

Patent Law

Legislative Decree No. 47
October 9th, 1946

Organization of Industrial & Commercial Property Protection
Amended by Law No. 28, Dated 18.5.1400 AH, Corresponding to 3.4.1980

The President of the Republic of Syria,
Pursuant to Law No. 62 issued on January 24, 1944,
The Proposal of the Minister of National Economy and the approval of the Council of Ministers in
its Resolution No. 378 dated October 5, 1946,
Decreed the following:

PART I **Patents**

Chapter 1 **General Rules**

Article 1

Any new industrial production, the discovery of a new method for obtaining an existing industrial production or an existing industrial result, or attaining a new application of a known industrial method shall be considered an industrial invention. Each one who makes an industrial invention shall have exclusive right to use it, and he shall be granted a certificate of invention according to the provisions of this Legislative Decree.

Article 2

The period of protection guaranteed by the certificate of invention shall be fifteen years starting as of the date fixed in the deposit record provided for in Article 13.

Article 3

Certificates granted in the following cases shall be considered null and void:

1. If the invention is not new.
2. If the certificate of invention is not patentable under the cases provided for in Article 6.
3. If the invention is related to mere theoretical methods or mere practical methods without having a certain industrial application.
4. If the title of invention submitted intentionally indicates a thing other than the invention itself.
5. If the invention's descriptions, specifications, drawings and computations are not sufficient to put the invention into use. The additional certificates which have no relationship with the original certificates shall also be considered null and void.

Article 4

In order to consider an invention new, nothing should have been published about it in Syria or in the foreign countries, which makes its application and use possible. An exception to this shall be the inventions for which certificates of guarantee were obtained in the exhibitions. The conflicting international conventions applicable in the Syrian Arab Republic should be observed.

Article 5

The rights of the holder of a certificate shall be cancelled in the following cases:

1. If he imports into Syria things from a foreign source, which are similar to those, protected by his certificates. The international conventions, which provide otherwise and are applied in Syria, shall be observed.
2. If he does not within two years put his invention into use, unless he proves that he has offered his invention directly to the industrialists who are capable of applying his invention, and that he has not refused without reason the applications to use his invention according to reasonable conditions.

Article 6

The certificate of invention shall not be granted for financial reasons, nor to inventions, which are expressly in violation of the public order or morals, constitutions and pharmaceutical preparations.

Chapter 2 Application for and Granting of a Certificate of Invention

Article 7

Any person may apply to obtain a certificate of invention. If the applicant is a foreigner, he should appoint a resident representative in Syria. The application for the certificate should be submitted to the Protection Office Manager in Damascus by the inventor or his attorney.

Article 8

The following shall be attached to the application:

1. A power of attorney if the application is submitted through an attorney.
2. Stamped envelopes which contain two copies of the following:
 - a) A description of the invention which may be accepted in either English or French.
 - b) The drawings and plans required to understand the invention.
 - c) A list of deposited documents.

Article 9

The name and address of the inventor or his representative shall be clearly and briefly indicated in a readable manner. The application shall include only one invention together with its ancillaries and procedures. If the inventor has previously obtained or applied for a certificate for the same invention in another country, or if he has requested for the same invention a certificate of guarantee for an exhibition, he shall so indicate in a detailed statement to be attached to the application. Figures, measurements, and weights shall only be in the metric system.

Article 10

All documents attached to the application shall be signed by the inventor or his representative whose power of attorney shall be attached to the petition.

Article 11

An annual progressive fee shall be paid as follows:
The first five years: as per the prescribed fee
The second five years: as per the prescribed fee.
The third five years: as per the prescribed fee

Article 12

The application submitted to the Protection Office shall not be accepted except if the inventor or his representative pays to the Office Manager the fee of the first year at least which is collected for the certificates provided for in Article 11 above.

Article 13

The Office Manager shall draw and sign a record indicating the date and hour of delivering the documents or their arrival and the payment of the fee. A copy of this record may be given or sent to the applicant after the payment of the prescribed fee.

Article 14

The Office shall be given a period of eight days starting on the date indicated in the record to make out the certificate.

Article 15

The certificates for which legal applications were submitted shall be handed over to the applicants without being a guarantee of any type whether as regards the reality of the invention or its novelty, or as regards the fidelity or accuracy of the description.

Article 16

The Minister of Supply & Internal trade shall issue an order in which he shall decide on the legality of the application. Such an order to be attached to the description and original drawings submitted by the applicant shall be considered as a patent certificate. Next, the applicant shall be granted a document of the said certificate without any fee. Each new copy of the document given at the request of the inventor or his successor requires an advanced payment of the prescribed fee.

Article 17

The inventor or his representative may request in his application provided for in the previous Article postponing the delivery of the certificate to him. In this case, the certificate shall not be handed over to him except after one year from the date of submitting the application. The inventor or his representative may request to take delivery of the certificate within the said year.

Article 18

The postponement, however, may not be granted in respect of the inventions for which the certificates were requested in foreign countries.

Article 19

The application which does not satisfy the conditions provided for above shall be returned to the applicant if necessary and he shall be asked to submit valid documents within two months. The Office shall indicate the date and hour on which the correct documents were delivered. The depositing of the documents shall be entered in a record for this purpose on the date of delivering the original documents.

Article 20

If the invention is complicated and is one of the types provided for in Article 6, the Protection Office Manager shall notify the applicant thereof, and he shall submit a report on the issue to the Ministry of Supply & Internal Trade.

Article 21

If an invention is rejected because it is overly complicated, the inventor may submit new applications for each part of the original invention or for one part only. The date of a certificate or certificates granted in this case shall be the date and hour of the rejected application.

Article 22

If an application is rejected; the fee paid for the first year shall remain the right of the Office. Conversely, the paid fees shall be fit for all the delivered certificates according to the provisions of Article 21.

Chapter 3 The Certificates of Addition

Article 23

The certificate holder, whether he is an inventor or the holder of the invention right, may make any change, alteration or addition to the original invention and shall take all the procedures provided for in the previous and subsequent articles of this Legislative Decree. The depositing record of the certificates of addition shall be made out in the same form in which the depositing record of certificates of invention is made out, as provided for in Article 13. A copy thereof may be given to the applicant for certificates of addition or to his attorney against the payment of the prescribed fee.

Article 24

The certificates of addition shall have the same effect as the original certificate. If the original certificate has many holders, the certificate of addition held by one of them ensures the benefit for all.

Article 25

If an improvement is made in an invention for which a certificate is issued to another person, the person who made the improvement may not utilize the original invention. Conversely, the other

person who is the original inventor, may not utilize the certificate of addition related to the improvement made after the invention, unless it is otherwise agreed by the concerned parties.

Article 26

The certificates of addition shall be given the date of filing their application, and they shall expire with the expiry of the related original certificate.

Article 27

If a certificate expires because of non-renewal, the related certificates of addition may remain valid, provided the annual fees for each certificate are paid. They shall remain valid for the period of the original certificate if its annulment was is not decided.

Article 28

The holder of the additional certificate may request at any time that it be converted it to a certificate of invention against the payment of the difference in the fee for the current year, on the consideration that the period of the new certificate is equal to that of the original certificate.

Article 29

In order that the application for an certificate of addition be accepted, the fee for at least the first year should be attached thereto. The term "the fee for the first year" means the fee for the certificate of invention for the current year.

The prescribed fee should be attached to the application for the certificate of addition submitted during the seventh year which follows handing over the certificate. Conversely, the application submitted during the year in which the certificate was obtained requires the payment in advance of the prescribed fee.

Article 30

The fees for certificates of addition shall be as follows:

The first five years: as per the prescribed fee.

The second five years: as per the prescribed fee.

The third five years: as per the prescribed fee.

Chapter 4 Transfer, Assignment, Attachment & Cancellation of Certificates

Article 31

The holder of a certificate may partially or fully assign it gratuitously or against payment, whether the assignment is limited to the right of title or also includes the right to utilize and mortgage it, share with it in one of the companies or follow any other method of assignment.

Article 32

A transfer or assignment of a certificate shall be made in writing, otherwise it shall be null and void. A transfer or assignment shall also be null and void with respect to third parties if it is not registered in the Protection Office. The transfer shall be registered in the register earmarked for this purpose in the Office at the request of the assignor within three months starting on the day of assignment (and this will not include the legal period). The registration shall include the names of the concerned parties, their addresses, the certificate number, its date and name, the nature of the assignment and its period, and the date of the assignment document concluded between the assignor and the assignee. (Each registration of the actions taken in respect of the patent or in respect of the name or address of its holder, as well as the delay in the application to register these actions within the fixed period requires the payment of the prescribed fees.

Article 33

The cancellation of an assignment shall be entered in the register mentioned in Article 32 according to an official final judgment or according to the submission of an official document which indicates acceptance of cancellation issued by the debtor or the party to which a right was transferred by him.

Article 34

Any person may at his request obtain a copy of the assignment registration or cancellation, or a document proving that there is no assignment with respect to a certain certificate. For this, the Office shall charge the prescribed fee for each document given.

Article 35

All assignment registrations shall be published in the Supplement to the Official Gazette of the Arab Republic of Syria which pertains to the Directorate of Commercial & Industrial Property Protection.

Article 36

Any creditor of the holder of a certificate of invention may levy attachment on it. The creditor shall submit a written objection to the Office in respect of the records of assignments made to the benefit of third parties. This objection shall be accompanied by an official copy of the attachment deed delivered by the judge officiating at the place of residence of the debtor or his representative if the debtor is residing in a foreign country.

Article 37

The notification of the lawsuit for levying attachment shall be made according to the public laws.

Article 38

If the attachment is confirmed, the court shall place the certificate in public auction, unless an agreement providing otherwise is concluded between the parties. The new holder of the certificate to whom it was transferred by the auction or purchase shall register the auction or assignment in the Office register within three months starting from the transfer of ownership, otherwise it shall be null and void.

Article 39

If a registration of the certificate of assignment was requested after the objection to it, the Office shall respond to this request. The assignment registration shall remain observed if it is not decided to levy the attachment. If it is, the registration shall be cancelled as a matter of course.

Article 40

The certificates of addition granted to the holder of the certificate of invention or to a person acting on his behalf after the assignment of the certificate shall be the right of the assignee. The holder of the certificate of invention or the person to whom it was assigned shall also make benefit from the certificate of addition given by the assignee when the original certificate is returned.

Chapter 5 Cancellation & Invalidation of Certificates

Article 41

Any party concerned may file a lawsuit for the cancellation or the invalidation of a certificate. Such lawsuits shall be filed at the Commerce Court. The public prosecution shall always have the right to interfere to obtain an order canceling a judgment or invalidating it, and may also file lawsuits directly and in the method of original lawsuits in the cases provided for in paragraph 4 of Article 3 and paragraph 1 of Article 5 for the purpose of cancellation and invalidation. The lawsuits shall be filed against all parties who have rights in the certificate provided these rights were registered in the Office.

Article 42

The trial and judgment in a lawsuit for cancellation and invalidation shall be carried out according to the procedures provided for in the law of trials. The file shall be serviced to the public prosecution in advance.

Article 43

A copy of the judgment or resolution, which is conclusive, shall be sent to the Office by the Court President. A summary of the judgment shall be published in the Official Gazette Supplement pertaining to the Directorate for the Protection of Commercial & Industrial Property.

Article 44

The patentee, who does not pay the legal fee before the beginning of each year of his certificate duration, shall forfeit his rights. However, he shall be granted a period of six months to pay the fees legally due. In this case, he shall pay the additional prescribed fee.