

Trademark Law

President Al-Assad promulgates Law No. 8 Regulating the Provisions of Trademarks,
Geographical Indications and Industrial Drawings and Designs
Damascus

Tashreen Newspaper
First page

March 13, 2007

President Bashar Al-Assad issued Law No. 8 of 2007, Regulating the Provisions of Trademarks, Geographical Indications and Industrial Drawings and Designs and regulating the work of agents registering commercial and industrial property rights and the temporary protection of markets and exhibitions in Syria and the foreign countries as well as industrial and commercial prizes and protection from unfair competition and the protection of trade secrets.

The following is the text of Law No. 8
President of the Republic

Pursuant to the provisions of the Constitution; and

The decision taken by the House of Parliament in its session held on February 16, 1428 AH,
corresponding to March 6, 2007 AD

The following has been issued:

Part I: Trademarks **Chapter I: Definitions**

Article (1)

In the application of the provisions of this law, the following words and phrases shall have the meanings shown against each of them.

Law: Law of Trademarks, Geographical Indications, Industrial Drawings and Designs and Unfair Competition.

Implementing Regulations: The implementing regulations of this law.

Ministry: The Ministry of Economy and Trade.

Minister: The Minister of Economy and Trade.

Directorate: Directorate for the Protection of Commercial and Industrial Property at the Ministry of Economy and Trade.

Director: Director of the Commercial and Industrial Property Protection.

Distinguishing Mark: Trade, industrial and service marks.

Competent Committee: Committee responsible for considering the oppositions submitted against the decisions of the Directorate of Protection under the law.

The competent court: The court considering the cases of commercial and industrial property in accordance with the provisions of this law.

The agent or legal representative: The person who is duly authorized to register commercial and industrial property rights for the benefit of his principal according to this law.

Property Protection Journal: The Journal on commercial and industrial protection issued by the Directorate.

Paris Convention for the Protection of Industrial Property: Convention dated March 20, 1883 acceded by Syria since 1939 and amended under the Stockholm document of 1967 acceded by Syria under Legislative Decree No. 47 of 2002.

The Madrid Agreement and Protocol: The Madrid Agreement Concerning the International Registration of Marks of 1891 and the Madrid Protocol of 1989 joined by Syria under Decree No. 92 of 2004.

Nice Agreement: Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of Registration of Marks in 1957, as amended, acceded by Syria under Law No. 37 of 2004.

Chapter 2: Distinguishing Mark

Article (2)

Each sign that assists in distinguishing the products or services of a natural or legal person shall be considered as a distinguishing mark. The distinguishing mark may consist, for example, of names, designations, seals, symbols, words, letters, features, inscriptions, figures, drawings, images, numbers, signatures, stamps, the names of stores, a group colors and their arrangements and degrees, shapes of products and packaging that has a special distinctive shape, as well as any combination of these elements. In all cases, the distinguishing mark must be visible.

Article (3)

A- The distinctive nature of the mark shall be determined by viewing the products or services concerned.

B- Under the concept of this law, a mark shall not be considered distinctive in the following cases:

- 1- Signs or designations free from any distinctive characteristic or that form a necessary or usual name or the name of sex in the common language or professional product or service.
 - 2- Signs or designations, which could be used to indicate one of the characteristics of the product or service, in particular, the type, description, quantity, destination of use, value, geographical origin and the date of manufacture of the product or rendering the service.
 - 3- Signs consisting exclusively of the format imposed by the nature or function of the product.
- C- With the exception of the prohibitions set forth in Item 3 of paragraph B, the distinct character of a mark can be acquired through long use of the mark.

Article (4)

The following shall not constitute a distinguishing mark or a part of a mark:

- A- Signs excluded under the provisions of Article 6, III of the Paris Convention of 1883 on Industrial Property as amended.
- B- Signs contradictory to public order or public morals, or those whose use would be prohibited by law.
- C- Signs that would mislead the public, especially about the nature or quality of the product or service, their geographical origin.
- D- Emblems, flags, pictures and seals and other symbols of countries or Arab or international organizations, religious organizations or one of their institutions or the imitation of those emblems, flags and the Red Crescent symbols, the Red Cross and other similar symbols as well as the marks which are imitations thereof.
- E- Signs identical or similar to the symbols of pure religious nature and names of holy places.

Article (5)

Any sign that infringes the rights of all previous rights like the following shall not constitute a mark:

- a- A mark already registered on identical or similar products or services whether the mark is identical or similar in get up or pronunciation or writing that would cheat the public.
- b- A mark well known internationally and in Syria, according to the text of Article 44 of this law.
- c- The title or name of a company if this would create confusion to the public.
- d- Name or logo of traders known at the national level in the event this would create confusion to the public.
- e- A geographic protected indicator.

f- The protected rights of an author.

g- A protected industrial design or drawing registered to others.

h- Rights affecting the personality of others, especially the family name, nickname or image or the trade name unless agreed by the involved person, or his successors to do so.

i- The name of a local group, its image or an attribute thereof.

Article (6)

A- Distinguishing marks affixed on goods and services of national origin, which are produced and circulated in the Syrian Arab Republic, shall be written in Arabic and may include foreign characters next to the Arabic ones provided that they are equal in size.

B- A distinguishing mark can be written in foreign characters only on the following goods regardless of the nationality of the product whether Syrian or not:

1- Goods and services produced within Syria and exported without being put into trading in Syria.

2- Marks affixed on goods and services produced outside Syria, which have been imported and put in trading within Syria provided that the country of origin is identified.

C- Goods or services produced or provided inside Syria under license from the owner of a foreign mark may bear the foreign mark as is without amendments, but with adding the phrase <manufactured or filled in the Syrian Arab Republic by the licensee from the company granting the license>. The said phrase shall be written in Arabic and shall not be capable of being erased or removed.

D- Marks that do not take into account the provisions of this article shall not be registered or renewed.

Chapter III: Acquiring or Loss of the Right in a Mark

Article (7)

A- The ownership of a mark could be individual or collective.

B- A mark ownership may be acquired through the sound and continuous registration in accordance with the provisions of this Law, taking into account the following:

1- The party registering a mark shall be considered the owner of the mark when the registration is accompanied by use during the five years following registration unless it is proved that the priority of use was the right of another party.

The party who used the mark earlier may, during the said five years, contest the validity of the registration of the mark in name of the other party. However, appealing the validity of the registration of a mark without abiding by any period when the registration was made in bad faith.

2- Registration of a mark that could have been registered contrary to the provisions of Article 4 of this law can be revoked by a grounded decision of the Director without reference to any period provided that the concerned person or his agent is informed of the decision of the Directorate. The decision of the Directorate revoking the registration of a mark shall be subject to appeal before the competent committee within 30 days from the date of notification. The decision of the committee shall also be subject to appeal before the competent court within a period of 30 days from the date of notification. In such a case, no fees shall be due on the revocation decision.

3- Each of the of Public Prosecution, Director and each interested party may apply to the competent court to invalid the registration of a mark which is registered contrary to the provisions of Articles 2, 3, 4 of this law, without any compliance with any period.

4- The owner who has the prior right in the mark shall have the sole right to apply for invalidity, according to Article 5 of this law provided that his petition shall not be accepted if the mark had been registered in good faith and was allowed to be used for a period of five years.

Article (8)

A- The competent court may, at the request of any interested party, pass a decision to strike off the registration of a mark if it is proved that it had not been seriously used for three successive years on all products or services for which it was registered, or any part thereof, unless the owner of the mark justifies the reason for non- use of the mark during this period. The use of the mark by the licensee shall be considered as use of the mark for the continuity of its registration. The following in particular shall be considered as a serious use of the mark:

- 1- Affixing the mark on the products or packages for marketing purposes.
- 2- The use of mark in a different form not resulting in losing its distinct characteristics.
- 3- Use of the mark with the consent of the owner or by any person qualified to use a collective mark.

B- The burden to prove the use of the mark lies on its owner where he can prove that by all methods of proof.

C- Striking off shall apply from the expiry date of the period referred to in paragraph (a) of this Article.

D- The right to request striking off the registration of a mark shall lapse if a serious use of the mark was launched or resumption of such use was made during the time between the expiration of the term of three years specified in the first paragraph and the date of submission an application for striking off the registration of the mark but this initiation of use or use would not affect the right to request striking off the mark if done during the three months prior to the submission of the motion, after being informed of the possibility of submitting such a request.

Article (9)

The rights of the mark owner shall lapse and the registration of the mark shall be cancelled by a court order at the request of any interested party:

A- If the mark has become a regular name of the product or service in the commercial field as a result of an act done by the owner of the mark.

B- If the mark leads to confusion or error on the nature of the product or service or the quality or geographic origin as a result of the use made by the owner of the mark or under his consent.

Article (10)

Any mark that has been written off for any reason or for the non-renewal of its registration may be re-registered in the name of its owner in particular, during the period of three years from the date of the write-off and may be registered, after the lapse of this period, in the name of its owner and others and if the write-off has resulted due to the execution of an enforceable court order without entitlement to the registration of the mark, then it may be registered in the name of the entitled party immediately after the write off in accordance with the circumstances and the same procedures and fees payable for registration in the law and its implementing regulations.

Chapter IV: Registration, Publication and Renewal of Marks

Article (11)

Without prejudice to the provisions of the laws and international conventions in force in Syria, the following shall benefit from the provisions of this law:

A- All Syrian natural or legal person regardless his residence.

B- Every non-Syrian natural or legal person provided that he holds the nationality of one of the acceding countries to the commercial and industrial property Conventions in force in Syria.

C- Every natural or legal person who is a national of a Member State of the Arab League provided reciprocity.

D- Every non-Syrian natural or legal person who has a business or residence in Syria or in one of the countries acceding to the commercial and industrial property conventions in force in Syria.

Article (12)

A distinguishing mark is optional unless there are legal provisions to the contrary. Registration of all optional or mandatory marks shall be subject to the provisions of this law and its implementing regulations.

Article (13)

The application shall be recorded in a special register with serial numbers as per the date and time the application is submitted. The applicant shall be granted a document confirming the registration of his application in accordance with the form specified in the implementing regulations. All applications for registration of international marks under the Madrid Agreement and Protocol shall be treated the same as national applications.

Article (14)

The application for registration of a mark shall be filed by the applicant or his legal representative accompanied by the assigned fees. If the applicant is non-resident in Syria, he must authorize a person resident in Syria to be his agent for the registration procedures. The application for the registration of a mark shall include all documents and data determined by the implementing regulations.

Article (15)

Any application for the registration or renewal of a mark shall not be accepted unless accompanied by the fee determined in this law.

Article (16)

A- An application may be filed for the registration of a mark in one class or more covering goods or services. The number of applications shall be equal to the required classes in accordance with the conditions and procedures specified by the implementing regulations.

B- Goods and services can not be considered similar or not similar only because of their existence or non-existence in one or different classes of the Nice classification.

Article (17)

Each person may request the Directorate in writing to conduct prior search on the mark. Each application shall not include more than five marks and the search shall be conducted against a specific amount for the benefit of the Directorate and the Directorate shall respond to the request during the period of / fifteen days / from the date of application. The search result shall not entail any responsibility on the part of the Directorate nor establish any right of the applicant towards the Directorate.

Article (18)

If the application for the registration of a mark included a word or more written in a foreign language, then the Arabic translation or the meaning of the mark shall be provided. It is not a pre-request for registration that the mark should have a meaning.

Article (19)

A mark may be restricted wholly or partly to one or more colors. In such a case, the directorates or court should take into account when deciding the status of those distinguishing marks being confined to those colors. If the mark was registered without being restricted to a color in particular, then it shall be regarded as registered for all colors.

Article (20)

The applicant may request cancellation of his application at any time without paying any fee or waive it to a third party against payment of the specified fee.

Article (21)

The Directorate shall maintain a special record for the distinguishing marks in which all the data contained in the certificate of registration, all actions taken on the mark or any other amendments thereof.

Article (22)

A- The Directorate shall examine the application and accompanying documents to ensure the availability of legal requirements set forth in this law and its implementing regulations. The procedural requirements, including documentation required, may be completed during a period of six months from the date of the application, excluding payment of the fees where a delay fine shall be paid for each month. The part of the month shall be considered a full month.

B- The application shall lapse in the event of failure to complete the required conditions before the expiry of the period mentioned.

Article (23)

The Directorate may request the applicant to including any conditions or amendments to clarify the mark in a manner that prevents confusion with another mark previously registered or for which an application for registration was filed. If Directorate rejected registration of a mark in accordance with the provisions of Article 22 of this Law or suspended registration pending certain conditions or amendments, then it shall inform the applicant in writing of the Directorate's decision and the Directorate may reject the application if the applicant has not implemented the amendments required by the Directorate within three months from the date of notification.

Article (24)

A- The applicant whose application was rejected or suspended pending certain conditions or amendments may object in writing to the decision of the Directorate mentioned in article 23 of this Law to the competent Commission within thirty days from the date on which the decision was served to him in writing, in return for payment of the assigned fee.

B- The oppositions shall be considered by a committee to be formed by the resolution of the competent minister as follows:

- Judge at the rank of Counselor to be appointed by the Minister of Justice. Chairman.
- Competent Assistant Minister. Member
- Director of Legal Affairs at the ministry. Members.
- A representative of the Federation of Chambers of Commerce. Member.
- A representative of the Federation of Chambers of Industry. Member

The implementation regulations of this Law shall specify the objection procedures, deciding the objections and the remunerations of the members.

C- The decisions of the commission shall be valid. The enforcement thereof could be halted by the decision of the competent court.

D- If the Commission endorses the decision of the Directorate, the mark may not registered for the applicant except under an enforceable judgment taken by the competent court on the appeal submitted by the applicant within thirty days from the date of being informed of the decision of the Commission.

Article (25)

A- A journal entitled Property Protection Journal shall be issued at the Directorate. The implementing regulations shall organize its provisions.

B- Accepted applications fulfilling requirements shall be published in the property protection journal as defined by implementing regulations of this law. Publication should include a print of the mark and products or services required to be covered by the registration of the mark and shall be at the expense of applicant.

Article (26)

Each interested party may object in writing to the application for the registration of a mark to the Directorate after payment of the specified fee within (90 days) of the date of publication and the Directorate shall inform the applicant or his agent of the objection during the period (30 days) from the date of receipt. The applicant or his agent shall submit to the Directorate a written and grounded response to that objection within (30 days) from the date of being informed of the objection. Otherwise, it applicant shall be considered as waived its application.

Article (27)

The Directorate shall issue a grounded decision on the objection either accepting or rejecting registration, after studying the documents submitted by the parties to the dispute and hearing their arguments. It may include in its acceptance decision obliging the applicant to implement the requirements as it deems necessary for the registration of a mark. In the event that the application was rejected half of the fee paid shall be due to the director and the second half shall be due to the applicant.

Article (28)

A- The Directorate shall notify both parties of its decision. The decision of the Directorate referred to in Article / 27 / of this Law may be appealed before the competent Commission within /thirty days/ from the date of notification.

B- The decision of the commission may be appealed before the competent court within /thirty days/ from the date of notification.

C- The applicant shall be considered as waived his application if he did not fulfill the conditions and amendments required by the Directorate on the date defined in the notification served to him or did not object to the decision of the Directorate or contest the Commission's decision within the prescribed deadlines.

Article (29)

An application for the registration of the mark, which had been accepted, shall be considered void by the law unless the applicant or his agent completes the registration procedures of the mark, and obtains a certificate within <ninety days> from the expiry date of publication or issuance of an enforceable court judgment in his favor.

Article (30)

The Directorate shall register the accepted marks in the marks register and shall publish the same in the Property Protection Journal at the expense of the owner of the mark.

Article (31)

The Directorate shall grant the owner of a registered mark a certificate within / thirty days / from the date of entry in the marks register according to the form and information specified in the implementing regulations. A copy of the registered mark shall be affixed on the certificate in a field devoted to this end and shall be sealed by the Directorate and the registration certificate shall be signed by the Director or his deputy.

Article (32)

The protection period of a registered mark shall be ten years from the date of application for registration and the registration period shall expire after ten years of the last day of the month in which the application for registration was filed. The mark registration can be renewed for similar periods at the request of the owner or his legal representative and the renewal shall be effected during the last year of the term of protection against a fixed fee.

Article (33)

The owner of a mark shall be granted a grace period of /6 months/ to renew the registration of a mark against payment of a delay fine and the renewal shall be effective as from the expiry date of the previous term of protection. In the event of non-renewal the mark shall be considered as cancelled by law due to the expiration of the term of protection.

Article (34)

A- The application for the renewal of a mark shall be submitted by the owner of the mark or his legal representative in the same manner as the application for the registration of a mark presented to the Directorate. The registration of a mark shall be renewed in accordance with its final status. In case of an application for renewal of a registration of a mark, any amendments by addition may not be introduced. However, deletion from the list of goods or services covered by the mark may take place.

B- Procedures of substantive examination, publication and opposition shall be applied to the renewal applications of marks registered before the enforcement of this law and for once. The decision of the Directorate to reject renewal shall be grounded and shall be subject to objection before the competent commission within 60 days from the date of notification. The decision of the

commission shall be subject to appeal before the competent court within 30 days from the date of notifying the owner of the mark of the decision.

Article (35)

Renewed marks shall be registered in a special register. The owner of a renewed mark shall be granted a certificate signed by the Director of protection or whoever authorized by him within thirty days of the date of entry in the renewal register. As regards the marks registered, before the issuance of this law, for more than one class, they shall be granted a renewal certificate for each class against payment of the fee specified for each class. The number and date of the former registration of the renewed mark shall be mentioned in the certificate of renewal, and the renewal shall be published in the Property Protection Journal at the expense of the owner of the mark.

Article (36)

A- The owner of a registered mark may request the Directorate in writing to introduce any amendments, by deletion and not addition, to the list of goods or services of the mark against a fixed fee.

The amendment shall be published in the Property Protection Journal.

B- Change of the address or name of the mark owner or change of agent or other actions shall be subject to fees in accordance with the situations set forth in this Law. Each of the said actions shall be published in the Property Protection journal.

Article (37)

Each person may request the Directorate in writing to review the registered marks, and may also obtain data or extracts thereof or of the entries and other effected commercial actions. The owner of the mark, the assignee and those who prove that they are party to a lawsuit related to mark may obtain a certified copy of the certificate of registration of a mark after the payment of the specified fee using the form prepared for this purpose.

Chapter V: Collective Marks

Article (38)

A- A collective mark: It is a mark used to distinguish a product or service for a group of persons belonging to a particular entity with its own legal personality, even if the entity does not have an industrial or commercial establishment. The application for registration shall be filed by the representative of this entity to be used by members as per the instructions for use of the mark established by the owners of the registered collective mark.

B- Collective Control Mark: It is a mark intended to be placed on products or services to indicate that an observation or examination process has taken place to those products with regard to their origin, nature, characteristics, method of production or any other characteristic, according to what is stipulated in the instructions to use this mark set by the owners of the registered mark who are engaged in the control and examination procedures.

C- The application for the registration of a mark shall state that the mark is a collective mark and shall be accompanied with a copy of the utilization of the collective mark. The owner of the mark must inform the Directorate of any change in this system.

Article (39)

The provisions of this law shall be applicable to the collective marks, taking into account the following:

A- The registration of a collective control mark can only be carried out by a legal person who does not manufacture, sell or import the products and services bearing the mark.

B- Use of a collective control mark shall be open to all persons who provide products or services complying with the conditions and instructions for using the mark except the owner of the mark.

C- The collective control mark can not be the subject of licensing, transfer, assigning in any manner, mortgage any compulsory enforcement. In the case of dissolving the legal person who owned it, the mark can be transferred to another legal person, depending on the conditions specified by a decision of the Minister.

D- In order to accept the registration of a collective control mark, it is required to fulfill the conditions set forth in the applicable law regarding the control process and to obtain the permits necessary for the exercise of control.

E- When a collective control mark is written off for any reason, it may not be registered or used for any purpose for a period of ten years.

Article (40)

Registration of a collective control mark which violates the provisions of this law shall be cancelled by the competent court through a judgment with an absolute effect at the request of the Directorate of Protection, Public Prosecution or any interested person.

Chapter VI: Rights Arising from the Registration of Marks and Well Known Marks

Article (41)

Registration of a mark gives its holder the right of ownership for products or services covered by registration in accordance with the provisions of this Law.

Article (42)

Third parties may not carry out the following without permission of the owner:

A- Produce copies, use of, affixing a registered mark regardless the addition of any words, such as the way of imitation or combination, being stylized or using a reproduced mark with respect to goods or services identical to those covered by the registration.

B- Delete or modify the mark which was duly affixed on the goods or services.

Article (43)

Third parties are not allowed to carry out the following without the consent of the owner in case of the possibility of confusing consumers:

A- Producing copies, use of, affixing a registered mark or use of a reproduced mark with respect to goods or services similar to those covered by the registration.

B- Resemble a mark or use of a resembled mark for goods or services identical or similar to those covered by the registration.

Article (44)

A- The owner of a mark, well known internationally and in Syria even if not registered, may request the competent court to write off or prevent others from using an identical or similar mark or the translation thereof for similar or non-similar goods or services in case the use of the mark for non-similar products shall carry others to believe that there is a link between the owner of the well known mark and such products, or that such use may discredit the mark or cause damage to its owner or if that use is unjustified.

B- When determining whether a mark is well known, it should be taken into account how far the mark is well-known to the concerned people in Syria.

Article (45)

Registration of a mark does not preclude the use of the same or similar sign in the following cases:

A- Name, logo or trade name if this use is either previous to registration or if others used their family names in good faith.

B- As reference to the use of a product or service, especially as supplements or spare parts, provided it does not result in any confusion about the source of the product or service.

However, in the event that such use can be damaging to the rights of the owner of the registered mark, the owner may ask the court to restrict the use or prevent it.

Article (46)

The right of the owner of the mark to prevent others from importing, use, sale or distribution of products distinguished by this mark shall lapse if the owner markets such products in any country or grants licenses to others.

Chapter VII: Transfer of Ownership of the Mark

Article (47)

The ownership of the mark may be transferred in whole or in part through sale, assignment, or through inheritance, legacy, mortgage or imposing any material right on it against any consideration or free of charge by the commercial enterprise or business, in accordance with the rules and procedures set forth in the implementing regulations after payment of the assigned fee.

Article (48)

The transfer shall be recorded upon the request of either party to the agreement or his agent who is authorized under an official special power of attorney within ninety days from the date of the Agreement. Delay in applying for registration requires payment of additional fee as specified in this Law.

Article (49)

In cast the transfer of the ownership of an enterprise or business does not include the transfer of ownership of the distinguishing mark, the owner of the mark may use it for the same products or services, class or classes for which the mark is registered unless otherwise agreed upon.

Article (50)

No transfer of ownership of the mark, mortgage or encumber the mark with any right to others shall have effect except after being registered in the Special Register at the Directorate after presenting the document the proving the action duly certified and legalized. Publication of the same shall be carried out at the expense of the mark owner as per the manner set forth in this law and its implementing regulations.

Article (51)

If there is a change in one person or more of the partners in the ownership of the mark without being all involved in the change and such change has resulted in a contract or an accession process, a written consent to this change should be obtained from the other partners.

Article (52)

If a person halts exercising his business for any reason and resulted in the transfer of ownership of the mark he owns to more than one person and they wanted to distribute such ownership among them, the Directorate should distinguish between the people who prove to actually exercise that business in accordance with the restrictions, conditions and amendments deemed fit by the Directorate.

Chapter VIII: Licensing of Use

Article (53)

The owner of the mark may authorize a natural or legal person or more to use and invest his mark for all or part of the goods or services covered by the registered mark. Licensing others shall not preclude the owner of the mark from using it unless otherwise agreed in writing. The licensing period for the use of the mark shall not exceed the protection period of the mark.

Article (54)

A- A license contract may not contain any provisions limiting the licensee to unnecessary restrictions to maintain the rights resulting from the registration of a mark.

Nevertheless, the licensing contract may include the following conditions:

- 1- Defining the geographical area of marketing products or services bearing the mark licensed for use.
- 2- Specifying the period of licensing the mark for use.
- 3- Obliging the licensee to refrain from any action that could lead to the denigration of the value of goods or services bearing the mark.

B- The owner of the mark is entitled to utilize the rights conferred on him by the registration of the mark and enforce them on all licensees who violate the licensing conditions set forth in paragraph "A" of this Article.

Article (55)

A- In order to record the license contract, it is required to have the contract authenticated and the signatures affixed on it certified by the competent authorities.

B- The licensing contract shall not effective against third parties except after being recorded in the marks register with the Directorate after payment of the assigned fee.

C- The delay in recording the contract for more than ninety days of the date of the license contract shall be subject to payment of additional fee and shall be published as specified in this law and its implementing regulations.

D- The licensing contract must include the conditions that enable the owner of the mark to control the quality of the goods or services.

Article (56)

The Licensee may not waive the licensing contract to any third party or sublet the same unless otherwise provided in the licensing contract.

Article (57)

The owner of the mark or the licensee may request to write-off the licensing contract after proving the expiry or termination of the licensing contract. Writing off the licensing contract shall be effective from the date of filing the application and the writing off shall be published in Property Protection Journal at the expense of the concerned party.

Chapter IX: Infringement of the Mark and Penalties

Article (58)

A- Any infringement of the rights of the owner of a registered mark shall be the responsibility of the doer.

B- Infringing the rights of the owner of a registered mark shall be considered as a violation to the provisions of Articles 42 and 43 of this Law.

Article (59)

The competent courts shall decide on lawsuits relating to imitation of marks which are intended for fraud and imitation and the lawsuits on the and the similarity of marks in general after taking the place of the average consumer of the product or service recipient or after taking into account the overall similarities between the original mark and the mark subject of the complaint and without consideration for differences in terms of particulars or details.

Article (60)

A distinguishing mark covered by punitive protection shall be the mark registered in accordance with the provisions of the law.

Article (61)

Without prejudice to any more severe penalty provided for in any other law, any person who commits any of the following shall be sentenced to three months to three years imprisonment and to a fine of SP 300.000 three hundred thousand to SP 1000.000 one million Syrian pounds or to one thereof:

A- Using of a mark belonging to others through affixing it with mala fide intention on its products or services.

B- Imitating a mark belonging to others even after adding words, or other matters such as similarity, similar, item, type or characteristic and others.

C- Use of an imitated distinguishing mark.

D- Sell, offer for sale and possession for sale of products bearing an illegal or imitated mark for the purpose of selling and trading despite knowing so.

E- Manufacture, engrave, drill, sale of a painting or wooden or metal printer or seal or something else showing a duly registered mark or any imitation thereof to enable any person other than the owner of that mark to use or imitate the same type of goods covered by that mark.

Article (62)

Without prejudice to any more severe penalty provided for in any other law, anyone who imitated another mark for fraud purposes and anyone who has used such a mark, sold, offered for sale or circulation or possessed for sale and circulation of products or services bearing such a mark

despite knowing, shall be sentenced to three months to two years imprisonment and to a fine of SP 200.000, two hundred thousand to SP 600.000, six hundred thousand Syrian Pounds or to one thereof.

Article (63)

Without prejudice to any more severe penalty provided for in any other law, anyone who commits any of the following shall be sentenced to two months to two years imprisonment and to a fine of SP 200.000, two hundred thousand to SP 500,000, five hundred thousand Syrian Pounds or to one thereof:

A- 1- Used an unregistered mark violating the provisions of Article (4) of this Law.

2- Stated that the mark is registered while it is not.

B- Anyone who delivers a product or renders a service bearing a mark other than the required mark shall be punishable with imprisonment of one month to one year and with a fine of SP 100.000, hundred thousand to SP 300.000, three hundred thousand Syrian Pounds or with one thereof.

Article (64)

Anyone who commits any of the following despite knowing so shall be punished by a fine of SP100.000, hundred thousand to SP 300.000, three hundred thousand Syrian Pounds:

A- Use of a collective mark for purposes other than those specified in the regulations attached to the application for registration.

B- Sale or marketing of a product bearing a collective mark contrary to the regulations.

Article (65)

Without prejudice to any more severe penalty provided for in any other law, anyone who violates the provisions of Article 6 of this Law shall be punished by up to three months imprisonment and payment of a fine of SP 10.000, ten thousand to SP 50.000, fifty thousand Syrian Pounds or by one thereof.

Article (66)

Anyone uses his registered mark in a substantially different form compared to the form of the mark granted to him, if such a use results in misleading the public or infringing the rights of third parties or a registered mark, shall be punished by the same punishment set forth in Article 65.

Article (67)

In all cases, in the application of the provisions related to penalties in this Law, no judgment for less than the minimum penalty of imprisonment and fine shall be issued.

Article (68)

Every person sentenced for an offense set forth in this Law, whether as doer, partner or involved and was sentenced for another offense of such crimes during the period of five years following the first judgment shall be considered as a habitual criminal.

Article (69)

In the event of repeated offenses punishable under this chapter, a judgment for imprisonment for a period of two months to three years must be issued and the fine may not be less than the minimum fine designated in these articles nor higher than double that limit to be repeated in accordance with Article 68 of this Law.

Part II: Geographical Indications

Article (70)

A- Geographical Indications: Denote the indicators that would determine the origin of the product in a state, region or country or when the quality of the product or description, reputation, fame or other features that affect the promotion of the product is basically a geographical origin. In order to protect these indicators, they have to be protected in the country of origin and are still protected.

B- Country of origin is the country which is called appellation of origin in which the product is known or it is the country where the region or the party that represent the name of origin where has the product is well known.

Article (71)

It is required for the registration of a mark that includes a geographical indication that the product is continuously produced by the applicant in the geographic area of special fame and the application shall be accompanied by a certificate of origin proving the same.

Article (72)

No person in a country famous for the production of a certain commodity shall affix on the goods in which he trades in geographical indications in a way that misleads the public regarding the origin of these products or hints that they came from the area of the special fame.

Article (73)

It is not allowed to use any means in the designation or presentation of a product in a way that misleads the public such as to indicate that the origin of a product is a geographical area other than the true origin. However geographical indications for wine and liquor may benefit from such protection even if the use does not mislead the public or result in unfair competition.

Article (74)

The producer of a product in an area famous for the production of a special product may not use the same as a geographical indication for similar goods produced in other areas that would suggest that they are produced in the famous area.

Article (75)

Registration of a mark that includes a geographical indication is not allowed if its use would mislead the public regarding the true origin of the product.

Article (76)

No person may use a geographic indicator that constitutes unfair competition inconsistent with the noble practices in the industrial or commercial activities.

Article (77)

It is allowed to register a mark which may include a geographical indicator if the right to such a mark has been gained through the use of good faith before the effective date of the provisions of this law or prior to granting the geographic indicator protection in the country of origin or if the protection period has expired, or no longer used in that country.

Article (78)

It is allowed to name some products with certain geographical names which in the business practice have referred primarily to the production area rather than the geographical origin.

Article (79)

Each interested person may file a case before the competent court to prevent the use of any geographical indicator not contained in a registered mark if such use shall mislead the public regarding the true origin of the product.

Article (80)

The minister shall issue a decision determining the terms and conditions relating to the registrations of geographical indications in the register prepared for this matter at the Directorate of Protection.

Article (81)

Without prejudice to any more severe penalty provided for in any other law, anyone who commits any of the following shall be sentenced to six months imprisonment and a fine of SP 50.000 to 200.000 fifty thousand two hundred thousand Syrian Pounds or one thereof. In case of repetition, the penalty shall be not less than one month imprisonment, in addition to a fine not less than prescribed maximum limit:

A- Affixes on the goods he trades in geographical indications in a manner that results in misleading the public and indicating that such goods were produced in the reputed region.

B- Uses any means in the designation or presentation of goods in a way resulting in misleading the public to consider that the product was produced in a famous geographical area contrary to the true origin.

C- Each producer of a certain product with a special fame who affixes geographical indications on the goods he produces in other regions that would indicate that they were produced in the referred to region.

Part III: Industrial Drawings and Designs

Chapter I: What is an Industrial Drawing or Design

Article (82)

Industrial drawing: The combination, harmonization or colors of stripes or lines or colors appearing on a products in a new and distinct manner different from the drawings known before which may give the product a style or a special form that distinguishes it from other similar products either hand made or made through using a computer or machine, including the designs of textiles and other materials shall be considered as an industrial design.

Industrial design: Any external shape of drawing, both associated with lines or colors or not provided it should be a new and distinct from the designs known before, and gives a special shape that can be used for an industrial, professional or handmade product.

Such industrial drawings and designs shall include, for example, textile prints or colored paper used to cover the walls or packaging materials and goods, new designs of dresses and coats, hats and headgears and accessories such as suspenders hangers, shoes bottles and containers covers, wine and alcoholic bottles and containers, drinks and food containers, perfumes types and cardboard boxes used for pharmaceuticals and any external shape of goods or other products.

Article (83)

The inventor of the drawing or design or the person to whom the right therein was devolved shall have the sole right to utilize, sell, offer for sale or license its use to others provided that such drawing or design has been registered at the Directorate.

Chapter II: Registrable and Non-registrable Drawings and Designs

Article (84)

A- Industrial drawings and designs having the element of novelty and distinction and including the external characteristics making them of special nature distinguishing them from known drawings and designs shall be considered as registrable and protectable drawings and designs.

B- The industrial drawing or design shall be considered new if it has not been disclosed to the public anywhere in the world in any way, including substantial use or publication whether prior to the date of filing an application for registration or before the date of the priority application, as appropriate. However, the industrial drawing or design shall not lose the novelty element if the disclosure or description has taken place after filing an application for registration in any country

member to any relevant Convention valid in Syria and provides reciprocal treatment to Syria, or whether the disclosure has taken place in a national or international exhibitions or the industrial drawing or design was published in a conference or a scientific periodical during a period not exceeding six months prior to the date of filing an application for registration in Syria.

C- Industrial drawings and designs shall not be considered new and distinct if they do not differ significantly and fundamentally from the industrial drawings and designs known before or are allocated to another type of products other than those covered by the industrial drawing or design or previously filed.

Article (85)

The following industrial drawings and designs may not be registered:

A- Industrial drawings and designs that are contrary to public order or public morals.

B- Industrial drawings and designs, which are normally imposed by the technical, technological and functional considerations of the product.

C- Industrial drawings and designs, which represent engravings or patriotic or foreign slogans, religious symbols, seals or flags or flags of the Syrian Arab Republic or to other countries or international organizations.

D- Industrial drawings and designs affecting intellectual, industrial or commercial property rights of the other parties, or to their well-known marks.

Chapter III: The Right to Register an Industrial Drawing or Design

Article (86)

The right to register an industrial drawing or design shall be as follows:

A- For the inventor or to whom the right in the industrial drawing or design has devolved.

B- If two persons or more have jointly invented an industrial drawing or design, the right to register the same shall be to all of them on equal footings or to whom such right was devolved registered unless they agree otherwise.

C- If two persons or more have separately invented an industrial drawing or design, the right to register the same shall be given to the owner who first files an application for registration.

D- For the employer if the employee invented the design as a result of the implementation of a contract of employment under which the employee committed himself to this innovation unless the employment contract provides otherwise.

Chapter IV: Registration, Publication and Renewal of Industrial Drawings and Designs

Article (87)

A- The application for the registration of an industrial drawing or design shall be filed at the Directorate by the inventor or his legal representative as per conditions and regulations specified by implementing regulations.

The application may include a number of drawings or designs not exceeding five provided that they form a homogeneous unit and after payment of the fees specified for each of them.

B- If the applicant is non-resident in Syria, he must authorize any person resident in Syria to be his agent in registration process. The application for registration shall include the documents and data determined by the implementing regulations and the provisions of Articles 11, 13, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of this Law shall be applicable with the necessary amendments to the industrial drawings and designs.

Article (88)

The applicant may request the cancellation of his application at any time without paying any fee or waive it for any third party against payment of the specified fee.

Article (89)

The applicant may request postponing the publication of the industrial drawing or design for a period not exceeding twelve months from the filing date of application or the date of priority in the event of claiming priority.

Article (90)

In the event of the postponement of the publication, the applicant may not start any legal proceedings against infringers unless after he informs the alleged infringer of registration through sending a copy of the certificate of registration of the registered drawing or design, as long as it is not published, because of the secret nature of the application for registration, after ninety days from the date of informing the infringing party.

Article (91)

The Directorate shall maintain a special record to be called the Industrial Drawings and Designs Register in which all the data relating to the industrial drawings and designs, names of their owners, addresses and all actions taken on them or any other amendments thereof shall be stated.

Article (92)

The Directorate shall grant the applicant a certificate for the registration of the industrial drawing or design within / thirty days / from the date of entry in the respective register. The registration certificate shall be signed by the Director or his deputy and shall be sealed by the Directorate. The certificate shall be published in the Property Protection Journal according to the conditions

and information specified in the implementing regulations at the expense of the owner of the certificate.

Article (93)

Registration of the industrial drawing or design shall grant its owner the right to prevent others from manufacturing, selling, offering for sale or importing products taking the form of such drawing or design or containing the same.

The right of the owner to prevent others from importing, use, sale or offering for sale or distribution of the products referred to shall lapse if the owner markets such products in any country or grants licenses to others.

The following actions carried out by other parties on a protected industrial drawing or design shall not be considered as an infringement to that right:

- A- Works related to scientific research.
- B- Works for education or training purposes
- C- Non-commercial activities
- D- Manufacture or sale of parts referred for repair purposes against fair compensation.
- E- Other uses that do not unreasonably conflict with a normal utilization of the protected industrial drawing or design nor unreasonably harm the legitimate interests of the legitimate owner, taking into account the legitimate interests of the owner.

Article (94)

Each person may request the Directorate in writing to review the registered industrial drawings or designs, and may also obtain data or extracts thereof or of the entries and other effected commercial actions. The owner of the industrial drawing or design, the assignee and those who prove that they are party to a lawsuit related to an industrial drawing or design may obtain a certified copy of the certificate of registration of the industrial drawing or design after the payment of the specified fee using the form prepared for this purpose.

Article (95)

a) The protection period of an industrial drawing or design shall be five years from the date of application for registration and shall expire after five years from the last day of the month in which the application for registration was filed. The registration specified for five years, can be renewed for two successive periods of five years each provided that the renewal shall be effected during the last year of the term of protection against payment of the fixed fee and shall be published in the Directorate Journal.

b) Substantive examination procedures are enforced on applications of renewal of industrial drawings or designs registered prior to enacting the herein law for once. The Directorate decision to reject renewal may be appealed before the concerned court prescribed in Article (119) of the herein law within thirty (30) days of notifying owner of the industrial drawing or design with the decision.

Article (96)

Owner of the industrial drawing or design is awarded a grace period of six (6) months to renew the registration as of the date of expiry of the previous protection period in exchange of paying a delay fee. Upon failure of renewal, the industrial drawing or design is thereafter deemed legally invalid, and thus may not be re-registered either in his name or in the name of others.

Article (97)

The concerned Minister, for purposes of public interest and at the recommendation of the Director and at the request of the concerned authority, may issue a grounded decision to grant a compulsory and non monopolized license for use of the protected industrial drawing or design in exchange of an adequate compensate, whereby the implementing regulations of this law determine terms, conditions and procedures of granting the above license.

Article (98)

The Prosecutor General, the Directorate, and every other concerned person may request revocation of registering the industrial drawing or design. The concerned court may rule revocation of the registration as per evidence the registration contradicts with provisions of the herein law. The verdict is thereto executed following payment of the determined fees. In case the execution was at the request of the Prosecutor General or the Directorate, no fees are required.

Article (99)

Ownership of the industrial drawing or design may be transferred fully or in part by means of sale or assignment, in exchange for a compensation or otherwise, by means of inheritance or testament. It may also be mortgaged or account it for any due right. Ownership may be transferred along with the corporation, commercial project or without either one.

Article (100)

Transfer of ownership or mortgage or account for due rights of the industrial drawing or design may not constitute an argument against others before entering it into the register and the registration is published in the manner determined by this law and its implementing regulations after paying the prescribed fees.

Article (101)

The registration of transfer of ownership or mortgage or account for any right of the industrial drawing or design may be entered into the register at the request of any of the parties to the agreement within (90) ninety days of the date of transfer after payment of the prescribed fees. Any delay in entering the registration requires an additional fee as prescribed in the herein law.

The industrial drawing or design owner change of address, name, agent, or change in any other endeavor is subject to the due fees as per conditions prescribed in the herein law. Every act stated above shall be published in the property protection gazette.

Section Six

Licensing for the Use and Investment of an Industrial Drawing or Design

Article (102)

The owner of the registered industrial drawing or design may license others to exploit and invest the industrial drawing or design. The said license should not prevent the owner from exploiting the registered industrial drawing or design unless otherwise clearly stated. The license term should not exceed the protection period prescribed.

Article (103)

Exploitation licensing for use and investment is not thereafter deemed valid for others before entering it into the special register within (90) days of the date of licensing and after paying the due fees. Any delay in entering the license into the Directorate register is liable to an additional fee and thus published as per prescribed in this law and its implementing regulations. Entering the license into the register is conditioned to be documented or verified by the competent authorities.

Article (104)

The owner of the industrial drawing or design or the licensee may request the strike off the entered licensed after providing evidence of expiry or defeasance the licensing contract. The Directorate shall issue a certificate to that effect and disclose the strike off in the property protection gazette, and at the expense of the concerned person.

Section Seven Violating Industrial Drawings and Designs and Sanctions

Article (105)

Without detriment to any punishment prescribed in any other law, he shall be punished with imprisonment of no less than two months and no more than six months, and with a fine of no less than (200,000) Syrian Lira and no more than (600,000) Syrian Lira or with any of the said penalties the person who:

- a. Imitated an industrial drawing or design in accordance with the provisions of this law.
- b. Knowingly, manufactured, sold, displayed for selling, or acquired for trade, or circulated products that bare an imitated industrial drawing or design.
- c. Unlawfully placed on their products, advertisements, trademarks, certain tools, or other information that confusingly lead to belief of registering an industrial drawing or a design.

In the case of repetition of the offense, the imprisonment term shall be no less than one month and a fine of no less than the maximum prescribed hereinabove. Repetition of the offense shall be as per Article (68) of this law.

Article (106)

The previous registration does not grant the right to a defendant to file a lawsuit as per the herein law. However, acts consequent to registration and prior to publishing are dismissed, even if the civil lawsuit was according to Article (120) of this law, unless the bad intentions of the defendant are verified.

Chapter Four Temporary Protection of Markets and Exhibitions in Syria and Foreign Countries

Article (107)

Trademarks, industrial drawings and designs enjoy temporary protection in the markets and exhibitions held in Syria and foreign countries, if such markets and exhibitions are officially organized. The subscription or organization must be official in order to enforce the law thereto.

Article (108)

Any person wishing to exploit provisions of Article (107) of this law to protect products on the market and exhibitions in a foreign country in which Syria is taking part, may apply to the official representative of Syria at the market or exhibition which must entail the nature of the displays, and to which an evidence is attached documenting that the displays requested protection were exhibited in the market or said exhibition.

Article (109)

Once the Syrian representative receives such documents, he must enter the information into a special register and issue a verbal-process of registration to the exhibitor in exchange for a prescribed fee. The exhibitor shall apply for protection within (3) weeks as of the day of exhibiting the products liable to protection.

Article (110)

Upon conclusion of the exhibition or market, the official representative shall forward the special register to the Directorate in Syria. A person who received temporary protection may convert it into permanent within (1) year of the conclusion of the market or exhibition, after providing the certificate he receive as per Article (109) of this law. The actual protection shall commence as of the day of opening the exhibition or market.

Article (111)

A special decision is adopted by the competent authority prior to opening the officially organized market or exhibition in Syria, stipulating the procedures to which exhibitors must adhere, to ensure temporary protection of their products which they may convert into a final protection if they deem it useful.

Article (112)

The said organized temporary protect grants competent persons in Syria the same rights bestowed by law on the registered trademarks, industrial drawings and designs.

Chapter Five Commercial and Industrial Privileges

Article (113)

Any person wishing to exploit an industrial or commercial privilege, must disclose upon stating it the nature, correct name of exhibition or official authority that granted it, and the full authentic date of being awarded the privilege.

Article (114)

A person receiving a privilege at a personal level is solely entitled to exploit it. As such, the person may not transfer it with the commercial store or vice versa. The privilege granted to a product is affiliate to this good, and may be used upon assignment of a commercial store to an assignee, and upon bestowing the privilege on the industrial or commercial entity.

The person recipient of the privilege may exploit it vis-à-vis the privilege is part of the commercial store. A bonus awarded to a person ex officio an assistant may not be exploited by the assistant unless name of the commercial store where he received it is thereof prescribed.

Article (115)

He shall be punished with imprisonment from (3) months to (2) years and with a fine from 200,000 Syrian Lira to 400,000 Syrian Lira or by any of the said punishments (provided the fine is not less than 400,000 Syrian Lira if no imprisonment was imposed) any persons who unlawfully claim privileges awarded by exhibition or commercial markets, or persons who illicitly claimed privileges and exploited them publicly such as affixing them to visit cards or on goods packaging and commercial papers, or prescribing it on signs or in any other method, and the person who attempt to convince the public of being awarded fake privileges, and the persons who violated in any form provisions of Articles (113+114) of the herein law.

Chapter Six Protection from Illegal Competition and Protection of Trade Secrets

Article (116)

No legal or natural person is permitted to undertake any acts of illegal competition, hence the hereunder acts are considered acts of illegal competition:

- a) Acts of competition in violation of the industrial or commercial acts of honest practices.
- b) Acts that constitute a confusion in any method whether with the facility of a competitor, products, services, industrial or commercial activities, and in particular if the acts were related to an industrial or commercial right, or if the acts were related to a used trademark in the country whether registered or not, and leads to misguiding the public.
- c) Claims contrary to the truth in practicing commerce that may lead to weakening confidence in the facility of a competitor or his products or, commercial or industrial activities.
- d) Statements or claims which utilization in trade leads to misguiding the public pertaining a facility, nature of goods, features, use validity, method of manufacture, or quantity.

e) Acts that may reduce the distinctive features of other marks, or unlawfully benefiting from their reputation or good will or from the reputation of another establishment or its good will.

f) Disclosure of trade or industrial secrets in a way that is contrary to honest commercial practices. Confidentiality is attained when:

1. The information as a whole or in structure encompasses vocabulary that is not known or circulated in general by operators of the concerned industrial or commercial activities which information is within its domain.

2. The commercial value is derived from its confidentiality.

3. If measures to preserve secrecy were utilized by its legal owner.

g) Any violation of the herein law, and every act weighed by the competent concerned court as an act of illegal competition.

Article (117)

Any concerned person may file a civil lawsuit to demand compensation for damages inflicted as a result of acts of illegal competition, and to suspend any such acts. Such a person is entitled to demand undertaking seizure measures.

Chapter Seven

General Provisions

Section One: Priority Right

Article (118)

a) Every person who wishes to benefit from the priority right of a previous filing made in any country which is a member in the amended Paris Convention for the Protection of Industrial Property , or in an international multilateral agreement in which Syria is a signatory or a country which treats the Syria similarly pertaining the priority rights, shall be required to append his application with a written statement including the date and number of this previous deposit and the name of the country in which it is made. He shall produce within six months from the date of the subsequent filing a copy of such provision deposits duly confirmed by the issuing authority. The said proceedings must be preceded by the payment of the prescribed fees. Any negligence made to the proceedings contained herein shall lead to the loss of priority right.

b) The priority duration prescribed in the above paragraph shall be (six months) for trademarks, industrial drawings and designs. The said duration shall come into effect as of the date of filing the first application; hence the day of filing is not calculated in the duration thereto.

Section Two: Judicial Jurisdiction and Right of Claim

Article (119)

a) One of the Court of First Instance chambers shall be allocated to review all disputes, and civil lawsuits pertaining industrial and commercial property.

b) The competent chamber of the Court of First Instance in Damascus shall review all appeals in verdicts issued by the Directorate and the competent committee, excluding other administrative courts.

c) One of the Civil Court of Appeals chambers shall be allocated to review appeals of verdicts issued by the court stated in paragraph (a) of this Article.

d) Jurisdiction in the probed lawsuits before the different judiciary shall continue as of enactment of this law to which time of a final verdict is passed, inclusive of all judicial levels and stages. New lawsuits created after the date of enacting the herein law, shall be subject to provisions of the above paragraphs of this Article.

e) Parties retain the right to resort to domestic and international arbitration pertaining civil disputes stipulated in the herein law.

Article (120)

Civil lawsuits are filed against violations of the trademark, industrial drawing or design by the owner. Beneficiaries of the exclusive license of a trademark, industrial drawing or design are entitled to file lawsuits if the owner failed to file such a lawsuit despite the official notification, unless the licensing contract stipulates otherwise. Any party to the licensing contract may intervene in the violation lawsuit to claim compensation for damages ensuing from the violation.

Article (121)

The defendant may demand a compensation for the damages, if the lawsuit outcome proves he is not righteous in the lawsuit or proved unlawful in his demands by demanding seizure measures, and also in case claimant of the seizure measures did not file the case within the legal duration.

Section Three Urgent Seizure Measures and Prevention of Violation

Article (122)

A judge may issue on urgent basis in exchange for a guarantee or without it to undertake one or more of the hereunder appropriate seizure measures until which time a dispute is resolved, particularly:

a) All the necessary precautionary measures to prevent any imminent infringement on any of the industrial or commercial registered property rights in cases where an infringement may occur, including inhibition to undertake acts or certain measures or prevention of continuity. The concerned judge may impose fines to implement the verdicts.

b) Suspend all registration procedures or suspend enacting the registration decision of an industrial or commercial registered right, or to prevent exploitation of the registration right or inflict precautionary seizure, or inhibit opposition of its use, or licensing its use and granting it to others.

c) Verify an infringement on the protected right, describe and list in detail all that constitutes an infringement or an evidence of infringement regardless of venue, take samples and to decide seizure of such evidences in exchange for a guarantee or without, and to appoint a judicial guard or entrust it to a third party. The concerned judge has the authority, for the said purpose, to appoint any experienced person he deems appropriate to undertake the above. The civil or criminal lawsuit must be raised at the concerned competent court within (15) days as of the date of issuing the urgent decision, otherwise the effects of the taken measure shall be rendered void and null.

Article (123)

a) The lawsuit pertaining dispute on the ownership of a registered industrial or commercial right is not valid at the Directorate before placing the lawsuit sign on the record of this right at the Directorate. The said sign is considered thereafter an evidence against others stipulating this right is still being litigated and may result in consequence to limit or revoke rights of the registered owner.

b) Provisions of bankruptcy issued against the right of an industrial or commercial right owner registered at the Directorate are thereto entered in the register pertaining this right at the request of the competent court or at the knowledge of the bankruptcy agent.

Section Four Precautionary Measures

Article (124)

a) The General Directorate of Customs, at the written request of an industrial or commercial registered right owner, or of an exploitation licensee to an exclusive registered right at the Directorate after providing the Customs Directorate with evidences to that effect, must seize as one of the control procedures goods that constitute an infringement on this right, even if the goods were in transit.

b) Customs authorities must notify without delay the Prosecutor General and the applicant, and the goods owner or his legal agent, and holder of the goods of all seizure and precautionary procedures.

c) All seizure procedures are thereto lifted and the goods are released in case the plaintiff did not submit within a period of (10) days as of the date of inflicting the above procedures the following:

1- The issuance of precautionary measures by the competent court or urgent matters judge or prosecutor general or head of the execution department stipulating the continuation of seizure measures undertaken by the Customs Directorate.

2- Or filing a civil or criminal lawsuit whereby the court must decide within (3) days at the deliberations chamber from the date of filing the lawsuit binding the plaintiff to submit a sufficient guarantees which value is prescribed to cover for the plaintiff liability in case the lawsuit is dismissed. The plaintiff must submit this guarantee and communicate a copy thereof to the Customs Directorate within (20) days as of the date of the verdict, subject to lifting all seizure measures and releasing the goods.

3- For purposes of the hereinabove stated lawsuits, the plaintiff may obtain from the Customs Directorate: names and addresses of vendors and recipients or holders of the seized goods, in addition to quantities regardless of any conflicting text.

d) Small quantities of goods included in the luggage of travelers for personal non-commercial use are thereafter exempted from implementing provisions of this Article, as per the enforced laws and regulations of relation.

e) The application recited in paragraph (a) hereinabove must include an undertaking by the applicant vowing responsibility from compensating the source or vendor for any damages inflicted as a result of the application in the consequent case of being proved unlawful.

Section Five

General Lawsuit, Description and Control

Article (125)

A general lawsuit is filed pertaining crimes stipulating in the herein law directly by the Prosecutor General or at the request of the Director or damaged party.

Article (126)

a) The Prosecutor General, whether the damaged party filed or did not file a case, is entitled to instruct identifying all matters, goods, products, tools, and machinery used in the crimes and produce a detailed list of such seized items. The Director is also entitled similarly.

b) When the procedures were made according to a complaint or lawsuit by the damaged party, the Directorate instructs this party to provide advanced money at the expense of compensations for members of the force as per stipulated in Article (137) of this law. No procedures are undertaken prior to making this advanced payment. When the procedures are suspended or filing a lawsuit within the legal duration, the advance money is thereafter construed to the Directorate.

Article (127)

a) Employees in the field of property protection charged with prescribing and listing criminal items, sampling, seizure of infringements stipulated in this law shall have the capacity of Judicial Control Commissioners and are appointed by decision from the Minister. The said employees undertake duties according to an authorization issued by the Prosecutor General or the Protection Directorate or judiciary. They are requested to report to the Directorate all violations and infringements pertaining provisions of the herein law.

b) The employees hereinabove described who were not legally sworn in for purposes of enforcing provisions of this law must take the following oath: "I swear by the Almighty God to undertake my duties honestly and truly" before the civil Court of First Instance in the governorate, and prior to assuming their duties.

c) All seizure reports by the Judicial Commissioners shall have the merits of a judicial report.

d) All judicial reports must be submitted to the Prosecutor General pending the necessary action.

Article (128)

a) Prescribing, detailing, listing and seizure of criminal items may take place at the hereunder venues:

Stores, exhibition halls, commercial stores, factories, vehicles, commercial trucks, warehouses, slaughterhouses and facilities, grain markets, commercial markets and exhibitions, stations and ports, and free zones.

b) The Judicial Control Commissioners at the Directorate have the authority to close stores, factories, warehouses and facilities by administrative authority and seal it for three days upon any obstructions or reluctance in undertaking the tasks prescribed in the above paragraph, while reporting to the Director who is entitled to repeal the closure or extend it for a maximum duration of (30) days.

c) The Judicial Control Commissioners are entitled to seek aid of the armed forces to support execution of duties as per provisions of the herein law, when necessary.

Article (129)

A report listing the violating items is organized, and every listing of such items must be entered into a log to include:

a) Name, family name and description of the report organizer.

b) Date, time and venue of the report.

c) Authority commissioning the seizure and date of order.

d) Name, last name, address, profession and nationality of the person where the procedures were executed.

e) If the measure took place in transit, the name, description, address, nationality of persons whose names are on the manifest or bills of lading must be stated.

f) A brief description of the event, and the number of attendees.

g) Signature of the holder of items and goods, or stating his rejection to sign.

h) Signature of the report organizers.

The report organizer may enter exactly all information and seizures he deems appropriate, and receive all goods and items of the holder or submit them to a third person until the competent court issues a verdict to seize the goods or release them. The number of report organizers should not be less than two.

Article (130)

The report organizer is not compelled to acquaint the holder of items pertaining his authorities prior to commencing an investigation, and upon verifying submission of a product other than the required under claims of a industrial or commercial registered right, the organizer may not disclose to the holder the investigation order until after receiving the product. The Judicial Commissioner may be accompanied by an expert appointed by the competent authority as per an order in which the expert name is entered.

Article (131)

The Judicial Commissioner discloses and submits to the holder, when applicable, a copy of the order by which he undertakes his duties. Upon completion of the task, the holder is given a copy of the report and a copy of the list of items or reports organized, when an independent list is made thereof.

Article (132)

a) A civil or criminal lawsuit must be litigated before the competent court within (30) days commencing as of the date stipulated on the last report, otherwise all measures shall be deemed null, and the guarantee is thereof confiscated for the interest of the Directorate.

b) The court decides and prior to passing a verdict either to validate the taken measures or revoke them. The court may also decide to seize all or some the items listed in the report or in all lists, and in such case may instruct the plaintiff to pay a guarantee before seizure estimated by the court as per the items pending seizure. The verdict must appoint the seizure officer, even though a preference is given to the report organizer in Article (126), to seize the items. The verdict may indicate the venue where the seized items must be stored, and may appoint a guard when necessary.

Article (133)

The defendant must receive the hereunder documents, otherwise all seizure procedures shall be deemed void:

1. The seizure verdict.
2. A receipt authenticating payment of the guarantee when prescribed.
3. A list of the seized items.
4. Report of the seizure procedures.
5. If the defendant refuses to receive the documents above, such an act is recorded in the register.

Article (134)

The Judicial Commissioner shall immediately organize a report in two copies, one of which is given to the defendant that is similar to the detailed report prescribed in Article (129) of this law. A list of the seized items is attached to the report upon which the defendant must sign. Should he refrain from signing the two report copies or such a signature was not possible, it is so stated at the venue of the event.

Article (135)

Prior to determining the incriminating items, seizure, confiscation by the Directorate, it should obtain the hereunder funds:

2000 Syrian Pounds for description, prescribing and seizure if items.

2000 Syrian Pounds for seizure of confiscation.

When the Directorate investigates as per a complaint by the plaintiff, he shall pay in advance to the Directorate the funds above. If the Directorate investigations were without a complaint, no fees should incur whereas such funds are addressed as compensations stipulated in Article (137) of the herein law.

Article (136)

The defendant may claim compensation for damages if the outcome of the lawsuit proved illegality of the plaintiff lawsuit demands. Such a claim may be through seizure measures at the defendant request, and when such seizures were carried out outside the legal duration.

Article (137)

Contrary to any other enacted text in any other law, all due fees of the employee in charge of undertaking the procedures prescribed in Article (135) are incurred on the proprietor and thus prescribed by the Minister. Compensations are paid by the proprietor to the Treasury, and thereafter paid to the Ministry representative who should sign and verify the form of payment.

Article (138)

1. The court may decide in any civil or criminal lawsuit to seize items and goods subject matter of the complaint, sell, reduce the price from the plaintiff, or to rule endeavoring in any form it deems appropriate.
2. The court rules the removal and destruction of all seized marks and industrial designs constituting an infringement. The court may, when applicable, rule the destruction of industrial designs, products, goods, signs of stores, packages, bills, correspondence, advertising materials or any other related items baring the infringing mark in violation of the herein law, and to rule destruction of equipment, machinery used in particular to commit the violation. The court may also, upon conviction, rule closure of the facility used by the defendant in the violation for no more than (6) months. Permanent closure is mandatory upon repetition.
3. The court must decide in any of the misdemeanors stipulated in the herein law and pertaining illegal competition the disqualification of the defendant to be elected as member of the chambers of commerce, committees, study committees, unions, handicraft societies and in general in any elected entity until reinstatement is restored.
4. The Court may also rule publishing the verdict in one or more newspaper at the expense of the defendant.
5. The Court may rule to the plaintiff damages if an acquittal verdict was issued in the criminal lawsuit. The court may also rule some or all the above upon issuing an acquittal of the defendant in a criminal lawsuit.

Article (139)

Every judicial verdict passed as per provisions of the herein law, must be communicated to the Directorate by the issuing court within no more than (8) days.

Article (140)

All material mistakes entailed in the Directorate issued documents or as per any interested party must be amended without a fee or fine within a year as of the date of issuing the document or occurrence of the mistake. Rectifying mistakes is liable to a fee at the elapse of the said period.

Article (141)

All registration, renewal, amendments, undertakings, oppositions, authentic photocopies, reconsideration, previous disclosures, proxies, testimonials and other forms prepared by the Directorate and thus attached to the implementing regulations of the herein law are submitted, amended and its value is prescribed by decision from the Minister, and at the recommendation of the Directorate. Revenues of the designs are reimbursed to the Directorate.

Article (142)

1. The Directorate shall establish a fund to deposit all funds and values prescribed in this law and the implementing regulations in favor of the Directorate in exchange of covering expenses of publishing, printing and other such services to depositors.
2. Shareholding is established to the fund, and is thereto added to the Ministry internal system.
3. The Director is thereto regarded as the fund cashier, whereby the funds are cashed to the Directorate and its staff.

**Section Six
Property Rights Registration Agents**

Article (143)

The Registration Agent is: a natural or legal person commissioned to register commercial and industrial rights for interests of his client.

Article (144)

a) A Registration Agent profession is permissible only to a person whose name is entered in the Commercial and Industrial Registration Agents Register, and as per the hereunder conditions:

1. Must be a Syrian national or therefrom considered.
 2. Must have a university degree.
 3. No sentenced in any crime related to honesty or public ethics.
 4. To practice his profession in a private office qualified office.
 5. To pay the due fees.
- b) The following are entered in the Registration Agents Register: local companies specialized in

commercial and industrial property protection, companies and firms abroad and have a registered branch in Syria provided the Manager in both cases meets the conditions stipulated in paragraph (a) above.

c) Syrian solicitors or therefrom considered persons are exempted from producing verification documents as per paragraph (a) of Article (143), excluding the due fees.

Article (145)

The Registration Agent is entitled to employ a number of staff in his office to follow up all works and tasks entrusted to him by the Directorate as per the hereunder conditions:

1. To be a Syrian national or therefrom considered.
2. To have an education qualification, no less than a high school.
3. Not sentenced in any crime related to honesty or public ethics.

The Agent grants his staff and employees a permit signed by him to undertake the said endeavors.

Article (146)

Registration applications are made to the Directorate and are thereafter registered in Divan. The applicant is issued a receipt of application. The applications are examined by a committee formed for this purpose by decision from the Minister.

The committee comprises of:

- Director of the Protection Directorate or any authorized person thereof.
- Director of the legal affairs department or any authorized person thereof.
- Head of a department at the Directorate.

Article (147)

1. All registration applications to which other required documents are attached are referred to the committee. The Secretary shall enter the applications in a special register for the committee as per the serial numbers in the Divan. The documents are reviewed by the committee in a meeting encompassing all members. The committee may request from the applicant to complete supplementary documents, when necessary, or to provide clarifications thereof prior to deciding on it.

2. The committee secretary shall organize a register of the committee meetings to be signed duly by all of its members.

Article (148)

The committee, upon verifying all conditions and necessary documents, shall approve entering the applicant name onto the Commercial and Industrial Property Registration Register. In case when the required conditions and documents are not available, the committee shall reject the application. The decision must be justified.

Entering the applicant onto the Register shall be according to serial numbers supplemented by

the date of validation.

Article (149)

The committee shall issue a decision pertaining a registration application in no more than (1) month as of date of filing the full application. The Directorate shall notify the applicant with the committee decision following issuance in writing. Any person whose application is rejected may appeal the committee decision before the State Council within (60) days as of the date of notification.

Article (150)

The Ministry shall issue an annual list encompassing names of Registration Agents. The said list and appendixes shall be published in the Property Protection Gazette and on the Directorate announcements board.

Article (151)

The registered Registration Agent whose name is on the above list must notify the Directorate with all variations in his legal status upon undertaking the tasks entrusted to him in terms of change of address or losing any of the registration conditions. The Agent must write his number of the list in all correspondence and documents issued thereof.

Article (152)

The name of the Agent is thereafter struck off the Register upon perish as per a death certificate. The striking off decision is issued by the committee and thereto notified to his heirs for purposes of liquidating all the office businesses. When any of the heirs request exploiting the office and in whom all the Agent conditions are available, his name is entered onto the list, and must file a new application supported by the required documents by the Directorate hence follow all the procedures stipulated hereinabove for approving the application.

Article (153)

Upon the occurrence of a violation by an Agent to provisions of this law or its implementing regulations:

The committee or any of its members shall, at the appointment of its chairman, verify the violation and draft a report pertaining the investigation findings and recommendations.

Upon verifying the violation, the committee decides to suspend businesses of the Agent for no more than (1) year during which time he is prevented from making a new application. The above recitals shall not affect the applications made before imposing the sanction or striking his name off the list. The Agent is thereto duly notified in writing.

The said Agent may appeal the committee decision before the State council within (60) days of being notified with its decision.

Article (154)

Registration Agents may not register any commercial or industrial protection rights in their personal names, unless in relation to their work as Agents. The Directorate is entitled to repeal any registration that is conducted contrary to provisions of this Article in exchange of a determined fee paid by the Agent.

Article (155)

All applications, certificates, transactions, endeavors stated hereunder are subject to the fees indicated opposite to it:

**Section Seven
End Provisions**

Article (156)

Fees of international applications are determined as per the Madrid Protocol and Agreement, and as per the international conventions of relations according to a decision by the Minister.

Article (157)

All laws and regulations contrary to provisions of the herein law shall be abrogated as of the date of enacting this law.

Article (158)

The implementing regulations of this law shall be issued by a decision from the Minister, and the other decisions he deems necessary to implement provisions of this law and the implementing regulations.

Article (159)

This law shall be published in the official gazette, and is thereto enacted (30) days after the date of issuance.

Damascus 22/2/1428 A.H.
12/3/2007 A.D