respect of the fees
 - c- To make or request a second copy of the specifications, illustrations and other documents
 - d- To ensure and regulate the publication of the specifications, illustrations and other documents as well as organize the publication and sale thereof at the prices it deems fit.
 - e- To ensure, regulate the production, printing, publication and sale of indices and summaries of specifications and any other documents in the Patents Registration Department as well as provide for examining the indices, summaries and other documents.
 - f- To regulate the keeping the register of Patent Agents pursuant to this Law.
 - g- To determine the fees payable for the granting of patents, design registration, applications submitted in respect thereof and other matters related to the patents and designs pursuant to this law.
- 2- The decisions issued pursuant to this Article shall be published in the official gazette.

ARTICLE (55)

Cancellation

All Ottoman legislation and all Jordanian and Palestinian laws and regulations pertaining to the registration of patents and designs which were promulgated prior to the enactment of this law shall be rescinded.

ARTICLE (56)

The Prime Minister and Minister Trade are charged with the implementation of the provisions of this law.

30th December 1952

Abdul Rahman
Rushaidat

Sulaiman Abdul
Razzak Touqan

Ibrahim Hashem

Minister of Trade
Khalousi AL-Khairi

Prime Minister
Tawfiq Abu Al-Huda