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Law No. 8 of the year 1959 on Patents and Industrial Designs and Models

Date: March 30, 1959,

We, Idris the 1st, King of the United Kingdom of Libya,

The Chamber of Senates and the House of representatives endorsed the law of the following provisions, which we approved and issued,

Section Two Industrial Designs and Models

Article 33

As to the implementation of this law, any arrangement of lines and any shape in colors or without colors used for industrial production whether manually or by a chemical means shall be considered an industrial design or model.

Article 34

A registry shall be established in the Office at the Ministry of National Economy referred to in Article 3 called "Industrial Designs and Models" to register industrial designs and models and all data relating to them in accordance with the provisions of this law and the decisions issued for its implementation.

Article 35

The application for the registration of the design or model shall be submitted to the finance management as per the situations and conditions mentioned in the Implementing Regulations of this law, and the said management shall refer the application to the above mentioned office as one unit.

.Article 36

The registration application shall not be rejected unless it does not satisfy the situations and conditions referred to in the previous article, and the applicant may appeal the decision of the Office to the committee mentioned in Article 20, and he may appeal the decision of this committee to the Federal Supreme Court during a period of 60 days from the date of being notified of the decision of the Office or the committee.

Article 37

The applicant, upon registration, shall be granted a certificate that includes the data specified by the Implementing Regulations of this law. The effects of registration shall start from the date of filing the

application if it satisfies the legal requirements. The registration shall be published in accordance with the conditions that are decided by the Implementing Regulations.

Article 38

Anyone has right to ask for extracts and copies of the registry.

Article 39

The transfer of ownership of a design or model shall not be evidence against others unless it is recorded in the registry and published in the way decided by the Implementing Regulations.

Article 40

The period of legal protection resulting from the registration of the design or model shall be five years starting from the date of the application. Protection may continue for two new periods consecutively, if the owner of the design or model filed an application for renewal during the last year of each period and in the way described by the Implementing Regulations.

Article 41

The Implementing Regulations shall specify the fees that should be paid upon the filing an application for the registration of the design or model or the renewal application.

Article 42

The office shall write off the registration in the name of a person other than the real owner of the design or model, when a final judgment from the Federal Supreme Court is submitted to him requiring writing off.

The Office shall make this writing off upon its own initiative or upon the request of concerned people.

Article 43

The writing off of the registration or its renewal shall be published in accordance with the provisions decided by the Implementing Regulations.

Section Three
Chapter One
Common Provisions

Article 44

Without prejudice to any more severe penalty provided for in any other law, a penalty of imprisonment and a fine ranging between 10-20 pounds shall be imposed on:

1. Anyone who forged an invention which has been granted a patent in accordance with the provisions of this law.
2. Anyone who forged an industrial design or model that was registered in accordance with the provisions of this law.
3. Anyone who sold, offered for sale or circulation or imported from outside or possessed for commercial purposes forged products or materials with forged industrial design or model with his knowledge of the same, when the invention, design or model was registered in Libya.
4. Anyone who illegally places on products, advertisements, trademarks, packing instruments or otherwise, any data that may lead to the belief that he owned the invention patent, or the registration of an industrial design or model.

Article 45

The owner of a patent, design or model may, during the administrative or criminal lawsuit is being considered, request the head of the Federal Supreme Court or the criminal court to issue an order to take the precautionary procedures, especially for withholding the forged products or goods, machines and equipment that were used or may be used in committing the crime and the imported goods from outside upon their arrival. The owner of the patent, the design or model may ask for the issuance of above-mentioned procedures, before filing an administrative or criminal lawsuit. He shall in this case file his administrative lawsuit or file his complaint to the attorney-general during a period of 8 days excluding the period as from the date of order implementation, otherwise these procedures will be revoked by themselves. The concerned person shall file his application for taking these procedures by a petition supported by a certificate indicating the registration of the invention, the industrial design or model.

The issued order may include taking these procedures, if necessary, the secondment of an expert or more to assist the bailiff in implementation.

Article 46

The Federal Supreme court or the criminal court may rule to confiscate the withheld materials or that will be withheld later on, and their price will be deducted from fines or compensation, or it will be disposed by another method that the court deems appropriate. The court may also order the destruction thereof, if necessary, and it may judge all what has been mentioned in case of an acquittal decision was passed due to the lack of criminal intention. The court may order to publish the judgment in one newspaper or more at the expense of the convicted party.

Article 47

The crimes mentioned in this law, those mentioned in the trademark Law No. 40 for 1956, and the crimes mentioned in chapters 1 and 2 of section 8 of the second book of the Libyan criminal law are similar crimes when reference is made to them.

Chapter Two Final Provision

Article 48

The Implementing Regulations of this law shall include provisions that guarantee provisional protection, inventions and industrial designs or model that are exposed in national or international exhibitions in Libya or in any country that has reciprocal treatment with Libya. The assignment of these exhibitions shall be by a decision of the Minister of National Economy.

Article 49

If an application has been filed for obtaining a patent in one of the countries that treats Libya reciprocally, those concerned, their legal representatives or those who acquired the owners' rights may file an application for this invention in accordance with the Implementing Regulations and the requirements and conditions mentioned in this law, during a period of one year as from the date of filing the application in the foreign country.

And with the exclusion from the provisions of Article 1 (B) of this law, the patent application will not be affected by the publishing of the patent description, its use or filing another application of it during the period specified in the previous paragraph. The provision of this Article applies to industrial designs or models, on condition that the period shall be 6 months as from the date of filing the application in the country of origin, and without prejudice to the provision of Article 9.

Article 50

The use of the invention in land, marine and airway transportation means related to one of the countries that deals with Libya on reciprocal basis shall not affect the rights of patent owner, in case of its existence in Libya in a temporary or casual manner.

Article 51

The provisions of this law shall apply to inventions and industrial designs or models that are covered by legal protection when it is in effect, on condition that the filing of application for the patent or the registration of a design or model shall be during 2 years as from that date, and the previous protection period shall be included within the protection period that is provided by the provisions of this law.

Article 52

The employees of the Office referred to in Article 3 shall not file, by themselves or through others, applications for obtaining patents, or applications for the registration of industrial designs or models, unless after three years of leaving service in that mentioned Office.

Article 53

The Minister of National Economy shall issue an Implementing Regulations indicating the provisions for the implementation of this law. This Implementing Regulations shall specifically include the following:

1. Establishing conditions and dates related to administrative procedures.
2. The situations and conditions relating to publications mentioned in this law.
3. The fees relating to the issuance of photocopies, certificates and various works and endorsements.

Article 54

Concerned people may request application of provisions of international conventions related to the industrial property which Libya has joined if they provide more care to their interests more than the provisions of this law.

Article 55

The Minister of National Economy shall implement this law which shall be effective after six months from publication in the official gazette.