

Design Law

Sultanic Decree No. 39/2000
The Law for Industrial Drawings and Designs

Sultanic Decree No. 39/2000
For issuing the Law of Industrial Drawings and Design
We Kabous Bn Said, Sultan of Oman
after reviewing the public order law issued by the Sultanic Decree No. 101/96.
the Sultanic Decree No. 63/98 regarding the accession of the Sulatnate of Oman to both the Paris
convention for the protection of industrial property and the Berne connection for the protection of
literary and artistic works
and what the public interest necessitates
Decreed what follows:

Article 1:

The rules of the enclosed law of industrial drawings and design shall be put into effect.

Article 2:

The minister of commerce and industry shall issue the bylaws and regulations needed to
implement the rules of this law.

Article 3:

This decree shall be published in the official gazette and shall take effect from its publication date.

Kabous Bn Said
Sultan of Oman
Issued: 17th of Safar 1421 A.H
21th of May 2000 A.D
Official gazette No. (672)

The law of Industrial Drawings and Designs

Article 1

In connection with the application of this law, an industrial drawing or design is any arrangements
containing lines or colors or any colored or non-colored physical shape intended for use in
industrial production whether mechanically or manually including textile designs, provided that
this arrangement or design provides a special appearance to the industrial or handicraft product.

Article 2

An industrial drawing or design shall not enjoy the protection provided by this law, unless it is registered in the register of the industrial drawings and designs at the competent department at the ministry of commerce and the industry. The executive bylaw shall specify the procedures for filing, examination and registration of the application. The application may contain more than one drawing or design provided that they as a whole constitute a consistent unit.

Article 3

The innovator of a drawing or a design and his successors after him are to be considered the owner of the right in it. The registration is considered a presumption of ownership unless the apposite is proven. The application may contain a claim for the priority of a prior application, which has already been filed in country, which is a member of the Paris Convention or the World Trade Organization (WTO).

If two or more persons share in the innovation of an industrial drawing or design they shall both share in the right in the drawing or the design. If two or more persons innovate the same industrial drawing or design independently from each other, the person who files the registration application prior to the others shall have the right to claim priority unless the application is abandoned, withdrawn or rejected. The name of the innovator shall be listed as the owner of the right in the industrial drawing or design unless the innovator requests in a signed declaration directed to the competent department that he does not want his name listed.

Article 4

The following shall not be registered as industrial drawing or design:

A drawing or a design which lacks novelty, innovation or which has been disclosed to the public in any country in the world whether through publication, use or any other method before the filing date of the application for registration or the date of the priority application if applicable.

Each drawing or design, which violates the morals or the public order.

Article 5

The applicant may complain against the decision of rejection of the registration before a committee to be formed by a decree from the minister. The bylaw shall specify the system of operation of the committee. The decision of the committee may be appealed before the competent court within sixty days from the notification date of the committee's decision through a registered letter.

Article 6

If the industrial drawing or design was carried out through a work contract, the right in drawing or design shall be assigned to the employer unless agreed otherwise.

Article 7

Any action concerning the assignment of ownership or the license of an industrial drawing or design shall not be effective unless this action is recorded in the register stipulated in article (2).

Article 8

The right holder in the drawing or the design may request delaying of publication for a period not exceeding twelve months from the priority date. In such case the delay is marked in the register together with listing the name of the applicant and the filing date of the drawing or the design.

Article 9

The protection period for a drawing or a design is ten years starting from the filing date of the application. It may be renewed for another similar period, otherwise the competent department in the ministry shall cancel the registration. The renewal application must be filed within the last six months of the original protection period. The bylaw shall specify the registration and renewal fees. The registration and renewal decisions shall be published according to the conditions specified by the bylaw.

Article 10

Any interested party may petition the competent court for the cancellation of a an industrial drawing or design, if the registration was effected in the name of a person who is not the authentic owner of the drawing or design or if the registration was effected in violation of the rules of articles 1 and 2.

The Registrar shall cancel the registration once a final judgment to this effect is presented to him.

Article 11

Any person may review the register and obtain an authenticated extract thereof according to the conditions and procedures and after payment of fees specified by the bylaw.

Articles 12

Punishment by imprisonment for a period not exceeding two years and a fine not exceeding two thousand Omani riyal or either of the two penalties shall be imposed on:

Everyone who imitates an industrial drawing or design protected under this law.

Everyone who knowingly sells, offers for sale or circulation or possesses for the purpose of sale products containing on them a imitated industrial drawing or design, if the drawing or design is registered in the Sultanate of Oman.

Everyone who unjustifiably puts on the products, advertisements, trademarks, packaging articles or other things data which leads to the belief that it is registered as an industrial drawing or design.

Article 13

The right owner of the drawing or design may obtain an order from the head of the competent court or whoever he deputizes from the judges of the court to effect the needed precautionary procedures such as prohibition of others from manufacturing, selling or importing goods for commercial purposes which, all or most of them, contain a protected design as well as seizure of instruments and any apparatus which was used as well as the products, goods, envelopes or paper etc.

Action regarding the origin of the dispute must be brought to the competent court within fifteen days from the issuance date of the order otherwise all effects of the adopted measure will vanish.

Sultanic Decree No. 41/2000

The law of the protection of Designs (Topographies) of Integrated Circuits

For issuing the law of the protection of designs (topographies) of integrated circuits

We Kabous Bn Said, Sultan of Oman

after reviewing the public order law issued by the Sultanic Decree No. 101/96 and according to what the public interest necessitates.

Decreed what follows:

Article 1:

The rules of the enclosed law of the protection of designs (topographies) of integrated circuits shall be put into effect.

Article 2:

The minister of commerce and industry shall issue bylaws and regulations needed to implement the rules of this law.

Article 3:

This decree shall be published in the official gazette and shall take effect from its publication date.

Kabous Bn Said

Sultan of Oman

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The law of the protection of Designs (Topographies) of Integrated Circuits

Article 1

In applying the rules of this law, an integrated circuit means every product, which in its final or intermediary form consists of links (connections) or elements of which at least one must be active for the purpose of performing an electronic function.

A design - which is synonymous to the term "topography" - is any three-dimensional arrangement of links and elements of which at least one must be active for the purpose of manufacture.

Article 2

The innovator of the original design whether a natural or juridical person shall be considered the right owner and he, and his successors after him, shall enjoy the protection stipulated in this law through its registration in the special register prepared for this purpose at the competent

department at the ministry of commerce and industry. The bylaw shall specify the procedures of filing, examination and registration of the application. The registration shall be considered a presumption of ownership until the opposite is proven. If several persons innovated a single design all of them will share in the right.

Article 3

Every interested party may complain against the decision of rejection of the registration within thirty days from the notification date, before a committee to be formed by a decree of the minister. The bylaw shall specify the operation system of the committee. The decision of the committee may be appealed before the competent circle of the commercial court within sixty days from the notification date of the committee's decision through a registered letter.

Article 4

The owner of design shall alone have the right to financially exploit the design. Others shall not have the right to import, reproduce, sell or distribute any protected design unless and after obtaining a written permission from the person who has right to financially exploit the design or his successors.

Article 6

If the design was achieved through the execution of a work contract, then the right in the design belongs to the employer unless agreed otherwise.

Article 7

The determined protection period for a design is ten years from the filing date of design application.

Article 8

The following usages of the designs shall be considered legitimate even without the consent of the right holder of the design:

If the person did not know or did not have reasonable means for knowing that the commodity contains a design which is unlawfully copied. In such case the person must dispose of the stored quantities, or the quantities contracted for before his notification together with payment of suitable compensation to the right holder.

The personal non-commercial use of the design.

If public interest necessitates the use of the design for non-commercial purposes in the fields of evaluation, analysis, research or education. A ministerial decree shall be issued for the authorization and conditions for use.

Article 9

The right holder in the design may obtain an order from the head of the commercial court or whoever he deputizes from the judges of the court to effect the needed precautionary procedures

especially seizure of instruments which have been used as well as products or goods etc.

Action regarding the origin of the dispute must be brought to the competent circuit within fifteen days from the issuance date of the order, otherwise all effects of the adopted measure will vanish.

Article 10

Any interested party may petition the competent circuit at the commercial court for the cancellation of the whole or apart of the design if it is in violation to the rules of this law. The competent department shall effect this cancellation once presented with a final judgment.

Article 11

Punishment by imprisonment for a period not exceeding two years and a fine not exceeding two thousand Omani Riyal or either of the two penalties shall be imposed on:

Everyone who reproduces a protected design without the permission of the right holder.

Everyone who imports, sells or distributes a registered design or a product compacted in it an integrated circuit without the permission of the right holder.