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Law No. 8 Pursuant to the rules of the constitution & to what has been approved by the People Assembly in its session that was held on 16/2/1428 AH corresponding to 6/3/2007, president of the Republic issues the following:

### **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 handmade 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.
- B. 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.
- C. 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 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, why 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 issue 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 an 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 bearing 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 (51

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