

# TABLE OF CONTENTS

	<b>PAGE</b>
<b>Section One: Patents of Invention</b>	<b>2</b>
<hr/>	
Chapter One: Definitions	2
Chapter Two: Granting, registration, and publication of Invention Patents	3
Chapter three: The rights accrued from patent registration	10
Chapter Four: The additional certificates	11
Chapter Five: Forfeit of invention certificates and their annulment	12
Chapter six: Transfer of ownership	13
Chapter Seven: Compulsory licenses	13
Chapter Eight: License of usage	17
<b>Section Two</b>	<b>18</b>
<hr/>	
Chapter one: Benefit Models	18
Chapter Two: Infringements on invention patents and benefit models	18
Chapter three: Right of Priority	19
<b>Section Three: Design schemes of integrated circuits</b>	<b>19</b>
<hr/>	
<b>Section Four: Undisclosed information</b>	<b>22</b>
<hr/>	
<b>Section five</b>	<b>24</b>
<hr/>	
Chapter one: General provisions	24
Chapter two: Concluding provisions	24

President Bashar El-Assad today issued Law no.18 for the year 2012 regarding the granting of patents inventions, their registration, publication and rights that arise from registration.

Following is the text of the Law:

Law No.18

The President of the Republic

By virtue of the provisions of the Constitution, and in accordance with what was agreed by The National Council In its session of 7.5.1433 Hire, corresponding to 29.3.2012,

Issues the following:

## **Section One: Patents of Invention**

### **Chapter One: Definitions**

#### Article 1

The words and expressions that come in the course of the implementation of this Law shall have the meanings corresponding to them.

- **The Law:** The Law of Patents of Invention, the Benefit Models, Schemes of Design for Integrated Circuits and the undisclosed information.
- **The Executive List:** The Executive List to this Law.
- **The Minister:** The Minister of Economy and Commerce.
- **The Executive List:** The Executive List to this Law.
- **The Directorate:** The Directorate of the Protection of Industrial and Commercial Ownership.
- **The Director:** The Director of the Protection of Industrial and Commercial Ownership.
- **The Competent Committee:** The committee tasked with examining objections submitted to the Protection Directorate, in regards to registration requests for invention patents, benefit models and integrated circuits design schemes.
- **The Competent Court:** The Court concerned with examining cases related to commercial and industrial ownership, according to the provisions of this Law.
- **The attorney or legal representative:** The Person empowered or delegated to register the rights of industrial and commercial ownership for the benefit of his client or the person that delegated him, in accordance with the provisions of this Law.
- **The Ownership Protection Gazette:** The Gazette stipulated in article 25 of the Law no.8 of 2007.
- **The Patent:** The patent of invention or the patent of benefit model according to the meaning defined in this Law.
- **Paris Agreement for the Protection of Commercial and Industrial Ownership:** The Agreement of 20. 3. 1883 to which The Syrian Arab Republic has acceded, since 1939, and which was amended by The Stockholm Document of 1967 , to which The Arab Republic Of Syria acceded via The Legislative Decree 47 of 2002.
- **The Cooperation Treaty on Patents:** The Cooperation Treaty on Patents to which The Syrian Arab Republic acceded via The Legislative Decree no.11 of 1. 2. 2003.

## Chapter Two: Granting, registration, and publication of Invention Patents

### Article 2

Invention Patent is granted in accordance with this Law to every invention that meets the following conditions:

- Industrial applicability.
- Novelty.

To represent a contrivance step whether the invention related to a product, or to a manufacturing method, or to both, or to a new application of known industrial methods.

The Executive List shall define the conditions required to granting the patents.

### Article 3

The invention patent shall not be granted to the following:

1. The inventions of which usage leads to infringement on Public security, or breaches of public order or general ethics , or harm to health of human, animal or plant.
2. Discoveries, scientific theories , and syllabi relating to mathematics , and pharmaceutical data bases ,sketches , compounds ,and charters.
3. Plants and animals, whatever is the degree of their rarity or peculiarity, and also the methods that are originally biological to produce plants or animals , with the exception of minute organisms and non-biological or micro biological methods to produce plants or animals.
4. Designs rules and syllabi relating to:
  - Pure intellectual activities.
  - Economic activities.
  - Information programmers.
  - Methods of treatment and surgery to human or animal body, and also disease Diagnosis methods that are employed in humans or animals body. And these Provisions shall not apply on products, and in particular materials and compounds used For the purpose of implementation of any of these methods.

### Article 4:

Without Prejudice to the laws and international agreements that are in force in the Syrian Arab Republic, any person, natural or judicial entity, may benefit from the Provisions of this Law:

1. Syrians wherever their domicile is.
2. Non-Syrians provided that they have headquarters or domicile in The Syrian Arab Republic, or they hold the citizenship of a country in accession to the industrial ownership agreement in force within the Syrian Arab Republic.

3. A citizen of a member-state of The Arab League, on the condition of reciprocity.

#### Article 5

An accredited special register shall be set in the Directorate, for the patent requests and all the data related, and for their usage and the actions that may occur in relation to them , in accordance with the provisions of this Law, and in the form stated in its Executive List.

#### Article 6

1. Requests for patent registration are submitted by the applicants, or their legal representatives accompanied by fees covering the first year, and the requests shall not be accepted unless accompanied by the said fees.
  - a. Electronic payment and filing requests on line may be accepted based on a decision by the Minister.
  - b. The directorate shall set a depository register where the date and the time of delivery or
2. Arrival of documents and fees payment are mentioned , and a copy of the delivery sheet can be given Away after payment of relevant fees.
  - a. If the applicant is not residing in The Syrian Arab Republic , he has to delegate a person residing
3. In the Syrian Arab Republic to represent him in depositing and registration process.

#### Article 7

A request for patent registration should not include more than one invention , and it will be considered as one the combination of inter-related inventions that represent one integrated ingenious idea . If the request included more than ten protection requests ( claims ), an additional fee must be paid for each additional request.

#### Article 8

- A. A detailed description of the invention must be attached with the patent request comprising the following :
  1. A full manifest of its subject , and the best means to enable experts to implement it, and this shall apply on each of the products and methods in the request .
  2. The technical description in a way that clearly includes the new elements that are requested to be protected .
  3. An architectural plan of the invention if needed .
- A. If the request related to minute beings , or genetic sources or conventional sources ,

The applicant must specify that , and he may be requested to deposit a live plantation of the minute beings at the place specified in the Executive List of this Law .

B. The applicant is committed in all cases , to submit full statements and information regarding requests he had previously submitted abroad relating to the same invention , or to its subject in addition to the decisions thereon.

C. All the documents attached with the request must be signed by the applicant , or his legal Representative, and the Executive List of this Law shall specify the enclosures of the invention Patent request and the time frames during which they must be submitted , and the circumstances that lead to rejection.

#### Article 9

The Directorate may ask the applicant to meet the conditions or amendments that it deems necessary , and if the applicant does not carry out this procedure within three months following the date on which he was notified , he shall be considered as having retracted his request.

The applicant may file a complaint against the Directorate's decision to the competent Committee within thirty days from the date on which he was notified of the decision, in accordance with the procedures specified by The Executive List.

#### Article 10

The patent registration applicant may within three months from the date of depositing his request, submit a request to amend the specifications of the invention, or his architectural drawing, accompanied with a statement on the nature of the amendment , and its reasons, provided that the amendment does not alter the invention itself , or exceed what was pronounced in the original request or the protection requests.

#### Article 11

1. The Directorate shall examine the request and the attached documents to ascertain the presence of the legal requirements listed in this Law and its Executive List , and the formality conditions together with the requested documents may be completed within three months from the date of submitting the request ,with the exception of the fees delay which shall incur a delay fee for each month , and a fraction of a month shall be considered a whole month. The request shall be considered null and void in the event of incompleteness of the requested formality conditions by the expiry of the said time duration.

2. The directorate shall examine the patent request and its enclosures to ascertain that the invention is new, and represents a contrivance step , and industrially applicable , in accordance with the provisions of this Law and its Executive List . And the Directorate has the right to seek the help of scientific circles , experts , or advanced patent offices , in the frame of agreements for this purpose, whereas the applicant bears the costs and fees of the experts and the committees that carry out the studies .

## Article 12

1. Announcement of patent request acceptance shall take place after the completion of the procedures and the technical test , and the request remains confidential during that time, and granting the patent shall be the decision of the minister or whom he delegates.
2. The accepted applications that have fulfilled the requirements shall be published in the Ownership Protection Gazette , in the form specified in the Executive List of this Law , at the expense of the applicant.
3. Every interested person may object in writing against the patent registration request to the Directorate , after payment of specified fee , within six months from the publication date, and the Directorate must notify the applicant or his representative with a copy of the objection within thirty days from the date of receiving it , and the applicant or his representative should provide the Directorate with a written , and accounted - for response to the said objection , within thirty days from the date on which he was notified , and failing that he shall be considered as having retracted his request.
4. The Directorate issues, in relation to the objection, its accounted - for decision ,of either acceptance or rejection, after having studied the documents submitted by both parties of the dispute, and listening to their defenses, and it may include its decision of acceptance a demand to the applicant to fulfill the requirements that it deems necessary for registration , and in the event of rejection ,it shall be entitled to half the paid fees, and the other half shall be refunded to the applicant.
5. The Directorate shall notify both parties of the dispute of its decision which is referred to in article 12 of this Law, and the decision may be protested against to the Competent Committee, within thirty days from the date on which they are notified.
6. The Committee's decision is contestable in front of the competent court within thirty days from the date of notification.

The applicant shall be considered as retracting his request if he does not fulfill the amendments or requirements demanded by the Directorate within the time frame fixed in the notification addressed to him in this regard , or if he does not object against the Directorate's decision or contest the Committee's decision within the fixed time frames.

## Article 13

The Directorate provides the relevant ministries of defense, interior, health and environment with copies of the invention patents that relate to defense and military production , public security, public security or environment, and that bear a military, security –related, health-related, or environmental value, together with their attachments within thirty days from the date of approval of the patent granting, and before preparing the certificate, to seek their approval.

## Article 14

Certificates of invention patents shall be published in the Ownership Protection Gazette in the form specified in the Executive List of this Law , provided that the publishing includes the

number and date of request , and the patent's number and address , and the applicant's name and address , and the inventor's name and address , and a summary of the invention , at the expense of the registration applicant.

The Directorate may exchange published patents documents , by virtue of joint cooperation agreements , according to the procedures specified in the Executive List.

#### Article 15

The applicant may object in writing against the patent registration rejection , to the Directorate after payment of the specified fee , within thirty days from the date of his notification of the Directorate's decision of rejection .

#### Article 16

- 1.The Directorate shall notify the applicant or his representative of its decision , and this decision , referred to in article 15 of this Law , is contestable before the competent committee within thirty days of the notification date .
- 2.The Committee's decision is contestable in front of the competent court , within thirty days from the notification date .

#### Article 17

The patent registration request that had been approved in principle , shall be considered null legally , if the applicant or his agent do not complete the patent registration procedures , and obtain the certificate within the duration of one year , starting on the date of expiry of the publishing time frame , or from the date on which the ruling in his favor has become final and conclusive .

#### Article 18

Any person is entitled , after the publication of the patent certificate, to review it with its documents , and the remarks made on it in the Invention Patents Register, and also obtain a copy of the afore- mentioned, against specified money payment to the benefit of the Directorate, according to the procedures described in the Executive List of this Law.

#### Article 19

- 1.The registration applicant whose request was denied or suspended for requirements or amendments is entitled to object in writing , against the Directorate's decision ,to the competent committee, within the duration of thirty days , from the date on which he is notified of the decision in writing, against the payment of the specified fee.
- 2.The objections shall be examined by a committee assigned by the minister as follows:
  - A judge named by the Minister of justice, as chairman.
  - The minister's assistant in charge , as member .
  - The Ownership protection Director ,as member .

- A representative of the Ministry's Legal Affairs , ranked not less than a department's director, as member.
  - A representative of the Syrian Inventors Association ,as member .
- 3.The Committee has the right to seek the help of whoever it deems suitable among people of expertise. And the Executive List of this Law shall describe the procedures in regards to objections and deciding on them , and the rewards to the committee's members .
- 4.The Committee's decisions are disputable , and their implementation may be halted by a decision of the competent court.
- 5.If the Committee sustains the Directorate's decision, the patent cannot be registered in the name of the applicant except on the grounds of a conclusive irrevocable judicial ruling issued by the competent court.
- 6.The Protection Directorate and relevant parties are entitled to dispute the decision issued by the competent committee in front of the competent court within the duration of three months from the date of having the Directorate or the relevant parties notified of it.

#### Article 20

International requests shall be registered with the Ownership Protection Directorate in accordance with the Cooperation Agreement on Patents , and its Executive List. And the international requests shall be dealt with as national requests, and the fees imposed shall be in accordance with the provisions of the treaty by a decision of the minister.

#### Article 21

Everyone is entitled to request the Directorate, in writing, to run a review of the registered patents in regards to no more than one invention or one benefit model to every request , against a specific amount of money paid to the benefit of the Directorate, and the directorate must reply to the request within the duration of fifteen days from the date on which the request is submitted , and no responsibility may be held against the Directorate as a result of the review, and no right may rise to the benefit of the applicant versus the Directorate.

#### Article 22

The duration of the invention patent protection shall be twenty years starting from the date of filing the patent request in Syria ,and shall be renewable.

#### Article 23

An annual fee shall incur ,and increase gradually as from the beginning of the second year until the termination of the patent protection duration , and if two years elapse without having a decision on the request, the applicant shall be entitled to withhold the payment of the annual fee pending the issuance of a decision to grant him the patent ,whereby he must pay the unsettled fees , and it is possible to settle all the outstanding fees in one payment.



## Article 24

1. The patent shall entitle its owner the right to prohibit a third party from exploiting the invention by any means without the consent of the patent owner , and in particular to prohibit the following:
  - A. Manufacturing the product about which the patent is , or displaying it, trading it, employing it, importing it or acquiring it for the afore mentioned purposes.
  - B. Employing the patent's method of manufacture.
  - C. The display of the first hand product of the manufacture method described in the patent, or trading, employing , importing, or acquiring it for the afore mentioned purposes.
2. The owner's right of preventing third party from importing, employing ,selling or distributing the product or the method incorporated in the invention shall expire if he marketed the product either by himself or via others outside the Syrian Arab Republic, or if he permitted others to do that or if the marketing was with his approval.
3. It shall not be considered as infringement on that right the following practices of a third party:
  - A. Practices that are carried out in private, and for non-commercial purposes , and practices related to scientific research, or to the environment or climate.
  - B. Preparation of medicines in pharmacies in an instant fashion , according to a medical prescription. And the work related to medicine preparation using this method.
  - C. Manufacturing, or employing a manufacturing method for a certain product, or setting serious preparations in that regard by a third party in Syria , with no ill intentions, and prior to the date of patent application by someone else regarding the same product or the method of its manufacture. The said third party ,notwithstanding the patent grant, is entitled to carry on, for the benefit of his business solely, in practicing the same works, without extending the business, and with no right of ceding the business or transfer of the right unless done together with the rest of the business components.
  - D. Indirect usage of manufacture method about which the patent is, for the purpose of making other products.
  - E. Exploiting the invention in means of land, sea or air transportation of a country or entity that is a member in the Industrial Ownership Agreements enforced in Syria, or on reciprocity basis with Syria, and that applies in the event of the presence of any of those means in Syria on temporary or provisional basis.
  - F. Manufacture , composing or sale of the product by a third party, during its protection duration for the purpose of procuring a license to market it in the Syrian Arab Republic , provided that the marketing shall not be carried out except after the end of the patent's protection duration.
  - G. Actions carried out by third parties other than the aforementioned, provided that they do not inflict great harm to the customary usage of the patent, or to the lawful interests of the patent's holder.

## Article 25

1. If the patent certificate's owner fell behind in settling the annual fee before the beginning of each year of the duration of his certificate, his rights shall be forfeited, and he shall be granted a grace period of six months to settle his dues legally, in addition to a delay fine.
2. The patent shall be cancelled if its holder does not settle the annual fee together with the delay fine within the period mentioned in paragraph 1.
3. The person whose patent is cancelled according to paragraph 2 shall be entitled, within six months from the date of the patent's cancellation, to request the restoration of his rights in the patent, and he must pay the due fee and fine in twofold within thirty days duration that starts on the date of filing his request.
4. The rights accrued from the patent shall expire for failure of payment of annual fees, and become a public property.

## Chapter three: The rights accrued from patent registration

### Article 26

1. A patent right is confirmed to the inventor or his successor, and if the invention is a result of work shared by several persons their rights in the patent in equal is assured, unless they agree otherwise.
2. If more than one person contrive the same invention independently, the right shall be confirmed to the one that came first to submit the patent application.
3. If a patent registration request is submitted, then stolen from the owner or the successor, or embezzled in violation of a legal or contractual commitment, the injured party is entitled to claim his ownership right in the request or the granted patent in the competent court.

### Article 27

If the inventor is a worker, and there was no written agreement to the contrary, between the worker and the employer where it is more beneficial to the worker; determining the rightful owner of the patent shall depend on the following;

1. The inventions made by workers are the property of the employer in the course of the execution of a work contract that incorporates a contrivance task among the worker's duties, or a result of researches, studies and tests assigned to him by the employer precisely.
2. The ownership of other inventions shall be the property of the worker, unless the invention is achieved in the course of the worker's performance of his duties, or within the employer's activities, or on the basis of knowledge or usage of methods, techniques, and means related to the work; where the employer has the right, within a time frame of one year of the date of publication of the invention's patent in Syria, prone to the forfeiture of his right, to notify the worker in writing of his intention of acquiring the ownership of the rights ensued from the

invention ,or benefiting from them totally or partially, provided that the worker benefits from an equitable reward to be determined amicably or in the competent court.

3. The inventor's name shall be mentioned in the patent, and the worker is rewarded for his invention in all events, and in the event of failure to agree on this reward, the worker is entitled to an equitable compensation from the person that engaged him to contrive the invention, or from the employer , and at any rate, the invention shall be attributed to the inventor , with the consideration of the Basic Law Of The State's Workers no.50 of 2004 and its amendments.

#### **Chapter Four: The additional certificates**

##### Article28

The certificate owner, whether an inventor or owner of the invention right , is entitled to enter any alteration, replacement or addition to the initial invention ,thus he prepares the deposit statement of additional certificates in the same nation in which he prepared the deposit statement of the patent request , and is subject to the same patent provisions.

##### Article29

Additional certificates shall have the same effects of the original certificates, when there are more than one owner of an original certificate ,thus the additional certificate which one of them acquires shall benefit all of them.

##### Article30

If an improvement occurs on an invention of which another person was granted a registration certificate, the person who contrived the improvement may not exploit the original invention, and likewise, the other person who contrived the invention may not exploit the additional certificate regarding the contrived improvement that followed the invention ,unless an agreement is reached between the parties.

##### Article31

The protection duration for the additional patent starts from the date of submitting the request to the Directorate, and expires simultaneously with the related original certificate.

##### Article 32

When the original certificate is annulled for failure of renewal, the additional patent certificate may stay valid providing the continuation of settlement of annual fees and regarding each certificate, where it stays valid for the duration of the original certificate ,if not annulled in itself.

##### Article33

The owner of the additional certificate is entitled ,at any time, to request its transference to an invention certificate ,against the payment of the difference in fee for the current year ,considering that the duration of the new certificate is equivalent to that of the original.

#### Article 34

A first year fee , at least , must accompany the additional certificate's request ,to be accepted, and it is to be understood that( first year fee) indicates the fee of the invention patent certificate for the patent's current year .

### **Chapter Five: Forfeit of invention certificates and their annulment**

#### Article35

An invention patent shall be forfeited to become public property in the following cases:

1. Expiry of protection's time frame.
2. Failure to pay the annual fee within the specified time duration.
3. Failure by the inventor to put his invention in employment within three years from the date of granting him the invention certificate ,unless he proves that he presented his invention directly to the industrialists capable of implementing his invention ,and that he did not reject ,without a reason,requests for his acceptance to invest his invention in accordance with provisions set in the Executive List.
4. Waiver by the owner of an invention certificate of his rights in it ,without prejudice to third party's rights.
5. Issuance of a conclusive irrevocable court judgment of forfeit of the invention patent.

#### Article 36

1. Invention patents are considered null by a final court judgment of conclusive degree, in the following conditions;
  - A. If the invention patent is acquired in contrary to the provisions of this Law.
  - B. If the invention's description, plans and lists of accounts are insufficient to put the invention in use by specialized people ,and the additional certificates that are irrelevant to the original ones shall be considered null also.
  - C. If the invention's theme is beyond the frame of the initial description of the original request, or in the event of patent issuance as a result of a fragmented request ,if its theme goes beyond the request.
  - D. If the protection requests (allegations) are not based on the technical description or are beyond the limits of the submitted description.
  - E. If the amendments are beyond the initial description submitted in the original request.
  - F. If the reasons for annulment do not affect the patent except partially ,then the annulment shall not include anything except the requests addressed by those reasons.
2. The patents of which owners' rights have expired according to the provisions of articles 35 and 36 , shall be published in the Ownership Protection Gazette on the expense or the Directorate , in the fashion described in the Executive List.

## Article 37

The similarly manufactured product which is produced according to the method protected by a patent is considered a violation of the patent according to the provisions of this Law if the plaintiff proves in his case that the similar product has been reached via direct employment of the method protected by the patent, or that he has made reasonable effort to unveil the method used in the project, and in this case the court may request the defendant to prove that the method he used to obtain the similar product differs from the method incorporated in the patent owned by the plaintiff, and the court has to bear in mind, in the process of proof establishment, the right of the defendant in protecting his commercial and industrial confidentiality.

## Chapter Six: Transfer of ownership

### Article 38

Procedures of ownership transfer are conducted as follows:

1. Patent ownership may be transferred partially or completely through selling it, ceding it, or via inheritance, bequest, mortgage, or right in rem, in exchange or free, according to the rules and procedures stipulated in the Executive List, after payment of assigned fee.
2. Without prejudice to the provisions relative to the sale and mortgage of commercial shops, the patent ownership transfer, mortgage, or arrangement of rights in rem (real rights) on it, shall not be taken as proof against a third party, until after registering it in the special register at the Directorate, and presenting a certified or approved document that indicates the requested procedure, and the publication shall be carried out at the expense of the patent owner in the fashion specified in this Law or its Executive List.
3. Transfer registration shall be based on a request by one party of the agreement, or his representative through a formal private power of attorney within ninety days from the date of the agreement, and the delay in requesting the registration ensues payment of an additional fee, as stated in this Law.
4. The change in address of the patent owner, or his name, or the conduct of any other action shall be subject to the legal fees set in accordance with the situations stated in this Law, and every action taken shall be published in the Ownership Protection Gazette.
5. An inventor or applicant may cancel his request at any time, without a fee, and may cede it to a third party before publication by means of a written petition to the Directorate against the defined fee.

## Chapter Seven: Compulsory licenses

### Article 39

The Directorate, after the approval of a ministerial committee that is formulated by a decision of the prime minister, shall grant obligatory licenses to employ the invention, and the Committee stipulates the financial rights to the patent owner when issuing these licenses, in the following conditions:

**First:** If the minister in charge, considering the situation at hand, finds that the employment of the invention achieves the following:

1. Purposes of noncommercial public interest, such as the preservation of national security, health, and safety of the environment, food and climate.
2. Facing emergency or requirements of extreme circumstances,

The obligatory license to handle the conditions mentioned in articles 1 and 2, shall be as follows:

- A. By-passing the need of negotiation with the patent owner.
  - B. The elapse of lengthy time in negotiation with the owner without reaching agreement.
  - C. Offering reasonable terms to obtain the owner's approval of patent employment without reaching agreement.
3. Supporting the national efforts in sectors vital for development in economy, society, technology, environment, climate and food, without causing unreasonable breach of the rights of the patent owner, and with consideration of the legitimate rights of third party.
  4. The patent owner must be notified of the compulsory license decision within 15 days in the cases mentioned in articles 1 and 3, and at the earliest time possible in the cases mentioned in article 2.

**Second:** Upon request of the minister of health, in any of the events of insufficiency of the patentably protected medicines to meet the country's needs, or of the extra ordinary rise in their prices, or if the patent is associated with severe cases, chronic, incurable or dwelling diseases, or products used in the protection from those diseases, whether the invention was associated with the medicines, their mode of production, the basic raw material that enters in their production or the method of preparation of the necessary raw material for their production. And in all these conditions the patent owner must be notified of the decision that grants the obligatory license within 15 days.

**Third:** If the patent owner refused the licensing of third party to employ the invention, whatever is the purpose of the usage, in spite of offering him proper terms, and the elapse of reasonable time in negotiation, in accordance with the provisions stated in the Executive List.

The applicant for obligatory license, in this event, has to prove that he has made serious attempts to obtain voluntary license from the patent owner.

**Fourth:** If the patent owner does not invest the patent in Syria, or make it available in the markets for reasonable prices with or without his knowledge, or if investing it was insufficient in spite of the elapse of four years since the patent application date, or three years since the date of granting it, whichever was longer, and also if the patent owner halted the invention employment for no valid reason for a period that exceeds a year.

This employment shall be in the form of producing the protected product in Syria, or in the usage of the manufacture method protected by the patent to produce it.

And nevertheless, if the Directorate views that, in spite of the expiry of any of the two said terms, failure in employing the invention is attributed to legal, technical or economic reasons that are beyond the patent owner's intention, the Directorate may grant him a six month grace period to employ the invention.

**Fifth:** If the patent owner is proved to be exigent ,or practicing his patently acquired rights such as:

1. Exaggeration in the selling price of the patently protected products ,or discrimination between clients with regards to the product's prices and conditions of selling.
2. Failure to maintain the availability of the patently protected product in the market, or providing it under transgressed terms.
3. Discontinuation of the patently protected product in the market ,or producing amounts that do not attain the balance between production capability and market requirements.
4. Carrying out actions or behaviors that negatively impact on free competition within the prevailing legal limits.
5. Practice of the rights that the law avails in a manner that impacts negatively on technology transfer.
- 6.

In all the aforementioned cases, compulsory licensing shall be issued needless of negotiation ,or expiry of time frame of carrying it, and it will be published in the Protection Gazette at the expense of the licensee.

The Directorate may refuse the termination of obligatory license ,if the conditions that led to its issuance ,indicate its continuity or forecast its recurrence.

At the time of assessment of accrued compensation to patent owner, the damages caused by his transgressed or counter-competitive actions must be taken in consideration.

The Directorate may cancel the patent , after the elapse of two years from the issuance date of obligatory license, if it finds that the license was insufficient to alleviate the negative results that affected the national economy due to the exigencies of patent owner in practicing his rights or due to his non-competitive practices.

Everyone concerned may contest the patent cancellation in front of the ministerial committee in accordance with the situations and procedures set in the Executive List of this Law.

**Sixth:** If the employment of an invention, by the owner of the invention patent right, cannot be performed unless performed with the employment of another invention useful to it, and the first invention comprises tangible technical advancement, and economic and artful importance in comparison with the other, the right's owner is entitled to acquire an obligatory license facing the other, and the latter is entitled to the same right in this situation.

**Seventh-**In the cases of inventions related to semiconductors ,obligatory license shall not be granted except for noncommercial public welfare purposes ,or to remedy effects proven as noncompetitive.

Granting obligatory licenses in the conditions stated in this article shall be carried out in accordance with the situations and procedures set in the Executive List of this Law.

#### Article 40

The following must be taken in consideration at the issuance of obligatory licenses:

1. A request of obligatory license must be decided on in view of each case's circumstances separately, and the license must aim ,in principle, at the provision of local market's requirements.

2. The applicant for an obligatory license must prove that he made serious efforts to obtain a voluntary license from the patent's owner in exchange of an equitable compensation but he failed.
3. The patent owner must have the right of objection to the decision, that granted the obligatory license to a third party, in front of the ministerial committee mentioned in article 39 of this Law ,within thirty days from the date of his notification of this license, and the committee's decision shall be contestable in front of the competent court within thirty days from the date of notification, according to the procedures stated in the Executive List.
4. The applicant for a compulsory license or the person in whose favor the license is issued must be capable of employing the invention in a serious manner in the Syrian Arab Republic.
5. The licensee in an obligatory license must undertake to employ the invention within the boundaries, conditions and time frame stated in the decision of granting this compulsory license, and if the license's duration expires without the absence of the reasons for granting this license, the Directorate may renew the duration.
6. Employment of obligatory license is confined to its applicant. Nevertheless, the Directorate may grant it to a third party, after the approval of the ministerial committee stated in article 39.
7. The patent owner is entitled to receive an equitable compensation in return for employment of his invention, and in assessing this compensation ,the economic value of the invention must be taken in consideration, and the patent owner has the right to complain from compensation assessment decision to the Ministerial committee stated in article 39 within thirty days from the date of his notification of the decision ,in accordance with the situations and procedures mentioned in the Executive List of this Law.
8. The obligatory license must terminate with the expiry of its term, but nevertheless the Directorate may decide, by its own will, or on the basis of a request by any concerned party, and after approval of the ministerial committee, stated in article 39 of this Law, to abrogate the obligatory license before its expiry, if the reasons for granting it discontinue,. With ruling out the possibility of their recurrence .To this end, the procedure stated in the Executive List must be followed.
9. The invention owner is entitled to request the termination of obligatory license before the expiry of its time limit if the reasons that led to acquiring it discontinue, with ruling out their recurrence.
10. The lawful interests of the licensee must be considered at the termination of compulsory license prior to its expiry.
11. The Directorate shall have the right to cancel the compulsory license or amend its conditions, in its own prerogative, or on the basis of a request by a relevant party ,after approval of the ministerial committee ,stated in article 39 of this Law ,if the licensee fails to employ the license ,or if he defaulted on his obligations ,stipulated in the compulsory licensing.

#### Article 41

By a decision of the minister in charge ,after approval of the ministerial committee referred to in article 39 of this Law ,the patent ownership may be cancelled ,for reasons relating to national security and in the events of utmost necessity whereby compulsory licensing is insufficient to face the events.

And cancellation of ownership may be confined to cancelling the right of employment of the invention to meet the needs of the State.

However ,cancellation of ownership shall be in exchange for an equitable compensation of which assessment is the task of the ministerial committee stated in article 39 of this Law, and corresponding to the prevalent economic value at the time of issuing the decision of ownership cancellation .The decision of ownership cancellation shall be published in the Ownership Protection Gazette at the expense of the



Directorate .Contesting the ownership cancellation decision and the Committee's decision of assessment of compensation shall be in front of the competent court within sixty days from the date of notification of the relevant party of the decision ,and the court decides in this contest in an urgent manner.

## **Chapter Eight: License of usage**

### Article 42

Patent owner may license a natural or virtual person or more to use his patent, whereby this license to third party does not prevent the patent owner from using it unless agreed otherwise in writing, and the duration of patent usage license may not exceed the time frame of its protection.

### Article 43

1. The license contract must not contain any wording that binds the licensee to unnecessary restrictions; in order to preserve the rights ensued from patent registration.  
The license contract may include the following conditions:
  - A. Defining the boundary of the geographical region for marketing products protected by patent.
  - B. Defining the time frame of the patent employment license
  - C. Obliging the licensee to refrain from any action that will lead to the devaluation of the patent's value.
2. The patent owner is entitled to resort to the rights availed to him by virtue of the patent registration, and have them enforced on every licensee who exceeds the license conditions stipulated in paragraph 1 of this article.

### Article 44

1. The license contract is bound by the condition of being registered, with the certification by the competent authorities of all the signatures endorsed on it.
2. The license shall not be enforceable versus a third party unless registered in the patent register at the Directorate after the assigned fee.
3. In the event of the delay in the registration of this contract for more than ninety days starting from the date of the contract registration , it will be subject to a delay fee of how is stipulated in this Law and its Executive List.
4. The license contract must include the conditions that guarantee quality control to the patent owner.

### Article 45

The licensee may not renounce the license contract to a third party, or grant sub-contracts, unless stipulated otherwise in the license contract.

### Article 46

The patent owner or the licensee is entitled to request the abrogation or amendment of the license after presenting what proves the termination or annulment of the license contract, and the abrogation or amendment is published in the ownership protection Gazette at the expense of the concerned person.

## Section Two

### Chapter One: Benefit Models

#### Article 47

1. The benefit model patent shall be granted in accordance with the provisions of this Law to every new industrially implementable invention, but is not the product of an inventive action sufficient to grant it an invention patent, and the Executive List shall state the conditions needing to be provided for granting the patent.
2. The applicant may transfer the request to an invention patent request, and the invention patent applicant may change his request into a benefit model patent request, and the registration effect in both cases is carried to the date of the initial request.
3. The Directorate is entitled by its own prerogative, to change a benefit model patent request into an invention patent request and vice versa, when the conditions are met

#### Article 48

The time frame for protection of a benefit model is ten years unrenovable, starting from the date of submitting the request for a benefit model patent to the Protection Directorate in the Syrian Arab Republic.

#### Article 49

At the time of filing a request for a benefit model patent a fee ensues, and as from the date of approval of the request up till the end of the patent's duration, an annual fee ensues, and increases annually.

#### Article 50

The general provisions relating to invention patents shall apply on all that is not covered by a pertinent text in regards to benefit model patents, with the necessary alterations.

### Chapter Two: Infringements on invention patents and benefit models

#### Penalties

#### Article 51

Without prejudice to the provisions in article 24 of this Law, or to any stricter penalty stipulated in any other legislation, a fine of no less than two hundred thousand Syrian Liras, and no more than one million Syrian Liras shall ensue on the following:

1. Imitation, for the purpose of commercial exchange, of the subject of invention or benefit model that was granted a certificate according to the provisions of this Law,
2. Sale ,display for sale or circulation, import or acquisition in the intention of trading, of imitated products with previous knowledge of the imitation, when the invention patent or the benefit model patent relate to the product or its method of production, and are in force in the Syrian Arab Republic.

3. Unlawful placement on products, advertisements or refill containers and the like, of statements that lead to the belief of the presence of an invention patent or benefit model patent.
4. Recurrence of violations shall ensue the punishment of imprisonment for the duration from six months to two years, and a fine of no less than one million Syrian Liras and not exceeding two million Syrian Liras, or one of the afore mentioned penalties.

#### Article 52

A person shall be considered in recurrence when he is condemned according to this Law of one of the misdemeanors stipulated in it, either as a principal perpetrator or as an accessory within five years following the first sentence that acquired final conclusive degree.

### **Chapter three: Right of Priority**

#### Article 53

The person willing to benefit of right of priority regarding a deposit, previously done in one of the countries in accession to the amended Paris Agreement For The Protection Of Industrial Ownership, or to a multilateral international agreement ,to which Syria is an accessory, or in a country that is on reciprocity basis with Syria in relation to right of priority, must attach with his request a statement showing the number and date of the previous deposit and the name of the country in which it was deposited, and he must present, within three months of the date of the latter deposit, copy of the previous deposit , certified as identical to the original, by the body that issued in the country of the deposit, and a sworn translation to Arabic .A payment of the defined fee must precede the afore mentioned procedure .Performing the procedures stated in this article shall lead to the loss of right of priority.

Time limits of the priority referred to in the previous article are twelve months for invention patents, and six months for benefit models, and these durations start as of the day that follows the date of submitting the request.

### **Section Three Design schemes of integrated circuits**

#### Article 54

Ear the sake of enforcement of the provisions of this Law, the integrated circuit is meant to be every product, either in its final form or in its intermediate form, that is consisting of components, of, at the least, an active element affixed on insular material, that, together with some connectors, form an integrated body aimed at achieving a certain electronic function. And design scheme is meant to be every three dimensional arrangement designated for an integrated circuit for the purpose of industry.

#### Article 55

According to the provisions of this Law, new design schemes of integrated circuits are protected, and a design scheme shall be considered new if it was the product of an intellectual effort by its owner and not a prevailing common knowledge by the masters of relevant industrial art.

#### Article 56

Any concept, method, system or coded data which a design scheme of integrated circuit might contain shall not be under protection.

#### Article 57

The protection duration of design schemes of integrated circuits shall be ten years starting of the date of acceptance of registration in the Syrian Arab Republic, or of the date of the first commercial employment to it in Syria or abroad, whichever comes earlier.

The design's protection duration expires, in all cases by the elapse of fifteen years from the date of preparation of the design.

#### Article 58

1. A request of design scheme is applied for by the owner of the right in it, or by his legal attorney to the Directorate, and the request must be accompanied by a photocopy or a drawing of the design with a sample of every integrated circuit that was under commercial employment, and the information that clarifies the electronic function of the design.  
The applicant is entitled to eliminate one part or more of the design, if the introduced parts of it are sufficient to define that design and explain its function.
2. A register is set in the office to chronicle requests of registration in accordance with conditions and procedures defined in the Executive List of this Law, and every request shall entail a fee.
3. No request shall be accepted if submitted after the expiry of two years from the date of design's first commercial employment by the owner of the design's right, whether in the Syrian Arab Republic or abroad.

#### Article 59

Without a written permission from the owner of a right of protected design scheme, no person, natural or judicial entity may carry out any of the following actions:

1. Copy the design scheme in whole or any new part of it, whether the copy was carried out by incorporating it in an integrated circuit or by any other means.
2. Import, sale or distribution, for business purposes, of a design scheme, whether carried out separately or incorporated in an integrated circuit, or was a component of a commodity.

#### Article 60

Without prejudice to the provisions stipulated in this section, any natural or judicial person, without permission of the right's owner, is not entitled to carry out one or more action of the following:

1. Copying or commercial employment that comprise import, sale or distribution, of an integrated circuit that contains a protected design scheme, or of a commodity in which manufacturing is that integrated circuit, if the action is carried out by a person unknowing or undesired to know, at the time of action, that that integrated circuit or commodity contains a protected a design scheme.

In this condition, the possessor, in return of an equitable compensation to the right's owner, is entitled to have a free hand with what he has of commodities, stored or requested for purchase, after having been notified by the right's owner in registered mail with a receipt, that indicates that the integrated circuit or commodity in his possession contains a protected design scheme.

2. Personal use or for purposes of testing, scrutiny, analysis, instruction, training, or scientific research of a protected design scheme, and if this usage led to invention of a new design scheme the contriving has the right to protect it.

3. Contrivance of a design scheme identical to another protected one, as a result of independent efforts.

4. Import of a protected design scheme or an integrated circuit that was produced using a protected design scheme, whether this circuit was separate or integrated with a commodity, or a commodity that contains an integrated circuit that contains a protected design scheme, in the event of having any of these in circulation in the Syrian Arab Republic or abroad.

#### Article 61

The Directorate is entitled to grant, to a third party, an obligatory license for employing a protected design scheme, in accordance with the provisions of obligatory license of invention patents, stipulated in Articles 39 and 40 of this Law.

#### Article 62

A penalty fine from 100,000 one hundred thousand to 300,000 three hundred thousand Syrian Liras shall be applied on those who violate the provisions of article 59 of this Law.

#### Article 63

A person shall be considered a frequent offender, if he was convicted in one of the crimes stipulated in this Law, as a primary, accessory or intruder, and then convicted again in one of the afore mentioned crimes, within five years after the first sentence that reached a conclusive degree.

#### Article 64

In the event of recurrence of the punishable crimes mentioned in this section, a sentence of imprisonment for duration of two months to six months must be applied, and the fine shall not be less than the maximum mentioned in these articles, and not more than twice that maximum. The recurrence is established according to article 63 of this Law.

#### Article 65

Provisions on patent inventions shall apply on any situation not covered by a special text in regards to integrated circuits design schemes, with the necessary alterations.

## Section Four Undisclosed information

### Article 66

In accordance with this Law, undisclosed information shall be protected provided that the following conditions are available:

1. To have a nature of secrecy, insofar as the information as a whole or in the making that wraps its components is unknown, or not generally in circulation among those who are engaged in industrial art in which boundary the information lies.
2. To earn its commercial value from its being secret.
3. To rely, in its secrecy, on the actions its lawful owner takes to preserve it.

### Article 67

1. The protection provided by the provisions of this Law extends to undisclosed information that was the result of big efforts, and was presented to the competent authorities upon their request, to allow marketing of pharmaceutical chemical or agricultural products that use new chemical entities that are necessary to perform the necessary tests for marketing.
2. The competent authorities that receive this information undertake to protect it from disclosure and unjust commercial use, starting from the date of presenting the information to them until discontinuation of its secret status or for duration of time not exceeding five years, whichever is less.

### Article 68

1. The lawful possessor of undisclosed information shall be committed to take procedures to guarantee the security of this information in order not to be in circulation among non-specialized parties, and also undertakes to regulate the information within the business facility and confine it to those who are legally committed to preserve it and prevent its leakage to third party.
2. Responsibility of lawful possessor facing third party's transgression of this information, shall not be ruled out, unless he proves that he made sufficient reasonable efforts to preserve it.
3. Secrecy of information and the rights that ensue from it for preventing third party from violating it shall continue if it remains as undisclosed information, in accordance with the provisions of article 66 of this Law.
4. The rights of a lawful possessor of undisclosed information are confined to preventing others from violating it through any actions that contradict with lawful commercial practices, and the lawful possessor has the right to resort to the competent court in the event of ascertainment of perpetration of these actions by others.

### Article 69

**First:** The following actions (in particular) shall be considered in contradiction with lawful commercial practices, and commitment of which embodies unlawful competition:

1. Bribery of workers at the place in possession of that information in the aim of acquiring it.

2. Instigation of workers to disclose information, if the information came to their knowledge by virtue of their functions.
3. Disclosure, by one of the persons engaged in a contract on secrecy of information, of what came to his knowledge of it.
4. Obtainment of information from places in which it is kept, through any unlawful means, such as burglary, espionage and the like.
5. Obtainment of information through fraudulent methods.
6. Usage by others of information they received as a result of being acquired through any of the previous actions with their knowledge of its secrecy, and of its acquisition through any of those actions.

**Second:** All that ensues from the actions referred to, such as revealing information, possession, or using it with the knowledge of others that are not licensed by the lawful possessor to do that, shall be considered as transgression on undisclosed information.

#### Article 70

The following actions shall not be considered as actions in contradiction with lawful commercial practices:

1. Acquirement of information from available public sources such as libraries ,including patent inventions libraries, open government records and published researches, studies and reports.
2. Acquiring information through independent personal efforts that aim at extracting information via scrutiny, testing and analysis of commodity in market circulation, which embodies undisclosed information.
3. Acquiring information as a result of efforts in scientific research, contrivance, invention, development, amendment, and improvement carried out by diligent parties, independent from the owner of the undisclosed information.
4. Acquisition and usage of common available information that circulates among those who are engaged in the industrial art within which the information lies.

#### Article 71

The owner of disclosed information, or his successor, is entitled to cede it to others with or without compensation.

#### Article 72

Without prejudice to any stricter punishment stipulated in any other legislation, anyone that carries out actions contradictory to lawful commercial practices, and these actions embody unlawful competition according to article 69 of this Law, shall be charged with a fine ranging from( 100,000) one hundred thousand Syrian Liras to(300,000) three hundred thousand Syrian Liras.

#### Article 73

Any person that was convicted of one of the crimes stipulated in this Law, whether he was perpetrator, accessory, or intruder, and then was convicted again of another one of these crimes, within five years after the first sentence that acquired its conclusive irrevocable degree, shall be considered with precedents.

#### Article 74

In the event of recurrence of crimes punishable in this section, a sentence of imprisonment for two months to six months shall be applied, and the fine charge shall not be less than the maximum stated in these articles, and not exceeding twice that limit and recurrence must be established, in accordance with article 73 of this Law.

#### Article 75

The provisions pertaining to inventions patents shall be applied on anything that was not mentioned in a text of relevance to undisclosed information, with the necessary alterations.

## **Section five**

### **Chapter one: General provisions**

#### Article 76

Registration attorneys are entitled to register invention patents and benefit models to their names, if these were the result of their contrivance and intellectual product.

#### Article 77

Requests, certificates, dealings and transactions, shall be subject to fiscal fees due, which shall be drawn in a decision by the minister, in coordination with the ministry of finance.

### **Chapter two: Concluding provisions**

#### Article 78

The executive list of this Law shall be issued by a decision of the minister who is entrusted with decisions that he deems necessary toward the implementation of the provisions of this Law and the Executive list.

#### Article 79

The directorate shall hold (al-Basel Exhibition for Creativity and Invention) once every two years, in the purpose of supporting and encouragement of Syrian inventors. Toward this, a special branch in the State's general budget shall be allocated, and the Executive List shall stipulate the procedures for holding and organizing this exhibition.

#### Article 80

The provisions of this Law shall apply, as from the date of entry in force, on every request submitted, in accordance with the provisions of Decree no.47 of the year 1946 and its amendments, to the Directorate of Protection, provided that no invention patent had been issued in its regard before the entry in force of this Law, and the applicant may amend his request to the provisions of this Law.



#### Article 81

Within the provisions of this Law, articles numbered 107 through 153, stipulated in Law no.8 dated 12.3.2007, shall be applied with the exception of article 118 of it, pertaining to right of priority, with the needed amendments.

#### Article 82

A grace period of six months shall be granted, as from the entry in force of this Law, to straighten the statuses of cancelled patents due to failure of fees payment, and to that of patent usage also, in regards to patents owned by individuals.

#### Article 83

All requests, mentioned in this Law and its Executive List, must be submitted in uniformity with the forms set for this purpose, and the money worth of application forms, undertakings, protests, copy rights, reconsideration requests, and review lists and other application forms set for that, in addition to translation and photocopy services, shall be set in a decision by the minister, upon the Directorate's recommendation. The money returns of these forms shall be reimbursed to the Directorate's Fund, mentioned in article 142 of Law no.8 of 2007.

#### Article 84

As from the entry in force of this Law, all the laws and other legislation that contravene with its provisions shall be cancelled.

#### Article 85

The Executive List shall be issued within 45 days of issuance date of this Law.

#### Article 86

This Law shall be published in the Official Gazette, and enter into force after sixty days of its publication. Damascus on 7.5.1433 hire, corresponding to 30.3.2012.