



SYRIA

Trademark and Design Law no. 8 of 2007

Law no. 8 of 2007 regulating the Provisions of Trademarks, Geographical Indications, and Industrial Designs and Models

Section One: TRADEMARKS

Chapter One: Definitions

Article 1

The following words and expressions mentioned in connection with the enforcement of the regulations of this Law shall have the meanings as stated beside each of them:

- Law: The Law of the trademarks, the geographical indications, the industrial models and the unfair competition.
- Executive Regulation: The executive regulation of this Law.
- Ministry: The Ministry of Economy & Commerce.
- Minister: The Minister of Economy & Commerce.
- Directorate: The Directorate of Protection of the Commercial and the Industrial Property in the Ministry of Economy & Commerce.
- Director: The Director of the Protection of the Commercial and the Industrial Property.
- Trademark: The trademark of trade, industry and service.
- Competent Committee: The committee responsible to examine the objections presented against the decisions of the Directorate of Protection under this Law.
- Competent Court: The court having jurisdiction to examine the lawsuits of the commercial and the industrial property pursuant to the regulations of this Law.
- Agent or Legal Representative: The person authorized to register the rights of the commercial and the industrial property in favour of his client in accordance with this Law.
- Property Protection Gazette: The Gazette of the protection of the commercial and the industrial property issued by the Directorate.
- Paris Agreement for the Protection of the Industrial Property: The Agreement dated 20.03.1883 which Syria joined since 1939 and which has been amended by virtue of the Stockholm Act of 1967 which Syria joined under the Legislative Decree number 47 of the year 2002.
- Madrid Agreement and Protocol: These are the Madrid Accord for the international registration of the trademarks of the year 1891 and the Madrid Protocol of the year 1989 which Syria joined both according to the Decree number 92 of the year 2004.
- Nice Agreement: The Accord of Nice concerning the international classification of the goods and the services for the purpose of registering the trademarks of

the year 1957 and its amendments which Syria joined by virtue of the Law number 37 of the year 2004.

Chapter Two: Trademarks

Article 2

Every sign enables to distinguish products or services of a natural person or an artificial person is considered a trademark. A trademark might for example consist of the names, naming, tokens, stamps, words, letters, marks, prominent inscriptions, designs, pictures, numbers, signatures, prints, names of stores, group of colours and their arrangements and graduations , shapes of products or their wrappings which take a distinguished special form and any mixture of those elements. However, the trademark shall be visible that could be perceived by sight.

Article 3

- a. The distinguishing feature of the trademark shall be estimated according to the relevant products or services.
- b. The following shall not be considered a distinguishing trademark according to this Law :
 - 1- The signs or the names having no distinguishing feature or which form the necessary or the usual name or the name of gender in the common or the professional language of the product or the service.
 - 2- The signs or the names which could be used to indicate any of the qualities of the product or the service, in particular the kind, the characteristic, the quantity, the type of usage, the value, the geographical source, or the date of manufacturing of the product or the presenting of the service .
 - 3- The signs that are exclusively consisted of the shape imposed by the nature or the function of the product.
- c. Except the prohibition stipulated in item (3) paragraph (b), the distinguishing feature of the trademark may be acquired through the long time usage.

Article 4

The following shall not form a trademark or part of trademark:

- a. The signs excluded by virtue of the regulations of Article 6 (tetris) of the Paris Agreement for the Industrial Property of the year 1883 as amended.
- b. The signs violating the public order or the public moral or those whose use may be legally forbidden.
- c. The signs which might deceive the public, especially on the nature or the quality of the product or the service or their geographical origin.
- d. The emblems, the flags, the pictures, the stamps and the other tokens of the states; or the Arab, international or religious organizations, or any of their establishments, or the imitation of such emblems or flags; and the tokens of the Red Crescent and the Red Cross, and the other similar tokens, and those signs which are an imitation to the aforesaid.
- e. The signs which are similar or identical to the tokens of the pure religious character and to the names of the sacred places.

Article 5

Every sign harms previous rights like the following rights shall not form a trademark:

- a. A trademark which was formerly registered on similar or identical goods or services, whether the trademark has been similar or identical as for the shape, pronunciation or writing [in a manner that] is likely to deceive the public.

- b. Internationally and in Syria well known marks pursuant to the text of Article 44 of this Law.
- c. Company's title or name if this shall confuse the public.
- d. Trade name or emblem that is well-known nationally if this shall confuse the public.
- e. Geographical indication that enjoys protection.
- f. Copyright that enjoys protection
- g. Industrial Model enjoying the protection registered for third party.
- h. Rights harming third party's personality especially his family name, surname, image or trade name unless he himself or his successors approved the same.
- i. Name of a local group, its image or any of its peculiarities.

Article 6

- a. The trademarks, that would be placed on the goods and services of national origin and which are produced and circulated in the Syrian Arab Republic, shall be written in Arabic letters. A trademark may contain foreign letters, beside the Arabic letters, be equal in size.
- b. Trademarks written in the foreign letters only can be placed on the following goods regardless of the producer's nationality whether Syrian or non-Syrian :
 - 1- The commodities and the services which are produced inside Syria and which are exported without being circulated in Syria.
 - 2- The trademarks placed on the commodities and the services produced out of Syria and which are entered and circulated inside Syria with mentioning the country of origin.
- c. The commodities or the services produced or presented inside Syria under a license from the proprietor of a foreign trademark may have such foreign trademark on them as is without modification, but the phrase "made or packed in the Syrian Arab Republic by the licensee under a license from the company granting such license" is added in Arabic that should be impossible to remove or erase.
- d. No registration or renewal of registration is accepted for the trademarks which do not comply with the regulations of this Article.

Chapter Three: Acquisition and Forfeiture of the Right of a Trademark

Article 7

- a. The property of the trademark maybe individual or joint.
- b. The property of the trademark is acquired through the proper and continual registration under the rules of this Law taking the following into consideration:
 - 1- The party who registered the trademark shall be deemed its proprietor when this has been associated with its use within the five years following the registration unless it proved that the priority of use was to another. The party who used the trademark before the one who registered it in his own name is entitled to challenge the invalidity of the registration within the said five years. Nevertheless, it is allowed to challenge the invalidity of the registration of the trademark without observing any period of time when the registration has been connected to bad faith.
 - 2- The registration of the trademark which was registered in violation of the rules of Article 4 of this Law may be revoked by a justified decision from the Director without observing any period of time provided that the concerned party or his agent should be notified of the decision of

the Directorate. The Directorate's decision to revoke the trademark registration shall be subject to appeal before the Competent Committee within 30 days from the notification date, and the Committee's decision shall be subject to appeal before the Competent Court within 30 days from the notification date. In this case, no fee is required for the decision of revocation.

- 3- The public prosecution, the Director and any party of interest can submit a request to the Competent Court to revoke the registration of the trademark that is registered in violation of the regulations of Articles 2, 3 and 4 of this Law without complying with any period of time.
- 4- The owner of the previous right in the trademark alone is entitled to submit a request of revocation in accordance with Article 5 of this Law, on condition that his lawsuit shall not be accepted if the trademark was registered in good faith and has been permitted to be used for five years.

Article 8

- a. The Competent Court at request of any party of interest shall adjudge to cancel the registration of the trademark if it has been proved that the same was not seriously used for three successive years on all the products or the services for which the trademark was registered or for part of which unless the trademark's proprietor has presented a justification to its non-use within such period; however, the use of the trademark by the licensee shall be considered as use aiming to continue its registration. It is particularly considered a serious usage of the trademark :
 - 1- Placing the trademark on the products or on their wrappings for the purpose of marketing.
 - 2- Using the trademark in a different shape that does not deprive it from its distinguishing characteristic.
 - 3- Using the trademark by consent of its proprietor or by any person qualified to use the same as collective trademark
- b. The burden to prove the usage of the trademark shall be borne by its proprietor, where he can use all methods of evidencing.
- c. The cancellation shall be in effect as from the date when the period referred to in paragraph (a) of this Article has expired.
- d. The right of request to cancel the trademark shall drop if the serious usage of the trademark has started or such usage was resumed within the period falling between the expiry of the three years period specified in paragraph one and the date of submitting the request to revoke. But such start in usage or the usage shall not affect the right of request to revoke the trademark if performed within the three months preceding the submitting of the request to revoke and after the proprietor of the trademark has learned the possibility to submit such request.

Article 9

The rights of the trademark proprietor shall drop and its registration shall be cancelled by a court decision at request of any party of interest:

- a. If the trademark became representing the ordinary name of the product or the service in the commercial field due to an act made by the trademark proprietor.
- b. If the trademark may confuse or err the public on the nature of the product or the service, its quality or its geographical source as a result of the usage done by the trademark proprietor or by his consent.

Article 10

It is allowed after the trademark has been cancelled for whatever reason or due to its non-renewal to re-register the same in the name of its proprietor only within three years from the date of cancellation. It is permitted after such period has elapsed to register that same trademark to its proprietor and to others. And if the trademark cancellation has been an implementation to a final court decision on the non-entitlement to register the trademark, it is allowed to register it to the entitled party once cancelled according to the situations and under the same procedures and the fees prescribed for registration in this Law and its Executive Regulation.

Chapter Four: Registration, Publication and Renewal of Trademarks

Article 11

Without prejudice to the rules of the international laws and agreements in force in Syria, the regulations of this Law shall be beneficial to:

- a. Every Syrian natural person or artificial person wherever resided.
- b. Every non-Syrian natural person or artificial person provided that he has the nationality of a country that joined the agreements of the commercial and the industrial property in force in Syria.
- c. Every natural person or artificial person being a citizen of any state which is a member of the Arab League on condition of the reciprocity .
- d. Every non-Syrian natural person or artificial person having a work location or a domicile in Syria or in any state that joined the agreements of the commercial and the industrial property in force in Syria.

Article 12

The trademark is optional unless disagreeing legal texts are available. The registration of all the optional or the obligatory trademarks is subject to the rules of this Law and its Executive Regulation.

Article 13

The application is recorded in a special register under serial numbers according to the date and hour when application submitted. The registration applicant is granted a document proving the recordal of his application as per the form specified in the Executive Regulation. The applications of registration of the international trademarks pursuant to the Madrid Accord and Protocol shall have the same treatment like the national applications.

Article 14

The application to register the trademark shall be submitted by the concerned party or his legal representative attached with the specified fee. If the registration applicant was not residing in Syria, he must appoint a person residing in Syria to be his agent in the registration transactions; the registration application should include the documents and the data as the Executive Regulation specifies.

Article 15

No application to register or renew a trademark shall be accepted if no receipt of the fee prescribed in this law enclosed.

Article 16

- a. It is allowed to request the registration of the trademark for one class or more of the classes of the products or the services. The applications are as many as the classes required to register the trademark for, this

is in accordance with the conditions and the procedures as specified in the Executive Regulation.

- b. The products or the services cannot be considered identical or non-identical only according to their classification or non-classification within one class or different classes of the Nice Classification.

Article 17

Every person may request in writing from the Directorate to perform a search in advance to the trademarks; no more than five trademarks search request may be filed in one application against a specified sum in favour of the Directorate; the Directorate should answer his request within fifteen days from the date when the application was submitted; the Directorate assumes no responsibility for the result of the inspection and no right shall ensue to the applicant towards the Directorate.

Article 18

If the application to register the trademark included an expression or more written in a foreign language, an Arabic translation should be presented or its meaning should be displayed. It is not a condition for a trademark to be meaningful to be registered.

Article 19

It is allowed that the trademark to be limited wholly or partially to one colour or more of the specific colours. In such case, the Directorates or the Court when deciding the distinguishing feature of that trademark shall take into consideration the limitation to such colours. If the trademark was registered without being confined to specific colours, it shall be deemed registered for all colours.

Article 20

The applicant may request the cancellation of his own application at any time without paying any fee or to assign the same to a third party against the payment of the prescribed fee.

Article 21

The Directorate shall keep a special register of the trademarks in which it shall enter all the particulars stated in the certificate of registration, the recordals and the events made to the trademark or any other modifications take place.

Article 22

- a. The Directorate shall examine the application and the enclosed documents to make sure the legal conditions stipulated in this Law and its Executive Regulation have been satisfied. It is permitted to complete the formal conditions including the required documents within six months period of time from the date application submitted save the fee, a delay fee is to be paid for each month and part of a month is considered a full month.
- b. The application shall be considered cancelled if the required conditions were not satisfied by the expiry of the said period.

Article 23

The Directorate may demand the registration applicant any conditions or modifications it finds appropriate in order to determine and clarify the trademark in a manner prevents such trademark to be confused with another trademark that has been previously registered or applied for. If the Directorate rejects to register the

trademark pursuant to the rules of Article 22 of this Law or if the registration has been suspended for conditions or modifications, it should notify the registration applicant in writing of the Directorate's decision. The Directorate is entitled to reject the application if the applicant did not carry out such modifications as the Directorate demanded within three months from the date of notification.

Article 24

- a. The registration applicant whose application was refused or whose acceptance was suspended for conditions or modifications can object in writing to the decision of the Directorate mentioned in Article 23 of this Law before the Competent Committee within thirty days from the date when he was notified of the decision in writing against the payment of the prescribed fee.
- b. The objections shall be examined by a committee formed by a decision of the competent Minister as the following:
 - A judge in the rank of a consultant appointed by the Minister of Justice as president.
 - The assistant of the competent Minister as member.
 - The director of the Ministry's Legal Affairs as member.
 - A representative of the Association of the Chambers of Commerce as member.
 - A representative of the Association of the Chambers of Industry as member.
 - This Law's Executive Regulation shall determine the procedures of objections, their examining and their settlement and the compensations of its members.
- c. The decisions of the Committee shall be effective which their enforcement could be stopped by a decision from the Competent Court.
- d. In case the Committee has confirmed the Directorate's decision, such trademark cannot be registered to the applicant but in accordance with a final court decision rendered by the Competent Court by virtue of the appeal presented to it by the registration applicant within thirty days from the date he has been notified the Committee's decision.

Article 25

- a. A Gazette shall be created with the Directorate to be named the Property Protection Gazette which rules shall be organized by the Executive Regulation.
- b. The approved applications which satisfied the conditions shall be published in the Property Protection Gazette at the expense of the registration applicant, in the form modelated in this Law's Executive Regulation provided that publishing shall include the trademark's sample and a list of the products or the services for which the registration of the trademark is requested.

Article 26

Any party of interest can oppose in writing the application of the trademark registration to the Directorate after paying the prescribed fee within ninety days following the date of publishing and the Directorate should notify the registration applicant or his agent of a copy of the opposition within thirty days from date it received the same. The registration applicant or his agent should present a justified written reply to such opposition to the Directorate within thirty days from the date he has been notified the opposition otherwise the registration applicant shall be deemed to have abandoned his application.

Article 27

The Directorate shall issue its justified decision on the opposition either to approve or to reject the registration after considering the documents submitted by both parties of dispute and hearing their defences. It can include its decision of approval to oblige the registration applicant to execute what it finds necessary of conditions for the registration of the trademark. If the application was rejected, half of the paid fee shall be the right of the Director and the other half shall be refunded to the applicant.

Article 28

- a. The Directorate shall notify its decision to both parties of dispute. It is permitted to appeal the Directorate's decision referred to in Article 27 of this Law before the Competent Committee within thirty days from the date of notification.
- b. The decision of the Committee shall be subject to appeal before the Competent Court within thirty days from the date of notification.
- c. The registration applicant shall be considered to have disclaimed his application if he did not execute what the Directorate has requested of modifications or conditions on the date which to be specified in the notification addressed to him in this respect, or if he did not oppose the Directorate's decision or appeal the Committee's decision within the specified dates .

Article 29

The application to register the trademark which registration has been duly accepted shall be considered legally cancelled in case the registration applicant or his agent did not complete the procedures of the trademark registration and did not obtain the certificate within ninety days from the date of expiry of the publication period or a final court decision in his favour has rendered.

Article 30

The Directorate shall undertake the registering of the approved trademarks in the register of trademarks and publish the same in the Property Protection Gazette at the expense of the trademark's proprietor.

Article 31

The Directorate shall grant the proprietor of the registered trademark a certificate within thirty days from the date of entry in the register of trademarks according to the form and the particulars specified in the Executive Regulation, and a copy of the registered trademark shall be affixed on the certificate in a specified field for this purpose and sealed with the Directorate's stamp and the registration certificate shall be signed by the Director or by an authorized person.

Article 32

The trademark's period of protection shall be ten years starting from the date when the registration application has been submitted, and the period of registration shall end after ten years from the last day of the month in which the registration application has been submitted. The trademark may be renewed for similar periods at request of its proprietor or his legal representative as such renewal shall be made within the last year of the period of protection against a specified fee.

Article 33

The proprietor of the trademark shall be granted a six months grace period to renew the trademark's registration against the payment of a delay fee, and the renewal shall be valid as of the date of expiry of the previous period of protection. In case of the non-renewal, the trademark shall be considered legally cancelled due to expiry of its period of protection.

Article 34

- a. An application to renew the registration of the trademark shall be submitted by the trademark proprietor or his legal representative in the same form the application for registration is submitted to the Directorate. The renewal of the registration of the trademark is made pursuant to its final status. If an application to renew the registration of the trademark is submitted, it is not permitted to modify by adding while it is allowed to delete from the list of the products or the services for which the trademark was registered.
- b. The procedures of the objective examination, the publication and the opposition shall be applied to the applications of the renewal of the registered trademarks before this Law has become in force for one time. The Directorate's decision rejecting the renewal shall be justified and challengeable within sixty days from the date of notifying before the Competent Committee, and the Committee's decision shall be subject to appeal before the Competent Court within thirty days from the date when the trademark's proprietor has been notified of the decision.

Article 35

The renewed trademarks shall be registered in a special register and the proprietor of the renewed trademark is granted a certificate signed by the Director of Protection or by an authorized person within thirty days as from the date of entry in the register of renewal. As for the trademarks which are registered for more than one class before this Law has been issued, a certificate of renewal shall be granted to each class against the payment of the specified fee for each class, as the certificate of renewal shall mention the number and date of the previous registration of the renewed trademark and the renewal of the registration of the trademark is to be published in the Property Protection Gazette at the expense of the trademark's proprietor.

Article 36

- a. The proprietor of the registered trademark is entitled to request the Directorate in writing to enter any modification by deleting but not by adding as to the ranges of the products or the services of the trademark against a specified fee, and such modification is to be published in the Property Protection Gazette.
- b. The change of the address or name of the trademark's proprietor or the change of the agent or any other act is subject to the prescribed fees in accordance with the situations stipulated in this Law and each act of such acts shall be published in the Property Protection Gazette.

Article 37

Every person has the right to request the Directorate in writing to search the registered trademarks, and he can as well obtain data or reproductions of them, of the records or the acts made on them. The proprietor of the trademark, the person to whom the right in the same has been transferred and any party proves to be a litigant in a lawsuit concerning a trademark can obtain a true copy of the certificate

of the registration of the trademark after the payment of the specified fee and such request shall be written on the form prepared for the same.

Chapter Five: Collective Trademarks

Article 38

- a. Collective Trademark: It is the trademark which is used to distinguish a product or a service of a group of people belonging to a certain entity enjoys a legal personality even if it does not personally own a commercial or an industrial institution, and the application for registration is submitted through the representative of such entity to be used by its members in accordance with the instructions of use of such trademark which is placed by the proprietors of registration of the collective trademark.
- b. Collective Certification Trademark: It is the trademark modeled to be placed on the products or the services to indicate that surveillance or testing for such products were made regarding their source, nature, qualities, method of their production or any other characteristic as mentioned in the instructions of use of such trademark that is placed by the proprietors of registration of such trademark who practice the procedures of the surveillance and testing.
- c. The application of registration of the trademark should state that it is a collective trademark and should include a copy of the regulation of utilization of the collective trademark, and the proprietor of the trademark should notify the Directorate of each change happening to such regulation.

Article 39

The rules of this Law shall be applicable to the collective trademarks taking the following into consideration:

- a. The collective certification trademark can only be registered by the artificial person who does not manufacture, sell or import the products and the services on which the trademark is placed.
- b. The use of the collective certification trademark is open to all the persons who offer products or services satisfying the conditions of instructions of use of the trademark excluding the proprietor of the trademark.
- c. The collective certification trademark cannot be subject to licensing, transfer of ownership or assignment in any case, or be subject to a mortgage or any forced execution. If the artificial person who owns it was dissolved, the trademark may be transferred to another artificial person according to the conditions which a decision issued by the Minister shall stipulate.
- d. For the registration of the collective certification trademark to be accepted, the conditions stipulated in this Law implemented on the process of certification should be met and the necessary licenses to practice the works of certification should be obtained.
- e. When a collective certification trademark is cancelled for whatever reason, it cannot be registered or used for any purpose during ten years period of time.

Article 40

The registration of the collective certification trademark violating this Law's conditions shall be cancelled by the Competent Court by an absolute effect decision to the same at request of the Director of Protection, the public prosecution or any party of interest.

Chapter Six: Rights Resulting from the Registration of Trademarks and the Rights of Well-Known Trademarks

Article 41

The registration of the trademark grants its proprietor the right of its ownership as for the products or the services included in the registration pursuant to this Law's rules.

Article 42

Third party without a license from the proprietor is forbidden to:

- a. Copy, use or place a registered trademark even if words were added to the same such as method, system, similar, ingredient, type, or mode; or use of a copied trademark with respect to the products or the services identical to those listed in the registration.
- b. Delete or modify the trademark which was duly placed on the products or the services.

Article 43

If there is a likelihood of confusion to the consumer, third party without a license from the proprietor is forbidden to:

- a. Copy, use or place a registered trademark or use of a copied trademark with respect to the products or the services similar to those listed in the registration.
- b. Imitate a trademark or use an imitated trademark as for products or services identical or similar to those listed in the registration.

Article 44

- a. The proprietor of the well-known trademark, globally and in Syria, even if it was not registered, is entitled to request the Competent Court to cancel or prevent third party to use a trademark identical or similar to the same or form a translation to the same on similar or non-similar products or services if the use of such trademark on the non-similar products shall create a likelihood of association between the proprietor of the well-known trademark and those products, or if such use dilute the trademark or cause damage to its proprietor or if such use creates an unjustified profit from it.
- b. When determining if the trademark is well-known, the extent of fame of the trademark among the concerned public in Syria shall be taken into consideration.

Article 45

The registration of the trademark does not prevent the use of the same sign or a similar sign in the following cases:

- a. A commercial name, insignia or trade name if such use has been either former to the registration or if third party used his family name in good faith.
- b. As a necessary reference to indicate the way of use of a product or a service especially for accessories or spare parts provided that such use would not cause confusion as to the source of the product or the service. Nevertheless, if such use may cause damage to the rights of the proprietor of the registered trademark, he can request the Court to restrict the use or to prevent it.

Article 46

The right of the trademark's proprietor in preventing third parties to import, use, sell or distribute the products distinguished by such trademark shall be exhausted if he marketed such products in any state or licensed the others to do so.

Chapter Seven: Assignment of Trademarks

Article 47

The trademark may be assigned wholly or partially through selling or assignment, or through succession or by will, or be mortgaged or be subject to lien of any right in rem, with or without compensation, with or without the commercial establishment or the business, in accordance with the rules and the procedures stipulated in the Executive Regulation after the prescribed fee has been paid.

Article 48

The transfer shall be entered by virtue of an application submitted by a party of the agreement or from his agent by an official special power of attorney within ninety days from the agreement's date. The delay to request registration shall require the payment of an additional fee as stipulated in this Law.

Article 49

In case the transfer of ownership of the commercial establishment or the business did not include the trademark, the trademark's proprietor can use it on the same products or services or class or classes for which the trademark has been registered unless otherwise agreed.

Article 50

The trademark's assignment, mortgage or lien of any right in rem on it shall not be a proof against third party but after its recordal in the Directorate's register, following the presenting of the document which indicates the required procedure, notarized or legalized, and the publication shall be made at the expense of the trademark's proprietor in the manner stipulated in this Law and its Executive Regulation.

Article 51

If a change has occurred in one partner or more regarding the trademark's ownership but did not include them all and such change in ownership has been caused by a contract or a process of joining, a written approval from the other partners to such change should be made.

Article 52

If a person ceased practicing his business for whatever reason and this caused the trademark which he possesses to be assigned to more than one person and those desired to distribute it among themselves, the Directorate can distinguish it between the persons actually proved to be practicing such business according to the limitations, the conditions and the amendments which the Directorate sees.

Chapter Eight: Licensing to Use**Article 53**

The trademark's proprietor has the right to license a natural person or an artificial person or more to use and invest his own trademark for all or some of the products or the services for which the trademark is registered. Licensing to others shall not prevent the trademark's proprietor from using it unless otherwise agreed in writing. The period of licensing to use the trademark must not go beyond the specified term of its protection.

Article 54

- a. The licensing contract should not include any texts which restrict the licensee of unnecessary limitations to keep the rights ensuing through the registration

of the trademark. Nevertheless, the contract of licensing may contain the following conditions:

- 1- Determining the extension of the geographical territory for the marketing of the products or the services that carry the trademark which use is licensed.
 - 2- Determining the term of licensing to use the trademark.
 - 3- Obligating the licensee to refrain from any act which may degrade the value of the products or the services distinguished by such trademark.
- b. The trademark's proprietor has the right to protest by the rights granted to him in accordance with the registration and enforcement of the trademark against each licensee overstepping the conditions of licensing stated in the paragraph (a) of this Article.

Article 55

- a. For a licensing contract to be entered, the same should be notarized or certified on the authenticity of the signatures found on the same by the competent authorities.
- b. The licensing towards the others shall not be effective but after its entry in the book of trademarks with the Directorate and following the payment of the specified fee.
- c. The delay in registering this contract beyond a period of ninety days from the date of the licensing contract shall be subject to the payment of an additional fee and it shall be published in the manner established in this Law and its Executive Regulation.
- d. The licensing contract should contain the conditions which guarantee the trademark's proprietor to monitor the quality of the products or the services.

Article 56

A licensee cannot assign the licensing contract to third party or grant sub-licenses unless the licensing contract otherwise stipulates.

Article 57

The trademark's proprietor or the licensee is entitled to request the cancellation of the licensing entry having submitted a proof of termination or revocation of the licensing contract. The cancellation shall be considered in force from date of the application and such cancellation shall be published in the Property Protection Gazette at the expense of the concerned party.

Chapter Nine: Infringement of Trademarks and Penalties

Article 58

- a. Every infringement upon the rights of the proprietor of the registered trademark shall produce liability to doer.
- b. Breaching the regulations of both Articles 42 and 43 of this Law shall form an infringement upon the rights of the registered trademark.

Article 59

The competent courts shall judge in the lawsuits of the resembling of the trademarks aiming to deceive and imitate and as to the lawsuits of similarity of the trademarks in general having considered themselves in the place of the ordinary consumer of the product or the receiver of the service or after they take into consideration the total resemblance between the original trademark and the trademark complained of irrespective of their differences with respect to the parts or the details.

Article 60

The trademark covered with the penal protection is the registered trademark in accordance with the regulations of law.

Article 61

Without prejudice to any severer penalty stated in any other law, a penalty of the imprisonment from three months to three years and a fine from three hundred thousand to one million Syrian Pounds or one of these two penalties shall be decided against any one who:

- a. Used a trademark belongs to another through placing it in bad faith upon his own products or services.
- b. Imitated a trademark belongs to another even if he add to it words and alike such as resemblance, similar, grade, type, quality and other.
- c. Used an imitated trademark.
- d. Sold or offered for sale or circulation or possessed with an aim to sell and circulate products carrying an illegally placed or an imitated trademark while he is aware of the same.
- e. Made, inscribed, engraved or sold a plate, metal or wooden stamp or a seal or any other thing that indicates duly registered trademarks or made any imitation to the same with the aim to enable any person other than such trademark's proprietor to use it or imitate it on the same class of the goods for which such trademark has been registered.

Article 62

Without prejudice to any severer penalty stated in any other law, a penalty of the imprisonment from three months to two years and a fine from two hundred thousand to six hundred thousand Syrian Pounds or one of these two penalties shall be decided against any one who assimilated a trademark to another with an intent of fraud without having imitated it, and against every person who used such trademark, sold, offered for sale or for circulation or possessed for sale and circulation products or services carrying such trademark while he is aware of the same.

Article 63

Without prejudice to any severer penalty stated in any other law, a penalty of the imprisonment from two months to two years and a fine from two hundred thousand to five hundred thousand Syrian Pounds or one of these two penalties shall be decided against any one who:

- a. 1- Used an unregistered trademark violates Article 4 of this Law.
2- Referred in whatever manner that the trademark is registered while it is not registered.
- b. A penalty of the imprisonment from one month to one year and a fine from one hundred thousand to three hundred thousand Syrian Pounds or one of these two penalties shall be decided against any one who delivered a commodity or rendered a service other than the one which he has been requested under a certain trademark.

Article 64

A penalty of a fine from one hundred thousand to three hundred thousand Syrian Pounds shall be decided against any one who while aware of the same has:

- a. Used a collective trademark under conditions other than those specified in the regulation attached to the application of registration.
- b. Sold or marketed a product carrying a collective trademark improperly used.

Article 65

Without prejudice to any severer penalty stated in any other law, a penalty of the imprisonment up to three months and a fine from ten thousand to fifty thousand Syrian Pounds or one of these two penalties shall be decided against any one who breaches the regulations of Article 6 of this Law.

Article 66

The same penalty mentioned in Article 65 shall be decided against any one who used his own registered trademark in a manner substantially contradicts the form of the trademark granted to himself if such use may deceive the public or infringe upon the rights acquired to the others or their registered trademarks.

Article 67

It is anyhow forbidden to adjudge less than the minimum of the penalty of the imprisonment and the financial fine while implementing the rules concerning the punishments in this Law.

Article 68

Every convicted person of any of the crimes listed in this Law whether has been a doer, an accomplice or an accessory and was once again convicted for another crime of these ones during five years period following the first conviction shall be considered a reiterating person.

Article 69

If the crimes punishable in this Chapter were reiterated, a judgment of the imprisonment from two months to three years should be rendered, and it is not allowed the fine to be less than the maximum specified in these articles nor higher than the double of such limit as the reiteration shall be determined pursuant to Article 68 of this Law.

Section Two: GEOGRAPHICAL INDICATIONS**Article 70**

- a. The geographical indications mean those indications which may specify the origin of the product in some state, area, region or country when the quality of the product, its characteristic, its reputation, its fame or its other features that affect the promotion of the product do basically belong to such geographical origin. To protect such indications, it is a condition that they have acquired protection in the country of origin and still enjoying protection.
- b. The country of origin is the country whose name represents the naming of the origin in which the product has been well-known, or it is the country in which situated the territory or the region which name represents the naming of the origin in which the product has been well-known.

Article 71

In order to register a trademark includes a geographical indicator, it is a condition that the commodity is continually produced under the learning of the registration applicant in the geographical area of the special fame, as a certificate of origin proving the same should to be attached to the application.

Article 72

No person in a region having a special fame in the production of some commodity can place on the products in which he trades geographical indications in a manner deceives the public about the origin of such products and suggest that their source is the region of the special fame.

Article 73

No means is allowed to be used in the naming or displaying a commodity suggests in a way deceives the public that it has been originated in a geographical region contrary to its real origin. Nevertheless, the geographical indications designated for wines and alcoholic drinks shall benefit from such protection even if the use did not cause the deception of the public or the unfair competition.

Article 74

It is not allowed for a producer of a commodity in a region having a special fame in a production to place it as a geographical indication on his production of similar commodities in other areas which may suggest that they are produced in the region of the special fame.

Article 75

It is not permitted to register a trademark includes a geographical indication if its use may cause a deception to the public with respect to the real origin of the commodity.

Article 76

No person is allowed to use a geographical indication which forms an unfair competition contradicting the honest practices of the commercial or the industrial activities.

Article 77

It is permitted to register the trademark which includes a geographical indication if the right in such trademark has been acquired through its use in good faith before the date when this Law's rules have become in force or before the geographical indication has been granted the protection in the country of origin or its protection term has expired or it is no longer used in that country.

Article 78

It is allowed to give some products geographical names which in the commercial practice have become essentially indicating the region of the product without its geographical origin.

Article 79

Every party of interest have the right to institute a lawsuit before the Competent Court requesting to prevent the use of any geographical indication not included in a registered trademark if such use may deceive the public as to the real origin of the commodity.

Article 80

The Minister shall issue a decision specifying the conditions and the situations under which the geographical indications are to be entered in the register modeled for such purpose at the Directorate of Protection.

Article 81

Without prejudice to any severer penalty stated in any other law, a penalty of the imprisonment up to six months and a fine from fifty thousand to two hundred thousand Syrian Pounds or one of these two penalties shall be decided, and in case of reiteration, the penalty shall be the imprisonment for no less than one month in addition to a fine no less than the maximum limit stipulated hereinabove:

- a. Every person who placed on the commodities in which he trades in a region having a special fame in the production of a certain commodity, geographical indications and signs in a manner deceiving the public that their origin is that region.
- b. Every person who used any means to name or to display a commodity suggesting in a way deceiving the public that its origin is within a geographical area having a special fame in contrary to its real origin.
- c. Every producer of a commodity within a region having a special fame in its production who placed a geographical indication or sign on the commodities produced in other areas which may suggest they are produced in the mentioned region.

Section Three: INDUSTRIAL DESIGNS AND MODELS

Chapter One: Definition

Article 82

Industrial Designs

It is considered an industrial design every synthesis or coordination or colours of the lines or the colours seen on the products in a form which is new and distinguished from the previously known designs giving the product aesthetic or special shape distinguishing it from the other similar commodities and products whether this has been made manually or by using the machine or the computer including the patterns of the textiles and the other materials.

Industrial Models

It is the external shape of any tridimensional whether associated or not with lines or colours provided that it is new and distinguished from the previously known models giving a special shape that could be used for an industrial, occupational or handmade product and so on.

Among such designs and models for example the textiles of the printed designs or the coloured paper used to cover the walls or to wrap the materials and commodities, the new models of the dresses, the coats, the hats, the head's veils and the accessories of smartening like the suspenders, the braces, the shoes and the covers of flasks and bottles, the containers of wines, alcoholic drinks, foods, beverages, and perfumes and their forms, the boxes of the cardboard packages used for the pharmaceutical preparations and the outer shape of any other goods or commodity and so on.

Article 83

Every person who invented the design or the model or to whom the right in the same was transferred solely has the right to exploit it, to sell it, to display it for sale and to license its use to third party on condition that such design or model has been previously registered with the Directorate.

Chapter Two: Registrability of Industrial Designs and Models

Article 84

- a. They are considered industrial designs or models that could be registered and protected according to this Law's rules those models which satisfy both elements of novelty and distinctiveness and which contain external qualities make them of a special feature distinguishing them from the previously known models.
- b. The industrial design or model shall be considered new if it was not revealed to the public in any spot of the world in whatever manner including its usage or publication in noticeable manner whether revealed before the date when the registration application filed or before the date of the application's priority as the case may be. Nevertheless, the industrial design or model shall not lack the description of novelty if the displaying or description has been made after its registration application submitted within a member state to an agreement that is effective in Syria and which treat Syria in reciprocity, or the displaying was in a national or international fair or there was a publication about the industrial design or models in a conference or in a scientific periodical, all within a period of time does not exceed six months prior to the date when the registration application has been lodged in Syria .
- c. The industrial designs and models shall not be considered new and distinguished if they were not considerably and essentially different from the previously known models or modeled for another sort of the products other than the formerly lodged industrial design or model has been modeled for.

Article 85

The following industrial designs and models cannot be registered:

- a. The industrial designs or models which violate the public order or the public behaviors.
- b. The industrial designs or models which the artistic, the technical or the functional aspects of the product do usually dictate.
- c. The industrial models which represent national or foreign inscriptions or emblems, or religious tokens, or seals or flags or the banners of the Syrian Arab Republic, or of the other states or of the international organizations.
- d. The industrial designs or models which harm the rights of the intellectual, industrial or commercial property belonging to third parties or their well-known trademark.

Chapter Three: The Right to Register an Industrial Design or Model

Article 86

The right in the registration of the industrial design or model shall be as follows:

- a. To the inventor or to whom the right in the industrial design or model passes.
- b. If two persons or more invented together an industrial design or model, the right in its registration shall be to all of them or to whom the right passed equally unless they have otherwise agreed.
- c. If two persons or more invented an industrial design or model without participation among themselves, the right in its registration shall be to the one whose application for registration precedes.
- d. To the employer if it was invented by the worker as a result of execution of a work contract according to which he has committed to achieve such innovation unless the work contract otherwise stipulates.

- e. Chapter Four: The Registration, Publication, and Renewal of the Industrial Models

Article 87

- a. The application for registration of the industrial design or model shall be submitted to the Directorate by the inventor of the design or the model or by his legal representative pursuant to the situations and the conditions as determined in the Executive Regulation. It is allowed that the application may include a number of the models not exceeding five provided that these constitute a homogenous unit and the specified fee for each is paid according to the models which it contains.
- b. If the registration applicant was not a resident of Syria, he must authorize a person residing in Syria to be his agent in the transactions of the registration. The application of registration includes the documents and the information as determined in the Executive Regulation and the rules of the Articles 11, 13, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of this Law are applicable on the industrial designs and models with the necessary alteration.

Article 88

The registration applicant is entitled at any time to cancel his own application without paying any fee or to assign the same to the others against the payment of the prescribed fee.

Article 89

The applicant can request the publication of the industrial design or model to be postponed for a period of time not exceeding twelve months from the date when application submitted or from the date of priority in case priority has been claimed.

Article 90

In case the publication has been postponed, the registration applicant cannot prosecute the infringers but after he has notified the alleged infringer of the registration by sending a copy of the certificate of registration of his registered design or model, since publication was not yet made due to the confidential nature of the registration application, this after ninety days from the date when the infringer was notified.

Article 91

The Directorate shall organize a special register named (The Register of The Industrial Designs and Models) in which all the information related to the industrial designs and models, the names of their proprietors and their addresses shall be recorded in addition to the legal procedures and acts occurring on the same.

Article 92

The Directorate shall grant the applicant a certificate of registration of an industrial design or model within thirty days from the date of entry in the relevant register. Such certificate shall be signed by the Director or by the person he authorizes, stamped with the Directorate's seal and there will be a publication about the certificate in the Property Protection Gazette in accordance to the conditions or the particulars stated in the Executive Regulation at the expense of the certificate's owner.

Article 93

As a result of the registration of the industrial design or model, its proprietor shall have the right to prevent the others from making, selling, displaying to sell or importing the products taking the form of such design or model or containing the same. The right in preventing third parties from the importing, the selling, the displaying to sell or the distributing of the products referred to shall be exhausted if its owner has marketed such products in any state or has licensed for others to do so.

It shall not be considered an infringement upon such right when third parties use the protected industrial design or model in the following works:

- a. The works related to the purposes of the scientific research.
- b. The purposes of education or training.
- c. The non-commercial activities.
- d. Manufacturing or selling parts of the referred to with the aim to repair the same against the payment of a fair compensation.
- e. The other usages which unreasonably do not contradict with the normal exploitation of the protected industrial design or model and unreasonably do not harm the legitimate interests of its proprietor taking the legitimate interests of its proprietor into consideration.

Article 94

Every person may request the Directorate in writing to search the registered designs or models and he also can obtain information or reproductions of the same or of the records or the acts occurring to the same. It is allowed that the proprietor of the industrial design or model and to whom the right in the same was transferred and every party proves he is a litigant in a lawsuit concerning an industrial design or model to obtain a true copy of the certificate of registration of the industrial design or model following the payment of the specified fee and the request shall be written on the form modeled for such purpose.

Article 95

- a. The period of the protection of the industrial design or model is five years starts from the date when the application of registration has been submitted and ends after five years from the last day of the month during which the application of registration has been submitted. The five-year registration could be renewed for two successive times the period of each is five years on the condition that the renewal shall be made within the last year of the protection period after the payment of the specified fee and such renewal shall be published in the Directorate's Gazette.
- b. The procedures of the objective testing shall be applicable to the applications of the renewal of the industrial designs or models that are registered before this Law becomes in force for one time. The Directorate's decision to reject the renewal shall be subject to appeal before the Competent Court assigned in Article 119 of this Law within thirty days from the date when the proprietor of the industrial design or model has been notified of the decision.

Article 96

The proprietor of the industrial design or model shall be granted a six months grace period to renew the registration as from the date of expiry of the pervious protection period against the payment of a delay fee. In case of the non-renewal, the industrial design or model shall be considered legally cancelled and it shall never be re-registered neither in his name nor in the name of third party.

Article 97

The concerned Minister due to the requirements of the public interest, by virtue of a suggestion of the Director and at request of the competent authority has the right to issue a justified decision granting the others a non-monopolistic obligatory license to use the protected industrial design or model against a fair compensation as this Law's Executive Regulation determines the conditions, the situations, and the procedures for the granting of such license.

Article 98

The public prosecution, the Directorate and every party of interest can request the Competent Court to revoke the registration of the industrial design or model, and the Competent Court is entitled to decide the revocation of the registration if it has been proved that the registration disagreeing this Law's rules and the judgment shall be enforced after the specified fee was paid. If the enforcement was at request of the public prosecution or the Directorate no fee should be paid.

Chapter Five: Assignment of Industrial Designs or Models

Article 99

It is permitted to convey the industrial design or model wholly or partially through selling or assignment with or without compensation and through the succession or the will. It is also permitted to mortgage the same or lien of any right in rem on the same. The transfer is made with the commercial establishment or business or without it.

Article 100

The transfer, the mortgaging and the lien of any right in rem on the industrial design or model shall not be a proof against third parties unless it has been recorded in the register, and the registration entry shall be published in the Property Protection Gazette in the way specified in this Law and its Executive Regulation after the prescribed fee was paid.

Article 101

The registration entry is made on the assignment, the mortgaging or the lien of any right in rem on the industrial design or model by virtue of request of any of the agreement parties within ninety days from the assignment date after payment of the specified fee. The delay to request the registration entry requires the payment of an additional fee as stipulated in this Law.

The change of address of the proprietor of the design or model, his name or the change of the agent or any other act shall be subject to the resulting fees according to the situations mentioned in this Law, and each act of these acts shall be published in the Property Protection Gazette.

Chapter Six: Licensing to Use and Exploitation of Industrial Designs or Models

Article 102

The proprietor of the registered industrial design or model may license third parties to use and exploit the design or the model. Licensing to third parties shall not prevent the proprietor from using the registered design or model unless otherwise explicitly agreed and the period of licensing should not go beyond the period established for protection.

Article 103

The licensing to use and invest shall not be effective towards third parties unless entered in the special register and published in the manner stipulated in this Law and

its Executive Regulation, provided that the entry should be made within ninety days from the date of the licensing contract after the prescribed fee was paid. The delay in the entry of the licensing with the Directorate is subject to an additional fee. In order to enter the licensing contract, it is a condition that it should be notarized or legalized on the authenticity of the signatures found on the same by the competent authorities.

Article 104

The proprietor of the industrial design or model or the licensee is entitled to request the cancellation of the licensing entry having submitted what proves the expiry or the cancellation of the licensing contract, and the Directorate shall issue a certificate on the same and there will be a publishing about the cancellation in the Property Protection Gazette at the expense of the concerned party.

Chapter Seven: Infringement of Industrial Designs and Models and Penalties

Article 105

Without prejudice to any severer penalty stated in any other law, a penalty of the imprisonment from two months to six months and a fine not less than two hundred thousand Syrian Pounds and not more than six hundred thousand Syrian Pounds or one of these two penalties shall be decided against any person who :

- a. Imitated an industrial design or model filed in accordance with this Law's regulations.
- b. Made, sold, offered for sale or possessed with the aim to trade or circulate products taking an imitated industrial design or model while he is aware of the same.
- c. Placed illegally on his products, advertisements, trademarks, certain tools, or other data causes to believing that he has registered an industrial design or model.

In case of reiteration, the penalty shall be the imprisonment for a period not less than one month besides a fine not less than the maximum stipulated above and the reiteration shall be pursuant to Article 68 of this Law

Article 106

The act preceding the registration does not grant the damaged party the right to institute any lawsuit resulting from this Law, while the acts succeeding the registration and preceding the announcement shall have no lawsuit heard by the damaged party even if was the civil lawsuit resulting from Article 120 of this Law unless the bad faith of the suspect has been proved.

Section Four: THE TEMPORARY PROTECTION OF MARKETS AND FAIRS IN SYRIA AND THE FOREIGN COUNTRIES

Article 107

The trademarks and the industrial designs and models shall benefit from a temporary protection in the markets and the fairs established in Syria and the foreign countries if such markets and fairs have been officially organized. The participation or the organizing should be official for this Law to be applicable.

Article 108

The party wishing to make use of the rules of Article 107 of this Law to protect his exhibits in the markets and the fairs within a foreign country in which Syria take part, he should apply for the same to the official representative of the Syrian state in

the market or the fairs mentioning the nature of the exhibit and attached with a document proves that the exhibit sought to be protected has been displayed in the said market or fair.

Article 109

Once the representative of Syria has received such documents, he shall enter this in a special register and give a certificate of entry to the exhibitor against the payment of the prescribed fee. The exhibitor applies for protection within a three weeks time limit as from the day when such exhibit sought to be protected has been displayed.

Article 110

At the end of the fair or the market, the official representative shall send the organized special register to the Directorate in Syria, and the person who acquired the temporary protection can turn it into a final protection within one year starting from the end of the market or the fair after he presents the certificate given to himself pursuant to Article 109 of this Law and the commencement of the actual protection then shall be from the day on which the fair or the market has been inaugurated. The concerned party shall apply finally for protection in accordance with this Law's regulations and those articles related to the protection of the rights of the commercial and the industrial property.

Article 111

A special decision shall be taken by the competent authority prior to the inauguration of the markets and the fairs officially organized in Syria indicating in which the procedures to be implemented by the exhibitors in order to guarantee the temporary protection for their products which they may later turn it into a final protection if they find this useful.

Article 112

The temporary protection organized in this manner shall grant the concerned parties in Syria the same rights which this Law grants to the registered trademarks and the industrial models.

Section Five: COMMERCIAL AND INDUSTRIAL PRIZES

Article 113

Every person wishing to use a commercial or an industrial prize should when mentioning such prize indicate its nature, the correct name of the fair or the official authority which granted the same and the complete true date when it was granted.

Article 114

The person who acquires a prize in his personal capacity can alone use it and he cannot transfer it with his business. Conversely, the prize granted to a produced commodity shall follow such commodity, and it could also be used when transferring a business to the transferee, the same shall apply when the prize is given to the commercial or the industrial establishment.

The person to whom the prize has been transferred can use it since the prize follows the business. The prize given to a person being an assistant cannot be used by the assistant unless he has mentioned the name of the business in which he was employed.

Article 115

A penalty of the imprisonment from three months to two years and a fine from two hundred thousand to four hundred thousand Syrian Pounds or one of these two penalties shall be decided against those who (provided that the fine shall not be less than four hundred thousand Syrian Pounds if no judgment of imprisonment was along adjudged) falsely referred to themselves prizes which fairs or commercial markers give or who claimed unreal prizes and used them publicly as affixing them on the commercial cards, on the goods wrappings and on the commercial papers or by mentioning them on the boards or any other way and the persons who attempted to convince the public that they have acquired a prize which they did not acquire in fact and the persons who in whatever manner breached the rules of both Articles 113 and 114 of this Law.

Section Six: PROTECTION AGAINST UNFAIR COMPETITION AND PROTECTION OF TRADE SECRETS

Article 116

The natural persons or the artificial persons are forbidden to do any act of the unfair competition acts, and the following are considered among the acts of the unfair competition:

- a. The competitive acts contrary to the honest practices in the commercial or the industrial activities.
- b. The acts which may create a confusion by whatever means with the establishment of a competitor, his products, his services or his commercial or industrial activity, particularly if the acts have been connected to a commercial or industrial right or linked to a trademark used in the Country whether registered or not and leading to the deception of the public.
- c. The claims contradictory to reality in practicing the trade which may cause to weaken confidence in the establishment of a competitor or in his production or in his commercial or industrial activity.
- d. The statements or the allegations which use in the trade may cause the deception of the public as for the origin or the nature of the commodities, or their characteristics, validity for use, their production method or their quantity.
- e. The acts which may degrade the distinctiveness force of the trademark of the others, illegally misuse its reputation or fame, or of the reputation or the goodwill of the establishment of third parties.
- f. The disclosing of the commercial or the industrial secrets in a manner contradicting the honest practicing of trade. The confidentiality shall be achieved if:
 - 1- The information as a whole or in the structure containing its peculiarities was generally unknown or non-circulated with those engaging in the commercial or the industrial activity within which scope the information falls.
 - 2- Its commercial value was derived from its confidentiality.
 - 3- Reasonable measures have been taken for the same by its legal possessor to keep it confidential.
 - 4- Every violation to this Law's rules and every act which the Competent Court considers an act of the unfair competition.

Article 117

Every party of interest is entitled to institute the civil lawsuit to demand indemnity for the damage incurred to him as a result of any unfair competition acts, and to demand the ceasing of such acts, and he is also entitled to request the taking of any of the precautionary measures.

Section Seven: GENERAL RULES

Chapter One: Priority Rights

Article 118

- a. Any party wishing to benefit from the right of priority of a previous filing made in a member country to the amended Agreement of Paris for the Protection of the Industrial Property or to a multilateral international agreement in which Syria is a party or a state reciprocates Syria with respect to the right of priority should enclose to his application a statement indicating the number and the date of such previous filing and the name of the country where made, and he should present within six months from the date of the subsequent filing a certified copy of the previous filing and such measure should be preceded by the payment of the prescribed fee, and the negligence of the transactions stipulated in this Article shall result in the forfeiture of the right of priority.
- b. The period of priority stated in the previous paragraph shall be six months for the trademarks and the industrial designs and models which shall be in effect as from the date when the first application has been filed while the day of filing shall not be reckoned when such term is counted.

Chapter Two: Jurisdiction and the Right of Prosecution

Article 119

- a. One chamber of the first instance civil court shall be designated to examine all the disputes and the civil lawsuits in relation to the commercial and the industrial property.
- b. The competent chamber at the first instance civil court in Damascus only and regardless of any other administrative court shall consider the appeals to the decisions issued by the Directorate and the Competent Committee.
- b. One room of the appeal civil court shall be designated to consider the appeals to the decisions rendered by the court named in paragraph (a) of this Article.
- c. Jurisdiction as to the lawsuits examined before the various courts on the effective date of this Law shall continue until the final judgment has been rendered for the same at the different stages and degrees of litigation, while the new lawsuits arising after the effective date of this Law shall be subject to the rules of the previous paragraphs of this Article.
- d. Parties shall keep the right to refer to the local or the international arbitration with regard to the private civil disputes stated in this Law.

Article 120

The civil lawsuits against the infringement of the trademark or the industrial design or model shall be instituted by the proprietor. The beneficiary of the right of the exclusive licensing to the trademark or the industrial design or model is entitled to institute such lawsuits if the proprietor did not institute the lawsuit although he has been officially warned to do so unless the licensing contract has otherwise stipulated. Any party in any contract of licensing has the right to intervene in the lawsuit of

infringement in order to demand an indemnity for the damage incurred to him by reason of the infringement.

Article 121

The defendant has the right to demand an indemnity for the damage incurred to him if it has been proved as a conclusion to the lawsuit that the plaintiff was not right in his lawsuit or if it has been proved that he was not rightful in his request to take the precautionary measures and also if the party seeking the precautionary measures did not institute the lawsuit in the origin of the right within the legal time limit.

Chapter Three: Summary Precautionary Measures and Prevention of Infringement

Article 122

The magistrate of the summary matters, against a bail or without it, can order one or more of the suitable precautionary measures until the basis of the dispute has been settled, in particular:

- a. All the necessary precautionary measures to prevent the occurrence of an approaching infringement of any registered right of the rights of the commercial or the industrial property, in the cases where the infringement is feared to occur, including the ordering to refrain from doing any act or certain acts or to prevent the continuity of the same, and the magistrate is entitled to impose compulsory fines as an enforcement to his decisions.
- b. Stopping the execution of the registration procedures, stopping the execution of the validity of the registration decision for a registered commercial or industrial right, preventing the use of the registered right, provisionally seize it, enjoining the authority to dispose of it, or enjoining the objection to its using or its licensing to third parties for using and exploiting it.
- c. Evidencing the event of infringement of the protected right, describing and detailing everything that forms an infringement of the same or a proof of the infringement wherever found, taking samples of it and to decide its seizure under a possessing hand against or without a bail, to appoint a receiver on it or to deliver it to a third person . For this purpose, the magistrate shall have the power to appoint whomever he finds fit of the experts to act as required. The civil or the penal lawsuit in the origin of the right should be instituted with the competent court within fifteen days from the date when the summary decision has been rendered otherwise every effect of the same shall be nullified.

Article 123

- a. the lawsuit concerning the dispute on the property of a commercial or an industrial right registered with the Directorate cannot be heard before entering the sign of such lawsuit on the record of such right with the Directorate, as such sign shall be deemed a proof against third parties that the right for which such lawsuit was instituted is still the subject matter of a court dispute that may arise effects limiting or canceling the rights of the person in whose name that right is registered.
- b. The judgments of bankruptcy rendered against the proprietor of a commercial or an industrial right registered with the Directorate shall be recorded in the register related to such right according to request of the court or by due knowledge of the official of bankruptcy.

Chapter Four: Frontier Measures

Article 124

- a. The Customs Public Directorate by virtue of a written request submitted by an owner of a right of a registered commercial or an industrial property or by a beneficiary from an exclusive right registered with the Directorate to exploit the same and having presented a proof thereof should -among the procedures of control- seize the goods which form an infringement on such right even if were passing in a transit trade.
- b. The customs authorities shall notify the public prosecution, the applicant, owner of the goods or his legal representative, and the possessor of the goods without delay about the procedures of the seizure and preservation of the goods.
- c. the procedure of seizure shall be legally lifted and the goods shall be released in case the petitioner, within ten days starting from the date when such procedure has been taken by the Custom Public Directorate, did not present what proves :
 - 1- The issue of precautionary measures from the court, the magistrate of summary matters, the public prosecution, or chief of the execution office stating the continuation of the procedures taken by the Customs.
 - 2- Or to institute a civil or a penal lawsuit where the court should decide at the chamber of deliberation within three days from the date when the lawsuit has been instituted to oblige the plaintiff to present a sufficient warranty which value to be determined to cover the liability of the plaintiff if the lawsuit was rejected; the plaintiff must present such warranty and notify a copy thereof to the Customs Public Directorate within twenty days from the decision's date; otherwise, the procedure of the seizure shall be lifted and the goods is released.
 - 3- For the purposes of the above mentioned lawsuits, the petitioner shall be able to obtain from the Customs Public Directorate the names and the addresses of the suppliers and the importers, to whom the seized commodities are dispatched, or their possessors as well as their quantities irrespective of any contradicting text.
- d. Excluded from the implementation of this Article the little quantities of commodities which arrive inside the passengers' luggage for the aim of the non-commercial personal use in accordance with the relevant laws and regulations in force.
- e. The request stated in the paragraph (a) above should contain a commitment from the applicant that he is liable to indemnify the supplier or the exporter for any damage which might have occurred to him as a result of the request if it was finally proved that such request was not right.

Chapter Five: Public Lawsuit, Description, and Seizure

Article 125

The public lawsuit for the crimes listed in this Law shall be instituted directly by the public prosecution, or by virtue of a request of the Director or the damaged party.

Article 126

- a. the public prosecution whether the damaged party has submitted his complaint or not is entitled to order the specifying, the making of inventory, and the seizure of the materials, the goods, the commodities, the tools and crime's machines. The Director also has such right.
- b. If the procedures have been by virtue of a complaint or a prosecution by the damaged party, the Directorate shall require him to present an advance payment for the account of compensations in favour of the police force individuals as stipulated in Article 137 of this Law and no procedures shall be commenced before such advance payment was paid. If the procedures discontinued or the lawsuit was not instituted within the legal time limit, the advance payment shall belong to the Directorate.

Article 127

- a. The workers in the field of the protection of property appointed to specify the crime's things, to make inventory, to take samples and to make minutes of seizure mentioned in this Law shall have the capacity of the judicial police force for property protection, whom shall be named by a decision from the Minister and they shall do their job according to an order of a mission or an authorization issued by the public prosecution, the Director of Protection, or the judiciary and they should inform the Directorate of all the violations to the rules of this Law of which they become aware.
- b. The workers mentioned in the previous paragraph who have never formerly taken the legal oath until the enforcement of this Law's rules should swear the following: "I swear by almighty God to do my job honestly and sincerely" before the first instance civil court in the province and before they begin their work.
- b. The minutes prepared by the judicial police force in protecting the property shall have the capacity of the judicial minutes.
- c. The minutes shall be sent to the public prosecution for necessary measures to be taken.

Article 128

- a. The specifying of the crime's materials, their inventory, their seizure and taking samples could be performed in the following locations: warehouses, showrooms, stores, factories, cars, trucks used for trading, storehouses, slaughterhouses and annexed areas, Al-Hal markets, commercial marketplaces, fairs, stations, ports of departure and arrival and the free zones.
- b. The individuals of the judicial police force in the Directorate have the power to close the shops, the factories, the warehouses, and the spots administratively annexed to the same by the sealing wax when any resistance or hindering to the executing of the said tasks listed in the previous paragraph occur for three days within which the matter shall be submitted to the Director who enjoys the authority to cancel or to extend such closing for a period does not exceed thirty days.
- c. The individuals of the judicial police force may ask for the help of the armed force to support them in the execution of the missions for which they are appointed pursuant to this Law's regulations when necessary.

Article 129

Minutes on the infringing commodities shall be organized and each and every specifying and inventory to the same are made in minutes includes:

- a. The name and surname of the minutes' writers and their capacity.
- b. the date of work, hour and location.
- c. the authority which ordered the same and date of order for appointment.
- d. the name of the person in whose location the procedure has been made, his surname, address, job and nationality.
- b. If the procedure was made on the road, the name, the capacity, the address and the nationality of the persons listed in the letter of forwarding or the bills of lading as consignees should be stated.
- c. a summary of the circumstances in which the procedure was taken and the number of the persons who were attending the same.
- d. the signature of the person disposing of the materials and the commodities or the mentioning of his rejection to sign.
- e. The signatures of those who organized the report.

The person possessing the materials can mention in the report all the information and the reservations which he finds appropriate and the materials and the commodities are delivered to the person possessing them or to another as a reliable third person until the competent court renders its decision to seize or to release such commodities. Those organizing the report should not be less than two.

Article 130

The organizer of the minutes shall not be obligated to reveal his capacity to the possessor before he starts his investigations; when he wants to verify whether the delivered product is a product other than the requested as covered by registered commercial or industrial right he has the right not to let the possessor know about the order of investigating except after he has received the product. It is allowed that the official be accompanied by an expert appointed by the authority which gave such order or such authorization and whose name is recorded in it.

Article 131

The official when finds it convenient shall deliver the possessor a copy of the order according to which he works. Once the procedure was finished, the possessor shall in addition receive a copy of the minutes and the list of materials or the minutes for which the procedure was executed in case an independent list was written about.

Article 132

- a. The civil or the penal lawsuit should be instituted before the competent court within thirty days starting from the date mentioned in the last report otherwise the procedure shall be invalid and the warranty, if any, shall be confiscated in favour of the Directorate.
- b. The court and before the judgment has been rendered shall decide either to confirm or to cancel the taken procedures. It can decide the seizure of the materials stated in the minutes and in the complete list or some of the same, and it can in this case order the complainant and prior to the enforcement of the seizure to pay a warranty to be assessed by itself in comparison with the value of the materials required to be seized. The decision also appoints the official in charge of the seizure with preference to choose the official who wrote the minutes and performed the original operation of description or the seizure stipulated in Article 126 of this Law if ever occurred. The decision may eventually refer to the site where the seized material should be placed and to nominate a guard assigned to watch it when necessary.

Article 133

The confiscate should be given the following documents otherwise the seizure shall be invalid:

- a. The decision of seizure.
- b. The deed proving that the warranty was deposited if such a warranty has been determined.
- c. A list of the seized materials.
- d. The minutes of seizure.
- b. If the confiscate rejected to receive the above mentioned documents, the same should be stated in the minutes of seizure.

Article 134

The official who performed the procedures of seizure shall forthwith organize on two copies, one of which he delivers to the confiscate as such minutes shall be organized like the form of the minutes detailed in Article 129 of this Law and he encloses a list of the seized materials and the confiscate shall sign the two documents, and in case he refused to sign or this was impossible, he shall state in the spot of signing that he refused to sign or that the signing was impossible.

Article 135

Before the description of the crime's materials, its seizure and its sequestration, and before its seizure and confiscation is made by the Directorate, such Directorate shall collect the following sums:

2000 two thousand Syrian Pounds for the description, the sequestration and the impounding of the materials;

2000 two thousand Syrian Pounds for the seizure or the confiscation;

In case the Directorate has made its pursuits by virtue of a complaint of the damaged party, such party shall advance such sums to the Directorate while if the Directorate has made its pursuits directly with no complaint available, this shall not require the payment of any fees, and such sums will be treated as the compensations mentioned in Article 137 of this Law.

Article 136

The defendant is entitled to claim the plaintiff to indemnify him for the damage incurred to himself if it has been proved as a conclusion to the lawsuit that the plaintiff was not right in his lawsuit or if it has been proved that he was not rightful in his request of taking the precautionary measures and also in case the applicant of the precautionary measures did not institute the lawsuit in the origin of the right within the legal time limit.

Article 137

Contrary to any valid text in any other law, the compensations of the official in charge of the execution of the procedures of Article 135 of this Law shall be borne by the concerned party as determined by a decision from the Minister, and paid to the treasury (department of trusts); then, it shall be cashed to the Ministry's representative against a statement signed by himself and authenticated by the Director of Protection.

Article 138

- a. The court in any civil or penal lawsuit can decide to seize the complained materials and commodities, to sell the same and to deduct their price from the damaged party's compensations or order to dispose of the same in any other way the court considers convenient.

- b. The court shall order the removal and the destruction of the seized infringing trademarks and industrial designs and it can when necessary order to destroy the industrial models and the products, the commodities, the stores' titles, the packaging, the invoices, the correspondences, the advertising means, or other things carrying such trademark which violates this Law's rules, also to destroy the machines and the tools that were particularly used in committing the crime. The court as well is entitled when adjudge of the conviction to judge of closing the establishment which the convicted person exploited in committing the crime for a period not exceeding six months as such closing shall be obligatory in case of reiteration.
- c. The court when judging in any of the misdemeanors mentioned in this Law and concerning the unfair competition should decide the incompetence of the convicted person to be elected a member in the chambers of commerce, the committees and bodies of studies, the craft associations and unions, and in general in each elected organization until he is rehabilitated.
- d. The court as well has the right to order the publishing of the judgment in one Gazette or more at the expense of the convicted person.
- e. The court can adjudicate an indemnity to the damaged party even if a judgment of guiltlessness was rendered in the penal lawsuit, and the court can order all or some of the abovementioned even when a decision has been rendered that the complained party was guiltless in the penal lawsuit.

Article 139

Every court decision taken in accordance with this Law's rules should be notified to the Directorate by the court which rendered the same within maximum eight days.

Article 140

The material mistakes in the documents issued by the Directorate shall be corrected by itself or by virtue of the request of any party of interest without a fee or a fine within one year from the date when such document has been issued or from such mistake has occurred; the correction shall be made against a specified fee after such period of time elapsed.

Article 141

All the applications for registration, renewal, amendments, undertakings, oppositions, certification of copies, reconsideration, searches, powers of attorney, certificates and others shall be submitted on forms modeled for this aim by the Directorate and attached with this Law's Executive Regulation. Such forms may be modified and which value determined by decision from the Minister and by suggestion from the Directorate and the value of such forms shall be in favour of the Directorate.

Article 142

- a. A treasury shall be created with the Directorate for the depositing of the sums and the values specified in this Law and the Executive Regulation to the advantage of the Directorate for the coverage of the expenses of the services of publication, printed materials and other provided for the applicants.
- b. A staff is created for such treasury and added to the Ministry's bylaw.
- c. The Director shall be considered a disbursement officer for the sums deposited in the treasury which shall be expended by himself to the interest of the Directorate and its personnel.

Chapter Six: The Agents for the Registration of Industrial Property

Article 143

The agent of registration is the natural person or the artificial person who is authorized to register the rights of the commercial and the industrial property in favour of his client.

Article 144

- a. No person is allowed to practice the work of the agent of the registration referred to in the previous Article unless his name has been recorded in the schedule of agents of the registration of the rights of the commercial and the industrial property, as the following conditions should be satisfied for recording in this schedule:
 - 1- To be a citizen of the Syrian Arab Republic or the like.
 - 2- A holder of a university qualification.
 - 3- Never convicted of a penal punishment for violating the trust or the public manners.
 - 4- To practice career within a private office qualified for the practicing of such work.
 - 5- To pay the prescribed fee.
- b. The schedule of the agents of the registration shall record the local companies specialized in the field of the protection of the commercial and the industrial property and the companies established abroad having a branch registered in Syria provided that the director in both cases shall be a person who satisfies the conditions mentioned in the paragraph (a) of this Article.
- c. The Syrian lawyers or the like are excluded from submitting the documents stated in the paragraph (a) of the previous Article except the prescribed fee.

Article 145

The agent of the registration has the right to employ a number of workers in his own office to follow up the works and the tasks which he has been assigned to do with the Directorate under the following conditions:

- a. To be a citizen of the Syrian Arab Republic and the like.
- b. A holder of an academic qualification not less than the secondary education certificate.
- c. Never convicted of a penal punishment for violating the trust or the public manners.
- d. The agent (owner of the office) shall grant his workers and employees the permit signed by himself to perform such works.

Article 146

The applications of registration shall be submitted to the Directorate, recorded in the registering bureau and the registration applicant is granted a notice thereof and the submitted applications shall be examined by a committee formed for this purpose by a decision from the Minister which consists of:

- Director of Protection or a person whom he authorizes.
- Director of the Legal Affairs or a person whom he authorizes.
- A chief of a department in the Directorate.

Article 147

- a. The applications of registration are referred to the committee with the required documents which the secretary records in a special register with the

- committee according to the serial numbers of their entry in the registering bureau and such documents are checked by the committee during a meeting which all its members should attend. The committee may request the applicant to complete the documents if they were incomplete or to present clarifications on them before a decision is taken for the application.
- b. The committee's secretary shall organize a report on the meetings of the committee and it shall be duly signed by all its members.

Article 148

The committee having ascertained that the conditions were satisfied and the required documents were available shall decide the approval to record the name of the applicant in the schedule of the agents of the registration of the commercial and the industrial property. If such conditions were not satisfied and the required documents were not available, the committee shall decide to reject the application while the decision should be justified and clarifying the reasons of such rejection. The recording in the schedule is made in successive numbers along with the date of approval to the recording.

Article 149

The committee issues its decision for the application of registration within a period of time does not exceed one month from the date when the application which satisfied all the conditions and the requirements was submitted, and the Directorate notifies the applicant of the committee's decision in writing once issued. A person whose application was refused is entitled to appeal the committee's decision before the State Council within sixty days from the date when he was notified with such decision.

Article 150

The Ministry shall annually issue a schedule of the names of the agents of the registration which besides its appendices shall be published in the Property Protection Gazette and the Directorate's notice board.

Article 151

The agent of the registration whose name is entered in the schedule should inform the Directorate of all what might occur to his legal status while practicing the works he is assigned of, such as the change of address of his office or the lose of any of the entry conditions, and he should also refer to his number of entry in the schedule in all his correspondences or papers when mentioning his name.

Article 152

The name of the late agent of registration shall be lawfully cancelled from the schedule in accordance with the decease document and the decision of cancellation shall be issued by the committee and notified to the late's successors in order to take the special procedures to properly liquidate the office's works. If one of the successors requested to exploit the office and he could meet the agent's conditions, his name is entered in the schedule and he must submit a new application to the Directorate with the required documents attached, and the procedures stipulated to approve his application shall be followed.

Article 153

If any violation to the rules of the Law or the Executive Regulation has occurred by the agent, the committee or one of its members having been requested by its president shall verify the occurrence of the event attributed to the agent of the

registration and prepare a report as a result of the investigation with the recommendations. If such violation was proved, the committee decides to stop the agent from working for a period not more than one year during which he is forbidden to submit any new application, but this will not affect the applications submitted before the date when the punishment was decided or his name was cancelled from the schedule of the agents, and the decision is duly notified to the agent in writing.

The person against whom such a decision was issued is entitled to appeal the committee's decision before the State Council within sixty days from the date when such decision has been notified to him.

Article 154

The agents of the registration cannot register any of the rights of the commercial and the industrial property in their personal names except what is in relation to their job as agents, and the Directorate has the right to cancel the registration which is accomplished in violation of this Article's rules against the payment of a specified fee to be paid by the agent.

Chapter Seven: Final Rules

Article 156

The s of the international applications in accordance with the Madrid Agreement and Protocol and the relevant international conventions shall be determined by decision from the Minister.

Article 157

As from the effective date of this Law all the laws and regulations disagreeing with its rules are cancelled.

Article 158

This Law's Executive Regulation shall be issued by decision from the Minister and he shall also issue the decisions which he considers necessary for the enforcement of this Law and its Executive Regulation.

Article 159

This Law is published in the gazette and it shall be considered in force after a period of thirty days from the date of its issue.