



## JORDAN

### Trademark Law no. 33 of 1952

#### Article (1): Title and Effective Date

This Law shall be cited as the "Trademarks Law of 1952" and shall come into effect after the lapse of one month as of the date of its publication in the Official Gazette.

#### Article (2): Definitions

The following terms and expressions, wherever used in this Law, shall have the meanings hereunder assigned to them, unless the context provides otherwise:

The Ministry: The Ministry of Industry and Trade.

The Minister: The Minister of Industry and Trade.

The Registrar: The Trademarks Registrar.

The Register: The Trademarks Register.

The Trademark: Any visible sign used or to be used by any person to distinguish his goods, products or services from the goods, products or services of others.

The Famous Trademark: The trademark of international renown whose fame exceeded the country of origin in which it was registered, and which gained fame in the concerned sector of the public in the Hashemite Kingdom of Jordan.

The Collective Trademark: The sign used by a corporate person to verify the origin of goods not manufactured by same, or the materials from which they were manufactured, their quality, the method of their production, their manufacturing precision or other qualities and characteristics of the aforementioned.

#### Article (3): The Trademarks Register

For the purposes of this law there shall be a register kept under the supervision of a Registrar, to be appointed by the Minister of Commerce, which shall be called the Trademarks Register, wherein shall be entered all registered trademarks, with the names and addresses of the owners, description of their goods, notices of assignments, transfers and

transmissions, their relevant conditions and limitations, and all such other matters relating to such trademarks, as he may from time to time prescribe.

#### Article (4): Merger of The Existing Register

The trademarks register existing at the date of the coming into force of the present law shall be merged into, and shall form a complementary part of the register provided for in the preceding Article. Subject to the provisions of Article 30 of this law, the validity of the original entry of any entry, and such trademark shall retain its original date, but for all other purposes it shall be deemed to be a trademark registered under this law.

#### Article (5): Inspection of the Register & Obtaining Extracts

The Register kept under this law shall at all convenient times be open to inspection by the public, subject to such regulations as may be prescribed. A certified copy of any entry in such register shall be given to any person requesting the same after payment of the prescribed fee.

#### Article (6): Request to Register a Trademark

A person desiring to have the exclusive use of a trademark for distinguishing goods of his own production, manufacture, selection, or in respect of which he issued a certificate, or goods in which he trades or intends to trade, may apply for the registration of such trademark in accordance with the provisions of this law.

#### Article (7): Trademarks Eligible For Registration

1. Trademarks which may be eligible for registration must consist of characters, devices or marks or a combination of these things which has a distinctive character.
2. For the purposes of this Article, 'distinctive' shall mean applied in a manner which secures distinguishing the goods of the proprietor of the trademark from those of other persons.
3. In determining whether a trademark has a distinctive character as mentioned herein before, the registrar or the court may, in the case of a trademark in actual use, take into consideration the extent to which such use has rendered the trademark in fact distinctive for the goods in respect of which it is registered or is intended to be registered.
4. A trademark may be limited in whole or in part to one or more particular colours. In such instance, the fact that the trademark is limited to such colours shall be taken into consideration by the registrar or the court when deciding on the distinctiveness character of such trademark. If and so far as a trademark is registered without limitation to colour, it shall be considered to be registered for all colours.
5. The registration of a trademark should be restricted to particular goods or a specified class of goods.
6. Any disagreement arising as to the class to which any goods belong shall be determined by the registrar, whose decision shall be final.

## Article (8): Marks which may not be Registered as Trademarks

The following may not be registered:

1. Marks which resemble the emblem of His Majesty the King or royal crests or the word royal or any other words, characters or representations which may lead to the belief that the applicant enjoys royal patronage.
2. The emblem or medals of the Hashemite Kingdom of Jordan or those of foreign states or countries unless with the authorization of the competent authorities.
3. Marks indicating any official designation unless the application of which is demanded by the competent authorities to whom such mark belongs or its under their supervision.
4. Mark which resemble the national flag or the military or naval banners of the Hashemite Kingdom of Jordan or its honorary decorations or insignia or the national, military or naval banners.
5. Marks which include the following words and expressions: "patent", "patented", "by royal patent", "registered design", "copyright", "counterfeiting is forgery", or similar words or expressions.
6. Marks which are contrary to the public order or morality or which lead to deceiving the public, or marks which encourage unfair trading competition or contain false indications as to their real origin.
7. Marks comprised of numbers, letters, or terms normally used in trade to distinguish goods types and classes or marks which describe the type, variety or words which usually indicate a geographical meaning, or surnames unless presented in a special manner, provided that the aforesaid in this paragraph does not prohibit the registration of marks which are of the nature described herein shall have a distinctive characteristic in pursuance to the meaning specified in paragraphs (2) and (3) of Article 7.
8. Marks identical or similar to any emblem of religious significance.
9. Marks which contain the picture, name of the trade name of a person, or the name of a body corporate or of an association, unless the consent of the person or body corporate concerned has been obtained. In the case of persons recently dead, the registrar may ask for consents of their legal representatives.
10. A mark identical with one belonging to a different proprietor which is already entered in the register in respect of the same goods or class of goods for which the mark is intended to be registered, or so closely resembling such trademark to the extent that it may lead to deceiving third parties.
11. Marks which are similar to or identical with the insignia of the Red Crescent or the Red Cross on a white background or the insignia of the Red Cross or the Cross of Geneva.

## Article (9): Name or Description of Goods

Where the name or description of any goods is incorporated in a trademark, the registrar may refuse to register such mark in respect of any goods other than the goods so named or described. Where the trademark incorporates the name or description of any goods which varies

in use, the registrar may permit the registration of the mark incorporating the name or description in respect of goods other than those named or described and even the applicant points out in his application that a difference in the name or description exists.

#### Article (10): Collective Trademark

1. The Registrar may register a collective trademark if it meets the description set in paragraph (1) of Article (7) of this Law. It shall be considered a trademark in all respects belonging to the corporate person for whom it was registered.
2. Transferring the title of the collective trademark, its re-registration after its cancellation, or the abandonment of its use shall not be permissible unless same is achieved in the name of the corporate person in 'a hose name it as originally registered or the name of his legal successor.
3. A mark may be registered for non—commercial purposes such as the emblem of a public benefit commission, or the emblem used by a vocational institution to distinguish its correspondence, or to become a badge for its members. Such marks shall be treated as collective marks.
4. Conditions of registering collective marks and the rest of the regulatory issues related thereof shall be set in pursuance to regulations issued by the Minister for this purpose and shall be published in the Official Gazette.

#### Article (11): Trademark Registration Application

1. Any person claiming to be the proprietor of a used or proposed to be used trademark who is desirous of registering such trademark shall apply in writing to the registrar in the prescribed manner.
2. Subject to the provisions of this law, the registrar may refuse such application or may accept it absolutely or subject to conditions, amendments or modifications as to the mode or place of use of the trademark or as to other aspects.
3. A rejection by the register to register a trademark shall be subject to appeal to the high court of justice.
4. The register or the high court of justice, as the case may be, may at any time, whether before or after acceptance, correct any error in connection with any application, or may ask the applicant to amend his application upon such terms as the registrar or the high court of justice may deem fit to impose.

#### Article (12): Waivers

If a trademark incorporates matters in common use in the trade or otherwise is neither in such common use nor has an obvious feature, the registrar or the high court of justice may require, in deciding whether such trademark shall be entered or shall remain entered in the register, as a condition for maintaining its entry in the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trademark, or of all or any portion of such matters, to the exclusive use of which the registrar or the court holds him not to be entitled, or that he

shall make such other disclaimer as the registrar or the court may consider needful for the purpose of defining the rights of the proprietor of the trademark under such registration, provided always that no disclaimer by the proprietor of the trademark entered in the register shall affect any of his rights except to the extent resulting from the registration of the trademark in respect of which the disclaimer is made.

#### Article (13): Publication

When accepting an application for the registration of a trademark, whether such acceptance be absolute or subject to conditions or limitations, the registrar shall, as soon as possible after such acceptance, cause the application in the manner in which it has been accepted to be published in the prescribed manner. Such publication shall include all the conditions and limitations subject to which the application has been accepted.

#### Article (14): Opposition to the Registration

1. Any person may within three months as from the date of the publication of an application for the registration of a trademark, or within such other time as may be prescribed, file with the registrar a notice of opposition to the registration of such trademark. In the case of applications published before the coming into force of this law, the period within which and the manner in which the notice of opposition thereto may be filed shall be governed by the provisions of the trademarks law in force on the date of publication.
2. A notice of opposition shall be given in writing in the prescribed manner and shall include a statement of the grounds for the opposition.
3. The registrar shall send a copy of such notice of opposition to the applicant who shall, within the prescribed time after the receipt of such notice, send to the registrar in the prescribed manner a counter statement including the grounds on which his application for the registration of the trademark is based. If he fails to do so, he shall be deemed to have abandoned his application.
4. If the applicant sends a counterstatement, the registrar shall furnish a copy thereof to the person or persons opposing the registration, and shall after hearing the parties, if necessary, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.
5. On hearing any such appeal, any party may, either in the manner prescribed or by special leave of the high court of justice, bring forward further evidence for the consideration of the high court of justice.
6. In the course of an appeal under this Article, no further grounds for the opposition to the registration of a trademark shall be demonstrated by the opponent or the registrar other than those stated by the opponent as herringbone provided, except by leave of the high court of justice hearing the appeal. Where any further grounds of opposition are taken, the applicant shall be entitled, after having been notified of such action in the prescribed manner, to withdraw his application without payment of the

costs incurred by the opponent.

7. Upon examining any appeal made under this article, the high court of justice may, after hearing the registrar, permit the applied trademark to be modified in any manner not substantially affecting the identity of such trademark. In such a case, the trademark so modified shall be published in the prescribed manner before being registered.

#### Article (15): Date of Registration

1. If the application for the registration of a trademark was accepted and has not been opposed, and the prescribed time for opposition expires, or having been opposed and the opposition has been decided in favor of the applicant, the registrar shall register the said trademark, on receiving payment of the prescribed fee, and unless the application has been accepted in error or unless the court otherwise directs. The trademark shall then be registered as from the date of the application for registration.

2. In the case of an application filed in compliance with the provisions of Article 41 of this law, the trademark shall be registered as from the date of application for registration in the foreign country, and such date shall be deemed for the purposes of this law to be the date of registration.

3. On the registration of a trademark the registrar shall issue to the applicant a certificate of the registration of such trademark in the prescribed form.

#### Article (16): Registration Non-Completion

Should the registration of a trademark not be completed within twelve months from the date of application as a result of the negligence of the applicant, the registrar may, after giving notice of the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless completed within the time specified by the registrar in that notice.

#### Article (17): Rival Claims to Identical Trademarks

Where separate applications are made by different persons to be registered as proprietors respectively of trademarks which are identical or closely resemble each other, in respect of the same goods or description of goods, the registrar may refuse to register any of such persons until their rights in respect of such trademarks have been established either.

1) Through reaching an agreement between them which meets with the approval of the registrars, or

2) Through the high court of justice that the registrars refer to when such agreement can not be reached.

#### Article (18): Concurrent Use of a Trademark

1. In a case of honest concurrent use of a trademark or under circumstances which in the opinion of the registrar make proper the registration of the same trademark in the name of more than one person, the registrar may permit the registration of such a trademark or any

trademarks which closely resemble it, for the same goods or class of goods in the names of more than one person, subject to such conditions and limitations as he may think fit to impose as to the mode or place of use or other respects.

2. A decision of the registrars under this Article may be appealed to the high court of justice, and the court shall on appeal have the same powers as are by this Article conferred upon the registrar.

3. An appeal under this Article shall be submitted within thirty days as from the date of the decision of the registrar.

#### Article (19): Disposal of the Trademark

1. The title of a trademark may be transferred, relinquished or mortgaged without transferring the title of the business using the trademark to distinguish his goods or relinquishing or mortgaging it. Seizure of a trademark may also be done independently of the business.

2. The title of a trademark shall be transferred along with the transferal of the business if it is closely connected therewith unless agreed otherwise.

3. Should the title of the business be transferred without the transferal of the title of the trademark then the transferee of the title shall be entitled to continue using the trademark of the goods for which same was registered.

4. Transferring the title of the trademark or its mortgage shall not be considered as evidence against others, except as of the date of recording the transfer, or placing a mortgage sign in the Register. The aforementioned shall be published in the Official Gazette.

5. The procedures of transferring the title of the trademark its mortgage, seizure and the rest of the legal disposals regarding same shall be set in accordance with regulations issued by the Minister for this purpose and shall be published in the Official Gazette.

#### Article (20): Duration

The duration of title to trademark rights shall be seven years as from the registration date. The registration of a trademark may be renewed from time to time in accordance with the provisions of this law, provided that the provisions of this Article shall, in so far as the duration is concerned, apply to applications made subsequent to the enactment of this law, and shall not apply to any trademark registered under any previous law.

#### Article (21): Renewal

1. The registrar shall, on the request of the registered proprietor of a trademark in the prescribed manner and within the prescribed period, renew the registration of the trademark for a period of fourteen years as from the expiration of the first registration or as from the date of the last renewal of registration, as the case may be. Such date is in this law termed "expiration of the last registration".

2. At the prescribed time before the expiration of the last registration of a trademark, the registrar shall send a notice in the prescribed form to the registered proprietor advising him of the date on which the existing

registration will expire and of the conditions as to payment of fees and others under which the renewal of such registration may be effected. If at the expiration of the time prescribed the said proprietor of the trademark still fails to comply with such conditions, the registrar may remove such trademark from the register and impose such conditions as to its restoration as he may deem fit.

3. Where a trademark has been removed from the register for non-payment of the renewal fees, such trademark shall nevertheless, for the purposes of any application for registration during one ensuing year after the date of such removal, retain its character as a registered trademark, provided in this case that the foregoing provisions of this Article shall not be effective where the registrar is convinced that:

- a) The trademark removed from the register has not been concretely used during the two years immediately preceding its removal, or
- b) It is unlikely that deception or confusion may arise from the use of the trademark which is the subject of the application for registration by reason of any previous use of the trademark which has been removed.

#### Article (22): Cancellation of a Trademark Due to Non-Use

1. Without prejudice to the generality of the provisions of Article (25) of this law, application for the cancellation of the registration of a trademark may be made by any interested person, on the grounds that there was no bona fide use of the trademark in connection with the goods for which it is registered, and that there has in fact been no real use of the trademark in connection with the goods for which it is registered, or that there had not been any such user during the two years immediately preceding the application for cancellation, unless in either case such non-user is proved to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trademark in respect of such goods for which it is registered.

2. An application for cancellation may be made by the applicant in the prescribed manner either to the high court of justice or, at the option of the applicant, may be made in the first instance to the registrar.

3. The Registrar may, at any stage of the proceedings, refer any such application to the high court of justice, or he may, after hearing the parties, determine the case between them, provided that his decision shall be subject to appeal to the high court of justice.

#### Article (23): Assignment of Trademarks

1. Where a person becomes the proprietor of a registered trademark by assignment, transfer or other legal action, he shall apply to the registrar to enter his title to the trademark in the register, and the Registrar shall, upon receipt of such application and conviction of the title, register such trademark in the name of that person, and shall cause an entry of the mark to be made in the register. Any decision of the Registrar made under this Article shall be subject to appeal to the high court of justice.

2. Except in cases of appeals under this Article, and unless the court otherwise directs, a document or instrument in respect of which no entry



has been made in the register in accordance with the provisions of the preceding paragraph shall not be admitted as evidence supporting title to a trademark.

#### Article (24): Alteration of Registered Trademarks

1. The registered proprietor of a trademark may apply to the registrar in the prescribed manner for permission to add to or alter such trademark in any manner not affecting the identity of the trademark, and the registrar may refuse such permission or may grant it on such terms and subject to such limitations as he may think fit. Any such refusal or permission shall be subject to appeal to the high court of justice.

2. If permission to add or alter is granted, the trademark as altered shall be published in the prescribed manner.

#### Article (25): Amendment of the Register

Notwithstanding the provisions of this Law:

1. Any person aggrieved by non-insertion in the register or removal from the register of any entry made without sufficient cause to justify such entry, or by any entry unfairly remaining on the register, or by any error or defect in any entry standing in the register, shall have the options of submitting an application in the prescribed manner to the high court of justice, or make such application to the registrar in the first instance.

2. The registrar may, at any stage of the proceedings, refer any such application to the high court of justice, or he may after hearing the parties, determine the case between them, subject to appeal to the high court of justice.

3. The high court of justice may, in a proceeding brought before it under this Article, decide on any question that may be necessary or expedient to decide in connection with the amendment of the register.

4. In the event of falsification in the registration, assignment or transfer of a registered trademark, the registrar may himself apply to the high court of justice under the provisions of this Article.

5. An application for removing a trademark from the register of on the grounds that there is no justification for its registration according to the provisions of Article (6) (7) or (8) of this law, or on the grounds that the registration of the trademark creates an unfair competition in respect of the applicant's rights in the Hashemite Kingdom of Jordan, must be made within five years as from the registration of the trademark.

6. Any order of the high court of justice amending the register shall direct that a notice of the amendment be served upon the registrar by the party in whose favor the decision was issued and the registrar shall, upon receipt of such notice, amend the register according to the pronouncement of the decision.

#### Article (26): Rights of the Proprietor of a Trademark

Subject to any limitations and conditions entered in the register, the registration of a person as proprietor of a trademark shall, if valid, entitle such person to the exclusive use of such trademark upon or in connection

with the goods in respect of which it is registered, provided always that where two or more persons are registered proprietors of the same trademark, or substantially the same, neither shall have the right to use it exclusively under such registration, except to the extent where their respective rights shall have been defended by the registrar or by the high court of justice. Otherwise, each of these persons shall have the same rights as if he was the sole registered proprietor of such trademark.

#### Article (27): Correction of the Register

The registrars may on the strength of a request made in the prescribed manner by the registrant:

1. Correct any error in the name or address of the registrant.
2. Enter any change in the name or address of the registrant.
3. Strike off any goods or classes of goods from those for which a trademark is registered.
4. Enter a disclaimer or memorandum relating to a trademark, if that disclaimer or memorandum does not in any way extend the rights given by the existing registration of such trademark, or
5. Cancel the entry of a trademark in the register.

Any decision of the registrar made under the provisions of this Article shall be subject to appeal before the high court of justice.

#### Article (28): Amending the Register

1. The minister of commerce may, from time to time, on the strength of a notion by the registrar and approval of the council of ministers, set down regulations, prescribe such forms and generally do such things as he thinks expedient for empowering the registrar to amend the register, whether by making new entries or expunging or varying entries therein, to the extent which may be requisite for the purpose of securing conformity between the designation therein of the goods or classes of goods, in respect of which the trademark is registered, with any amended or substituted classification that he may order to be entered.

2. In exercising any power of those conferred on him in accordance with the aforesaid, the registrar may not make any amendment of the register that may result in adding any goods or any other class of goods to those goods or classes of goods in respect of which a trademark is registered immediately prior to the date the amendment is to be made. He may not also antedate the registration of a trademark in respect of goods with a date previous to the registration, provided that the provisions of this paragraph shall not affect any aspect in relation to the goods which the registrar believes the application of the provisions of this paragraph to which shall involve undue complexity and that the addition or antedating, as the case may be, shall not tackle a substantial portion of the goods and shall not prejudice the rights of any person.

3. A proposal for the amendment of the register shall, for the purposes, of the aforesaid, be notified to the registered proprietor of the trademark affected. The said registrant may appeal to the high court of justice, provided that the proposal shall be published along with any modification

thereto. Likewise, any person aggrieved by the proposal may oppose the amendment before the registrar on the grounds that the proposed amendment contravenes the provisions of the last preceding paragraph. The decision of the registrar on any such opposition shall be subject to appeal to the high court of justice.

#### Article (29): Registration as Evidence

The registration of a person as the proprietor of a trademark shall in all legal proceedings relating to the registration constitute evidence of the validity of the original registration of such trademark and all subsequent assignments and transfers of the trademark.

#### Article (30): Trademarks Registered under Previous Laws

No trademark which is entered in the register at the commencement of this law and which under the present law is a registrable trademark, shall be removed or struck off the register on the mere grounds that it was not registrable under the laws in force at the date of its registration. But there is no provision in this Article which shall subject any person to any liability as a result of any act or thing done before the enforcement of this law to which he would not have been subject under the law then in force.

#### Article (31): Registrar's Right to Submit a Pleading to the Court

In any legal proceedings for the purpose of alteration or rectification of the register, the Registrar may appear before the court and express his point of view, and shall appear before the court if so directed. Unless the court sees otherwise, the registrar may in lieu of appearing in person submit to the court a statement in writing signed by him and including what he considers relevant details of the proceedings effected before him in relation to the disputed matter or of the grounds on the basis of which he issued his decision in respect of such case, or of the practice followed by the office in similar cases, or such other matters affecting the case which are within his knowledge in his capacity as the registrar. Such a statement shall be deemed to form part of the evidence in the proceedings.

#### Article (32): Registrar's Certificates Constitute Evidence

A certificate purporting to be under the hand of the registrar as to any entry, the matter or thing which he is authorized by the provisions of this law or any regulations made there under to make or do, shall be prima facie evidence of the entry having been made and of the contents thereof, and of the matter or thing having been done or not done.

#### Article (33): Penalty for Illegitimately Claiming the Registration of a Trademark

1. Any person who present a trademark as registered while it is not, shall be liable to a fine not exceeding fifty Dinars on conviction for every offence.
2. A person shall, for the purposes of this Article be deemed to have

presented a trademark as registered if he uses in connection with the trademark the word "registered" or any words which expressly or implicitly indicate that such a trademark has been registered.

#### Article (34): Unregistered Trademarks

No person may institute any proceedings to claim damages for infringement of a trademark not registered in the Hashemite Kingdom of Jordan; but a person may institute proceedings to annul the registration of a trademark registered in the Hashemite Kingdom of Jordan by a person who is not the proprietor thereof; , after such a trademark has been registered abroad, if the grounds of his claim are those stated in paragraphs 6, 7 and 10 of Article (8) of this law.

#### Article (35): Cases of Violation

The court examining cases of infringement of trademarks shall accept certificates on current commercial transactions in respect to the process of manufacturing the goods for which the trademark is registered, and any trademark or manufacturing process legitimately used in connection with such goods by other persons.

#### Article (36): Use of Name, Place of Business, or Description of Goods

A registration effected under this law shall not prevent any genuine use by a person of his own name or place of business, or that of any of his predecessors in business, or the use of any genuine description of the type and class of his goods.

#### Article (37): Right of Litigation

The provisions of this law include nothing which may affect the right to initiate a legal action against any person for the distribution of goods considering them to be as those of another person, or in safeguarding the rights of the wonder of the goods.

#### Article (38): Penalties

Any person who with the intention to deceive, commits or attempts to commit or aids or incites any other person in committing any of the following acts shall be liable upon conviction to imprisonment for a period not exceeding one year or to a fine not exceeding one hundred Dinars, or to both such penalties.

1. Uses a trademark registered under this law or an imitation of such trademark applied on the same class of goods as that in respect of which the mark is registered.
2. Sells, stores for the purpose of sale, or exhibits for sale, goods bearing a mark the use of which is an offence under this clause.
3. Uses a mark duly registered by another person under this law to serve his purpose of promoting goods of the same class as those for which registration has already been obtained by that other person.
4. Manufactures, engraves, embosses or sells any plate, wooden or metal

block, seal or other representation of a duly registered mark or any other imitation thereof for the purpose of enabling any person, other than the registered proprietor of the trademark, to make use of such mark or an imitation thereof in connection with goods of the same class as that for which registration has already been obtained by that other person.

5. Makes or causes to be made a false entry in the register kept under this law, or makes or causes to be made any written instrument falsely purporting to be a copy of any entry in that register, or produces or tenders or causes such instrument to be produced or tendered by way of supporting evidence, knowing that the entry or instrument is false.

#### Article (39): Confiscation or Destruction of Goods

The court prosecuting any person charged under the last preceding Article, may order confiscation or destruction of all goods, wrapping, packaging and advertising materials, plates, wooden or metal blocks, seals and other apparatus used for printing the mark or packaging, wrapping, advertising or other materials in respect of which the offence has been committed.

#### Article (40): Discretionary Powers of the Registrar

Where any discretionary or other power is given to the registrar in accordance with this law or the regulations made hereunder, he shall not exercise that power adversely to the interests of the applicant for registration or the registered proprietor of the trademark in question, without giving such applicant or registered proprietor an opportunity of being heard, if the registrar is duly required to do so and within the prescribed time.

#### Article (41): Trademarks Registered Abroad

1. If the government of the Hashemite Kingdom of Jordan at any time enters into an international convention for mutual protection of trademarks, then any person who has applied for protection of his trademark in any other country, which is a party to that convention, shall be entitled to register as trademark under this law and shall have priority to other applicants. The registration date shall be the same date or registration in that country, provided that:

a) The application is made within six months from the date of application for protection in the foreign country concerned, and  
b) There is nothing in this Article which shall entitle the proprietor of a trademark to claim damages for any infringement on his trademark which took place prior to the actual date on which his trademark was registered in the Hashemite Kingdom of Jordan.

2. The registration of a trademark shall not be invalidated by the mere reason of using such mark in the Hashemite Kingdom of Jordan during the period within which this Article stipulates that the application should be made.

#### Article (42)

An application for the registration of a trademark under the last preceding Article shall be made in the same manner as for an ordinary application under this law, provided that an application for the registration of the mark has already been duly made in the county of origin.

#### Article (43): Service Marks

All the conditions and provisions stipulated in this Law which are related to trademarks distinguishing goods or products shall be applied to marks distinguishing services.

#### Article (44): States Party to International Agreements and Conventions

The provisions of Articles (41) and (42) of this law shall apply in the case of those foreign states to which the government of Jordan by a decision of the council of ministers declares them to be applicable.

#### Article (45): Authorities of the Council of Ministers

The council of ministers may from time to time and with the approval of His Majesty the King set down the regulations which are necessary for the carrying into effect of this law in general and the following objectives in particular:

1. Fixing the fees payable under this law.
2. Classifying goods for the purpose of registration of trademarks or for requiring the submission of copies such as these.
3. Regulating the performance of the office in general in relation to trademarks and all things by this law placed under the direction or control of the registrar.

#### Article (46): Fees

1. There shall be paid in respect of applications and registrations and other matters under this law such fees as may be prescribed by regulations.
2. All fees collected in accordance with such regulations shall be paid to the registrar, who shall in turn pay them into the Ministry of Finance.

#### Article (47): Cancellations

1. The Jordanian Trademarks Law of 1930 and all its amendments shall be cancelled.
2. The Palestinian Trademarks Law No.35 for the year 1938 and all its amendments shall be cancelled.
3. All Jordanian and Palestinian legislations promulgated before the enactment of this law shall be abrogated to the extent to which these legislations are repugnant to the provisions of this law.

#### Article (48): Persons Responsible for Applying this Law

The Prime Minister and the Ministers of Commerce and Justice are responsible for the implementation of the provisions of this Law.

## CHAPTER I: General Provisions

### Article 1

The following terms and phrases, wherever mentioned in this Law, shall have the meanings expressed next to them, unless the context requires otherwise:

Kingdom: the Kingdom of Bahrain.

Competent authority: The Administrative body responsible for Industrial Property.

Minister: The Minister of the competent authority.

Register: The Trademark Register provided for in article (7) of this Law.

Nice Classification: the international classification of goods and services for the purposes of the registration of marks under NICE agreement.

Madrid Protocol: Protocol Relating to the Madrid Agreement concerning the International Registration of Marks.

Madrid Union: The Union consisting of state and governmental organizations members of the Madrid Protocol.

Paris Union: The Paris Union for the Protection of Industrial Property consisting of state members of the Paris Convention for the Protection of Industrial Property.

International Bureau: The International Bureau of the World Intellectual Property Organization (WIPO).

International Application: International application for the registration of a trademark.

### Article 2

A Trademark shall mean everything that takes a distinctive form such as names, words, signatures, characters, codes, numbers, signposts, seals, drawings, sounds, smells, pictures, inscriptions, packaging, figurative elements, figures, colors, combinations of colors, or any combination thereof or any other sign or a group of signs if used or intended to be used in distinguishing goods or services of an establishment from goods or services of another establishment, or to indicate the performance of certain services, or to distinguish goods or services as regards their source, ingredients, method of manufacture, quality, identity, or any other characteristics.

### Article 3

The following shall not be regarded as trademarks nor shall be registered as trademarks or as elements of trademarks:

A. The mark which is free of any distinctive feature, consisting of signs or details which are the customary names that are given by custom to goods and services, or familiar drawings and ordinary pictures of goods.

B. Any expression, drawing or sign contrary to religion, morality or public order.

C. Armorial bearings, flags, public slogans, and other insignia belonging to the Kingdom, Arab or international organizations, or one of their agencies or any imitation of such armorial bearings, flags, slogans or insignia.

D. Armorial bearings, flags, public slogans, and other insignia belonging to

member states of Paris Convention or any imitation of such armorial bearings ,flags, slogans or insignia , subject to the provisions of article of the Paris Convention for the protection of industrial property.

E. signs which are identical to the sign of the Red Cross or the Red Crescent and other signs that are imitations thereof

F. Marks identical or similar to symbols of a purely religions nature.

G. Marks which likely to mislead or confuse the public , particularly with regards to the source or origin of the goods or services.

H. Marks which contain a false indication of source or origin of the goods, services or other descriptions and other marks which contain a false, imitated or forged commercial name.

I. Name of a third party, surname, photograph or logo , unless lie or his heirs agree in advance to the use thereof

J. Details of honorary or academic degrees which the applicant for registration does not prove that lie is legally entitled thereto.

K. Marks that are identical or similar to a mark previously registered by others to be used in distinguishing all or certain goods or services for which the mark was registered , or marks that are similar to a mark previously registered by others which would create confusion to the public, or marks the registration of which — for other products and services — may cause diminishing the value of the goods or services distinguished by the mark previously registered by others.

L. Marks which constitute a reproduction, an imitation or a translation of a well known trademark owned by others that is used to distinguish goods or services similar or identical to that distinguished by the well known mark.

M. Marks which constitute a reproduction, an imitation or a translation of an essential part of a well known trademark owned by others that is used to distinguish goods or services similar or identical to that distinguished by the well known mark.

N. Marks which constitute a reproduction, an imitation or a translation of a well known trademark owned by others ,or an essential part thereof, used to distinguish goods or services non-identical or non- similar to that distinguished by the well known mark, if the use of which suggests that a connection exists between the goods or services and the well known trademark, with probability to cause damage to the interests of the owner of the well known mark.

#### Article 4

Without prejudice to the provisions of article (34) of this Law, any natural person or legal entity shall have the right to file an application for the registration of a trademark at the Competent authority, and shall be conferred the rights provided for in this Law, provided that the applicant is a citizen of the Kingdom or a national of a country member in the Paris Union or a country whose nationals enjoy national treatment under bilateral or international agreements adopted by the Kingdom , or if the person has real and effective industrial or commercial establishment in the territory of such country.



## Article 5

If an application for the registration of a trademark is filed in any country of the Paris Union or in a country whose nationals enjoy national treatment under bilateral or international agreements adopted by the Kingdom, the applicant or the assignee may, within six months from the filing date of the application, file an identical application at the Competent authority concerning the same mark and same goods or services contained in the previous application that is in accordance with the terms and conditions provided for in this Law and its implementing regulations and the Orders for the implementation thereof. In this case the applicant or the assignee may enjoy the right of priority in accordance with the provisions of Paris Convention for the protection of industrial property subject to the provisions of Article (4) Section (D) of that convention.

## Article 6

1. Any person who registers a trademark in good faith shall be considered the sole owner thereof, it shall be inadmissible to dispute the ownership of a mark if used for a period of at least five years with no legal dispute concerning it.

2. Any person who is using a trademark before the person to whom it is registered may request the cancellation thereof from the competent court within five years from the registration date, unless it is approved that the former approve the use of the mark by the person to whom it is registered expressly or implicitly.

## CHAPTER II: Trademarks Registration

### Article 7

1. The competent authority shall maintain a register to be called (Trademark Register) wherein the accepted trademarks and all details relating thereto shall be recorded, in addition to whatever action affecting such marks in accordance with the provisions of this Law, and the implementing Regulations and Orders thereof.

2. The old Trademark Register shall be incorporated in the register provided for in the foregoing paragraph and shall be considered as integral part thereof.

### Article 8

An application for the registration of a trademark shall be submitted to the competent authority, to be registered using the form prescribed for such purpose, by the person concerned or whoever acts on his behalf in accordance with the terms and conditions provided for in the implementing regulations.

### Article 9

1. Nice Classification shall be adopted with regard to the publication and registration of trademarks.

2. Registration of a trademark may take place for one or more categories of goods or services listed in Nice Classification.

3. Goods or services shall not be considered similar to each other for being classified within the same category of Nice Classification , and Goods or services shall not be considered different to each other for being classified in different categories of Nice Classification.

#### Article 10

A single application may be filed to register a group of identical trademark having substantially similar elements , if their differences relate to elements which do not affect the fundamental features of such marks such as marks' colors or details of goods or services distinguished by such marks , provided that such goods and services listed in the same category in Nice Classification.

#### Article 11

If two persons or more submit an application at the same time to register the same mark, or marks which are similar, for goods or services listed in one category of Nice Classification, the registration of the applications shall be suspended until either one presents an assignment in his favor signed by the other parties to the dispute and approved by a competent government authority or until a final judgment is passed in favor of either one.

#### Article 12

1. The competent authority shall examine the application for the registration of trademark to ascertain the fulfillment of the required conditions. It may require the applicant within thirty days following the filing date of the application, to introduce the amendments it deems necessary to the application and to fulfill whatever it deems important to decide thereon, provided that it shall determine the appropriate time for notifying the applicant thereof

2. If the applicant fails to carry out whatever required by the competent authority within the specified time limit , the application would be considered as if it had never been filed.

3. The competent authority shall decide on the applications of the registration of a trademark within thirty days from the date of filing the application fulfilling the required conditions, or from the date of amendment fulfilling whatever necessary to decide thereon.

#### Article 13

1. If the competent authority accepts the application for the registration of a trademark , it shall be published before its registration in the time and manner determined by the implementing regulations.

Every interested party may submit the competent authority a written opposition to the procedures of the registration of the trademark within sixty days from the date of the application approval , provided that the opposition is reasoned.

2. The implementing regulations shall determine the rules and conditions to decide on oppositions.

3. If the specified opposition period lapses without submitting any opposition to the approval of the application for the registration of trademark or if the oppositions submitted in this respect are rejected, the competent authority shall issue a decision to accept the registration of trademark after the lapse of the specified opposition period ,or shall decide on the oppositions submitted to this authority ,as the case may be, and this decision shall be published in the Official Gazette.

4. the competent authority may impose any restrictions it deems necessary to the use of a trademark the registration thereof is accepted.

5. If the competent authority rejects the registration of a trademark for some reason , or if it imposes restrictions to the use of a mark the registration thereof is accepted, it in both case shall notify the applicant or whoever is acting on his behalf by a letter of the reasons for its decision and details of the facts considered.

#### Article 14

If a mark is registered the effective date of registration shall be the filing date of the application, the competent authority shall grant the person concerned a certificate upon the completion of the registration, according to the form designated for this purpose, certifying the registration of the mark.

#### Article 15

The owner of a registered trademark has the right to use the mark exclusively and to bar third parties , not having his consent, from using his mark or using any similar or identical sign thereof — including any geographical indication — in the course of trade to distinguish goods or services relating to the registered trademark if such use is liable to create confusion to the public, confusion may be created by using the same mark or a similar mark distinguishing goods or services similar to which the mark was registered.

#### Article 16

1. The owner of a registered trademark may request the competent authority ,at any time, to make any alterations or additions to his trademark without effecting its fundamental nature.

Every interested party may request the competent authority ,at any time, to add any omitted details to the register or to delete any false details or details unlawfully registered.

All that shall be in accordance with the rules and conditions, and the manner determined by the implementing regulations.

2. The adoption of decisions regarding the applications referred to in the foregoing paragraph and the objection to the decisions issued in relation thereto , shall be governed by the rules and conditions and time period provided for in article (12) and article (13) of this Law.

3. the competent authority , on its own initiative, may issue a reasoned decision , at any time , to add any omitted details to the register or to delete any false details or details unlawfully

registered, that shall be in accordance with the rules and conditions, and the manner determined by the implementing regulations.

### CHAPTER III: Term of Protection and Cancellation of Registration Article 17

1. The protection conferred by the registration of a trademark shall be for a period of ten years as from the filing date of the application in the Kingdom, it may be extended to similar period or periods if the owner of the trademark submits a renewal application to the competent authority during the last year of the protection period in force , according to the provisions of this Law and the terms and conditions determined by the implementing regulations.

Renewal shall take place without any new examination and without any consideration of any opposition from third parties.

1. The competent authority shall notify the owner of the trademark or whoever is acting in his behalf of the expiry date of the protection period of the mark in a period of at least six months prior to the expiry date, according to the form designated by the competent authority for this purpose.

2. The competent authority shall , on its own initiative, cancel the registration of a trademark if six months lapse following the expiry date of the protection period of such mark and its owner fails to submit a renewal application, the owner of the mark may request to reregister it at anytime that if it has not been registered by another party, and without prejudice to the provisions of article (22) of this Law.

### Article 18

The competent authority shall , upon a request from any concerned party, issue a reasoned decision to cancel the registration of a trademark proven that it has not been seriously used for five consecutive years by neither its owner nor other parties having his permission, unless the owner of the mark presents a justification for not using it. The implementing regulations shall determine the regulations and conditions of submitting cancellation applications and the decisions relating thereof

### Article 19

The owner of a trademark may request the cancellation of the registration of the mark from the competent authority for all or some of the goods or services for which the mark was registered. The implementing regulations shall determine the regulations and conditions of submitting cancellation applications and the decisions relating thereof. If the owner of a trademark has licensed third parties to use the mark, the registration of such mark shall not be cancelled unless the license beneficiary authorizes such action in writing, or expressly waives this right in the license contract.

### Article 20

Subject to the provisions of article (6) of this Law, the competent

authority and every interested party may request the following from the competent court:

A. Canceling the registration of a trademark unlawfully registered, including any registration inconsistent with the provisions of article (3) of this Law, for all or some of the goods or services for which the mark was registered.

B. Canceling the registration of a certification mark if its owner violates the obligations provided for in article (30) paragraph (4) of this Law.

#### Article 21

The decision issued with regard to the renewal of the registration of a trademark or the cancellation of the registration shall be published according to the manner determined by the implementing regulations.

#### Article 22

If the registration of a trademark is cancelled, such mark shall not be reregistered in favor of a third party for the same goods or services, or for identical or similar goods or services, except after the lapse of three years from the date of cancellation.

### CHAPTER IV: Ownership transfer, Mortgage & Seizure of Trademarks

#### Article 23

1. The ownership of a trademark may be transferred wholly or partly with or without compensation, as well as by inheritance. Such marks may be mortgaged or seized with or without the business premises or the exploitation project for which the mark is used to distinguish its goods and services. Acts of transferring ownership shall be in writing to be valid.

2. Without prejudice to the provisions pertaining to the sale or mortgage of business premises, the transfer of the ownership of a trademark or mortgage thereof shall not be effective towards third parties except after an entry thereof is made in the Register and published in the manner determined by the implementing regulations.

3. If the ownership of business premises is transferred without transferring the ownership of the trademark, the owner may continue to use the mark to distinguish the goods or services for which the mark was registered, unless otherwise agreed.

4. A creditor may seize trademarks belonging to his debtor in conformity with the provisions concerning seizure of garnished movable assets. The competent authority shall be exempt from the provisions relating to the declaration by the garnishee of the amount in his possession due to the garnisher. The creditor shall notify the competent authority of the seizure and the results of the public auction to be recorded in the register. The said seizure and results of the public auction shall not be effective towards a third party before its being duly recorded and published in the manner prescribed by the Implementing Regulations.

## CHAPTER V: Trademarks Use License

### Article 24

The owner of a trademark may license one or more — natural or legal - persons to use the mark for all or some of the goods or services for which the mark was registered. Such license to a third party shall not prevent the owner from using his mark, unless otherwise agreed. The license period shall not exceed the period prescribed for the protection of the mark.

### Article 25

The license contract for the use of a trademark may not impose any unnecessarily restrictions upon the licensee in order to maintain the rights conferred by the registration of the mark. The license contract may include the following restrictions:

1. Determination of the scope and geographical domain ,and the period of its use.
2. Conditions necessitated by the effective control over the quality of goods or services.
3. The obligations of the licensee to refrain from any action result in prejudicing the mark.

### Article 26

The license contract for the use of a trademark shall be in writing, it shall not be required to record the license contract in the Register to be valid.

## CHAPTER VI : Well-known marks

### Article 27

A well-known trademark shall mean, in implementing the provisions of this Law, any trademark owned by the persons referred to in Article (4) of this Law which has international renown , and acquired renown in the field which deals commonly with the goods or services for which the mark was registered.

It shall be taken into account when determining a well—known mark , in particular, its registration period , use , number of countries where it is registered or known, or the value of the mark and its effect in marketing the goods and the marks distinguished by the mark.

### Article 28

1. Every interested party shall be entitled to request the competent authority to prohibit the use of any mark which constitutes a reproduction, an imitation or a translation of a well-known mark or an essential part thereof, according to the cases provided for in Article (3) Sections (L M N) of this Law
2. The owner of a well-know mark shall not be required to register it in the kingdom in order to enjoy the protection prescribed for such mark.
3. Notwithstanding the provisions of Article (6) of this Law, every interested party may request the competent court to cancel any mark

which constitutes a reproduction, an imitation or a translation of a well-known mark or an essential part thereof within seven years from the registration date and if the registration was made in bad faith , it may be requested to cancel the registration or prohibit the use of the mark at any time.

## CHAPTER VII : Collective Marks , Certification Marks , and Marks for non-commercial purposes

### Article 29

1. A collective mark may be registered to be used in distinguishing goods or services of a group of persons who belong to a specific legal entity , even when such entity has no industrial or commercial establishment of its own.

The application for the registration of a collective mark shall be submitted by a representative of such an entity to be used by the persons belonging thereto according to the regulations he determines.

2. The applicant registering a collective mark shall declare in the registration form that it relates to a collective mark , and shall annex to the application a copy of the regulations governing the use of the mark to be registered. In all cases, the owner of a registered collective mark shall notify the competent authority of any modification affecting such regulations , and any modification shall not be valid unless approved by the competent authority.

3. a cancelled collective mark may not reregistered in favor of a third party for goods or services identical or similar to which the mark was registered.

4. The competent authority shall, upon a request from any concerned party, issue a reasoned decision to cancel the registration of a collective mark if it is proved that the owner of such mark uses it solely and not together with the persons belonging thereto, or uses it or permits the use thereof in violation of the regulations governing its use, or uses it in a manner liable to create confusion to the public as regards the source of the goods or any common characteristic of the goods or services for which the collective mark was registered.

The implementing regulations shall determine the procedures and time limits concerning the decision on the application for the cancellation of such mark and the objection to the decision on such application.

### Article 30

1. A certification mark may be registered to be used in distinguishing goods or services as regards their source, ingredients, method of manufacture, quality, identity, or any other characteristics.

2. The applicant registering a certification mark shall be a legal entity and shall declare in the registration form that it relates to a certification mark, and shall annex to the application a copy of the regulations governing the use of the mark to be registered.

The owner of such registered mark shall notify the competent authority of any modification affecting such regulations , and any modification shall

not be valid unless approved by the competent authority.

3. A certification mark shall not be registered or disposed of without the approval of the Minister.

4. The owner of a certification mark shall undertake the following:

A. Carry out the necessary control on the use of the mark.

B. Refrain from manufacturing or marketing any goods or services for which the mark is used.

C. Allow, without discrimination, the use of the mark by whoever fulfills the determined regulations.

D. Refrain from allowing the use of the mark in violation of the regulations governing its use or for purposes other than certification.

#### Article 31

A mark for non-commercial purpose may be registered such a sign adopted by a public-service body or used by a professional establishment to distinguish its correspondence or as a sign for its members.

#### Article 32

A sign, used in the course of trade as a geographical indication, may constitute a certification or collective mark.

The implementing regulations shall determine the conditions and the rules concerning the registration of the marks provided for in this Chapter and the documents which shall be annexed to the registration application, and any other regulations relating thereof. The registration of such a mark shall have all the effects provided for in this Law.

### CHAPTER VIII: International Registration of Trademarks

#### Article 33

In implementing the provisions of this Chapter, national application shall mean an application filed for the registration of a trademark in the Kingdom in accordance with the provisions of Article (8) of this Law as a basis of an application for the international registration of the same mark. National registration shall mean recording the trademark in the Register provided for in Article (7) of this law, and granting it national protection as a basis of an application for the international registration of the same mark.

#### Article 34

The applicant who submits a national application or has registered a trademark locally may submit the competent authority an application for the international registration of the same mark, provided that the applicant is a citizen of the Kingdom or a foreigner residing therein, or if has in a territory of the Kingdom a real and effective industrial or commercial establishment.

#### Article 35

The international application shall contain information on the applicant identity and declaration of the goods or services for which the protection



is claimed accompanied by a copy of the trademark and other requirements provided for in Madrid Protocol.

#### Article 36

1. The competent authority shall examine the international application to ascertain the correspondence of the data and information contained thereof with that contained in the national application or the national registration, as the case may be. Further, it shall ascertain the validity of such data and information.

2. The competent authority may, within thirty days from the filing date of the application, require the applicant of international registration to undertake the amendments it deems necessary to the application and to fulfill whatever it deems important to decide thereon. The competent authority shall specify the appropriate time limit to notify the applicant. If the applicant fails to carry out whatever required by the competent authority within the specified time limit, the international application would be considered as if it had never been filed.

3. If the international application satisfies all the necessary requirements, the competent authority shall notify the International Bureau of it, and shall transmit such application within sixty days from the date of satisfying the requirements, or shall reject such application without transmitting it to the International Bureau.

4. The applicant shall be notified, in all cases, of the decision issued with respect to the application for the international registration within thirty days from the issuance date thereof.

#### Article 37

If the International Bureau requests the competent authority to extend the protection of a trademark subject of international registration to the territory of the Kingdom — provided that such mark is not subject of national application or registration — the competent authority shall examine such application to ascertain the fulfillment of the required conditions in accordance with the provisions of this Law.

#### Article 38

1. If the competent authority approves to extend the protection of a trademark subject of international registration, it shall publish that in the time and manner determined by the implementing regulations.

2. Every interested party may oppose in writing to the approval of extending the protection to the territory of the Kingdom within sixty days from the publication date of such approval, provided that the opposition is reasoned.

The implementing regulations shall determine the rules and procedures of deciding on oppositions.

3. If the specified opposition period lapses without submitting any opposition to the approval of extending the protection to the territory of the Kingdom, or if the oppositions submitted in this respect are rejected, the competent authority shall record that in the Register and publish it in

the time and manner determined by the implementing regulations. Further , it shall notify the International Bureau of the approval of extending the protection of the trademark subject of international registration to the territory of the Kingdom.

4. If it appears to the competent authority that the international application does not satisfy the prescribed decisions , it shall issue a decision to reject the protection period derived form international registration in the territory of the Kingdom, provided that it shall notify the applicant and the International Bureau of that within sixty days from receiving the international application.

#### Article 39

1. The international registration shall replace the national registration in respect of the same trademark, owner and goods or services distinguished by that mark such registration shall have all the rights prescribed national registration in accordance with the provisions of this Law.

It shall be recorded in the Register and published in the manner determined by the implementing regulations.

2. the protection prescribed for a trademark under the international registration in the territory of the Kingdom shall extend form the date of international registration until the expiry date of the registration.

3. Every international registration shall enjoy the right of priority provided for in Article (4) of Paris Convention for the protection of industrial property , and it shall not be required to undertake the provisions provided for in paragraph (D) of Article referred to in that Convention.

#### Article 40

After the lapse of five years from the international registration such registration shall be considered independent from the national application or registration ,as the case may be, and subject to the provisions of paragraphs (3) and (4) of Article (6) of Madrid Protocol

#### Article 41

If the international bureau decides to cancel the international registration for all or some of the goods or services for which the mark was registered, the competent authority shall cancel such registration — wholly or partly as the case may be — and shall record that in the Register and publish it in the manner determined by the implementing regulations.

#### Article 42

The provisions provided for in Madrid Protocol with respect to the international registration of trademark shall apply to any matter which is not specifically provided for in this Law.

### CHAPTER LX: Enforcement of the Rights Conferred by the Registration of Trademarks

#### Article 43

(1) The right owner may, if he has motivated reasons to believe that the importation of counterfeit goods or goods bear a mark similar to his registered trademark may take place and are liable to confuse the public, lodge an application in writing to the customs authorities to suspend the release of such goods and to prohibit the circulation thereof. Such application shall be accompanied by adequate evidence to satisfy the competent authorities that there is prima facie, an infringement of the applicant right, and the application shall contain sufficient information reasonably available to the applicant to enable the said authority to reasonably identify the concerned goods.

(2) The customs release authority shall notify the applicant in writing of the decision on his application within seven days from the filing date of the application. In case the application is accepted, the decision shall extend to a period of one year from the filing date thereof or to the remaining term of protection of the trademark whichever comes earlier, unless the applicant requests less time period.

(3) The customs authorities may require the applicant to provide an appropriate security or equivalent assurance sufficient to protect the defendant and the relevant authorities and to prevent the abuse of the right to suspend the release by customs authorities.

(4) Without prejudice to the foregoing paragraphs, the customs authorities may on its own initiative, and without the need to submit complaint or application by the right owner or any third party, issue an order to suspend the release of imported or transited goods or destined for exportation upon their entry into the customs jurisdiction, if adequate evidence are provided, prima facie, that such goods are counterfeit or they unlawfully bear a mark similar to a registered trademark and liable to create confusion to the public.

(5) If the customs release authority orders, in accordance with this provisions, to suspend the release of goods entered into their jurisdiction, it shall:

a) Promptly notify the importer and the applicant of the suspension of the release of goods.

b) Inform the applicant, upon a written request from him, of the names and addresses of the consignor, the importer and the consignee of the goods and of the quantity thereof

c) Allow the parties concerned to inspect the goods in accordance with the customs procedures.

The right holder shall be required to submit the merits of the case to the competent court and to notify the customs release authority of the proceedings within a period not exceeding ten working days from the notification date of the suspension of such goods, otherwise the order would be considered as if it had never been issued unless such authority or the competent court decide to extend the time-limit, in appropriate cases, to a period not exceeding another ten working days. If a case is filed with the merits of the case, the competent court may confirm, modify or revoke the order.

(6) If it appears to the competent court that the goods suspended by

customs authorities are counterfeit or they unlawfully bear a mark similar to a registered trademark and liable to create confusion to the public, such goods shall be destructed at the expense of the importer ,or disposed of outside the channels of commerce if the destruction causes unreasonable harm to public health or the environment.

(7) In all cases, the simple removal of the trademark unlawfully affixed shall not be sufficient to permit release of the goods into the channels of commerce or the re-exportation thereof

(8) The finance minister shall , in coordination with the Minister issue a decision to determine the details , conditions , regulations and procedures of submitting customs release applications , the decisions thereon and the documents required to be annexed therewith. It shall be taken into account upon the determination of such details that it shall not deter recourse to such procedure. The finance minister, upon the consent of the Ministers Council issue a decision with respect to

A. The rules governing the assessment of the security or the equivalent assurance required to be provided by the applicant according to the provisions of this Article.

B. Storage fees of the goods ordered to be suspended by the customs authorities.

The security , the equivalent assurance or the amount of the storage fees shall not unreasonably deter recourse to such procedure.

(9) For the purposes of this Article, <counterfeit goods> shall mean any goods, including packaging, bearing without authorization a trademark which is identical to the registered trademark in respect of such goods, or a mark cannot be distinguished in its essential elements from such a trademark.

#### Article 44

The provisions of the foregoing Article shall not apply to:

A. Small quantities of goods ,of a non-commercial nature, contained in travelers' personal luggage or sent in small consignments.

B. Goods offered for circulation by the right holder or with his consent in the markets of the exportation country.

#### Article 45

(1) In case of infringement or to prevent an imminent infringement of any right prescribed for in the provisions of this Law, the right holder shall be entitled to obtain an order on the basis of a petition from the president of the competent court considering the merits of the case to adopt one or more appropriate precautionary measures:

A. To draw tip detailed description of the alleged infringement and the infringed goods ,materials, equipments and implements used or might be used in the infringement, and to preserve relevant evidence in regard to the infringement.

B. To order the seizure of the articles stated in the foregoing paragraph , as well as the royalties of the alleged infringement.

C. To prevent the entry of the goods that involve the alleged infringement

into the channels of commerce as well as the exportation thereof, including imported goods immediately after their customs release.

D. To desist the infringement or prevent the occurrence thereof

(2) The president of the court shall have the authority to require the petition applicant to provide any reasonably available evidence that the right is likely infringed or that such infringement is imminent, and to require him to provide any information necessary to enable the competent authority executing the precautionary measures to identify the concerned goods.

(3) The president of the court shall decide on the petition expeditiously within a period not exceeding 10 days of the filing date thereof, with the exception of the special cases he considers.

(4) The president of the court, when necessary, shall be authorized to issue the aforementioned decision, upon a request from the petition applicant and without the summons of the other party, in cases where any delay in the decision issuance is likely to cause irreparable harm to the applicant, or if there is a risk of evidence being disappeared or destroyed. In such case, the other party shall be notified of the decision promptly and, when necessary, the notification may be immediately after the execution of the decision.

(5) If the president of the court orders to adopt a precautionary procedure—without the summons of the other party—the defendant may appeal such an order to the competent court within 10 days from the notification date. In such case, the court may confirm, modify or revoke the order.

(6) The president of the court shall have the authority to require the petition applicant to provide an appropriate security or equivalent assurance sufficient to protect the defendant and to prevent abuse. The amount of the security or the equivalent assurance shall not unreasonably deter recourse to the indicated precautionary procedure.

(7) The right holder shall be required to submit the merits of the case within twenty days from the issuance date of the precautionary order or from the notification date of the rejection of the appeal provided for in Paragraph (5) of this Article, as the case may be. Otherwise the order shall be revoked upon the request of the defendant.

#### Article 46

(1) If the right holder has suffered direct injury because of an infringement of any of his rights conferred by the provisions of this Law, he may file a case with the Competent Court to order the payment of damages adequate to compensate for the injury he has suffered because of the infringement, including the royalties gained by the infringer. The Court shall determine the amount of damages it deems adequate to compensate for the injury pursuant to Articles 161 and 162(A) of the Civil Law, provided that the Court shall take into account the value of the goods or services—subject of the infringement—according to experience or what the applicant determines with regard to the retail price or any other legitimate criteria he requests to be applied.

(2) The right holder may, instead of claiming damages adequate to

compensate for the injury including the royalties gained by the infringer according to the foregoing paragraph, obtain at any time and before the settlement of the dispute an order for the payment of damages of no less 500 Bahraini Dinars and no more than 6,000 Bahraini Dinars if it is found that the infringement has occurred by use of a trademark in willful imitation of goods, or 3,000 Bahraini Dinars if it is found that the infringement has occurred by another way.

(3) The competent civil court upon the consideration of claims relating to the rights prescribed for in provisions of this Law may order the following:

A. Seizure of the goods suspected to involve infringement, and any material or implement relating thereto or any document relating to infringer.

B. Order the infringer to desist the infringement , including preventing the exportation of the goods that involve infringement of any of the rights prescribed by the provisions of this law ,and prevent that imported from entry into the channels of commerce immediately after customs release.

C. Order the infringer to inform the court or the right holder of any person or entity involved in any aspect of the infringement and of the methods of production or the channels of distribution of such goods or services including the determination of the identity of all persons involved in the production and distribution of the infringing goods or services and of their channels of distribution.

(4) Upon a request from the right holder, the competent court shall without compensation of any sort , order the destruction of goods found to be counterfeit. It may order —without delay- the destruction of the materials and implements used in the manufacturing or production of the counterfeit goods, without compensation of any sort. The court in exceptional cases —it determines- shall order the disposal of such goods outside the channels of commerce in a manner that would prevent any threat of any other infringement.

Instead of the destruction of the goods, materials and implements , the disposal of which outside the channels of commerce may be ordered if the destruction causes unreasonable harm to public health or the environment.

(5) The simple removal of the trademark unlawfully affixed shall not be sufficient to permit release of the goods into the channels of commerce.

(6) The competent court shall determine the expenses and fees of the delegated experts and specialists assigned with a case in a manner corresponding to the degree and nature of the assignment, providing that it shall not unreasonably deter recourse to such procedure.

#### Article 47

1. Without prejudice to any more severe punishment stipulated in another law, a punishment of imprisonment for a period of no less than three months and no more than a year and a fine of no less than 500 Bahraini Dinars and no more than 4,000 Bahraini Dinars, or by either punishment , shall be inflicted upon any person who:

A. counterfeits a registered mark or imitates it in a manner likely to

mislead the public or knowingly uses any counterfeit or imitated mark

B. unlawfully and fraudulently affixes to his products or uses for his services a registered mark belonging to a third party

C. knowingly sells, offers for sale or trade, or possesses with the intention to trade, or imports or exports goods bearing a counterfeit or imitated mark, or unlawfully bears a registered mark.

D. knowingly presents or offers services distinguished by a counterfeit or imitated mark , or unlawfully uses a registered mark for such purposes.

E. Uses in bad faith an — unregistered — mark in cases provided for in Article 3 paragraphs B - N) of this Law.

F. knowingly circulates counterfeit or imitated cards , documents or packaging used or designed to be used in the infringement of any right provided for by the provisions of this Law, even if infringement of such rights has not occurred.

In case of repetition, the penalty with its minimum and maximum limits may be doubled, along with the closure of the enterprise or project, or the suspension of the activity —as the case may be- for a period of no less than 15 days and no more than 6 months, with the publication of the judgment in a daily gazette once or more at the expense of the convicted party.

2. The penalty assessed by the court shall be sufficient to provide a deterrent to further acts of infringement , and shall aim at the elimination of the material motivation of the infringer.

3. The court shall be authorized to order the seizure of goods likely to be imitated and any other relevant materials, or implements used in conciliating the offence, or assets pertain to the infringer activities , or proof documents relating to the offence .It shall not be required to determine each matter individually in order to issue the seizure order as long as they belong to general categories recorded for such purposes.

4. in case the infringement is established , the court shall order the seizure and destruction of all imitated goods at the expense of the convicted party without compensation of any sort, or the disposal of such goods outside the channels of commerce if the destruction causes unreasonable harm to public health or environment. The court shall be authorized to order the seizure of any asset pertain to the infringer activities.

#### Article 48

Without prejudice to any more sever punishment stipulated in another law,

A. A punishment of imprisonment for a period not exceeding a month or a fine of no more than 300 Bahraini Dinars, shall be inflicted upon any person who does not comply with an order issued by the Court in conformity with the provisions provided for in paragraph C (item 3) of Article 46 of this Law.

B. A punishment of a fine not exceeding 2,000 Bahraini Dinars , shall be inflicted upon any proceeding party, judicial assistant, expert or any other person who does not comply with an order issued by the Court with

respect to the protection of secret information disclosed or circulated in the context of any legal proceeding.

## CHAPTER X: Miscellaneous Provisions

### Article 49

Marks affixed on goods exhibited at official or officially recognized international exhibitions held in the territory of the kingdom of Bahrain shall enjoy temporary protection during the period of the exhibition thereof, provided that the registration conditions provided for in this Law are satisfied. The implementing regulations shall determine the terms, conditions and procedure for the grant of such protection.

### Article 50

Any person may consult the Register and obtain extracts ,copies, or details there from, according to the rules and procedures determined by the implementing regulations.

### Article 51

Subject to the provisions of opposition provided for in Article (13) of this Law , the person concerned shall be entitled to appeal any final decision issued tinder the provisions of this Law to the Minister , within 30 days from the communication of such a decision. . The appeal shall be decided reasonably , and the person concerned shall be notified by a registered letter within 60 days from the date of filing the appeal. The applicant shall be entitled to challenge the decision of the rejection before the competent court within 60 days from the notification date of the appeal rejection or after the lapse of the period specified for deciding on the appeal with no communication.

### Article 52

The Competent authority shall establish an electronic system and an electronic database to be available to the public , including a database on the internet, for filing trademark applications , deciding thereon registering thereof, and maintaining such a registration.

### Article 53

Notifications provided for in this Law shall be communicated by registered mail or by email , or shall be handed to the person concerned with acknowledgement of receipt thereof

### Article 54

The officers designated by the Minister to ascertain the implementation of the provisions of this law and the Orders for the implementation thereof shall have the power to inspect the relevant business premises. The officers authorized by the Minister of Justice ,in agreement with the Minister , shall have judiciary powers in inspecting offences that fall tinder their jurisdiction and relate to their duties. The statements issued with respect to such offences shall be referred to



the public prosecutor by an order issued by the Minister or his delegated official.

#### Article 55

Marks registered under the provisions of Laws and Orders effective until the date of entry into force of this Law , shall be protected and maintained in force, provided that the protection period lapsed shall be deducted from the protection period provided for in this Law, in conformity with the procedures and manner prescribed for in the Regulations.

#### Article 56

The provisions of this law shall apply to any undecided application for the registration of a trademark filed before the entry into force of this Law , provided that such an application shall be modified to conform with the provisions of this Law.

#### Article 57

Fees shall be due for any of the following:

- A. applications for the registration of a trademark provided for in this Law, as well as applications for the renewal or cancellation of the registration.
- B. applications for amendment or addition to registered trademarks.
- C. Applications filed with the competent authority for the international registration of a trademark and for the renewal of such a registration, without prejudice to the fees prescribed for in Madrid Protocol
- D. Oppositions and appeals to any decision issued according to the provisions of this Law.
- E. Applications filed for recording ,in the Register, a notice of ownership transfer, mortgage, seizure , or license for the use of a registered trademark , or the cancellation of the mortgage , seizure or license thereof
- F. Applications for the cancellation or addition of data to the Register or for obtaining extracts ,copies, or details there from , or for consulting it. The Minister shall ,subject to the approval of the Ministers Council, issue an order to determine such fees , the terms and percentage of the increase and reduction thereof, and the cases for refund or waiver of these fees.

#### Article 58

The provisions of this Law shall not prejudice the rules and obligations provided for in the bilateral and international agreements adopted by the Kingdom.

#### Article 59

The Minister shall issue the Regulations and Orders necessary to implement the provisions of this Law , and that shall be published in the Official Gazette.

#### Article 60

The Legislative Decree NO. 10 of 1991 with respect to trademarks shall be repealed , as well as all provisions contrary to this Law.

#### Article 61

The Ministers ,each in their respective capacity, shall implement this Law , which shall come into effect the day following the date of its publication in the Official Gazette.

*Source: Jordanian Ministry of Trade and Industry*