

Executive Regulations

Law /8/ of 12.03.2007 for the protection of marks, geographical indications and industrial designs and models.

Definitions

While applying the provisions of this Law, the following terms shall take the meanings stated next to each:

Article (1)

- 1- The Law: Law for marks, geographical indications, industrial designs and models and unfair competition.
- 2- Executive Regulations: executive regulations of the Law.
- 3- Financial duties: financial duties payable by Law.
- 4- The forms: forms mentioned in Article /141/ of the Law prepared for applications, statements, certificates, clearances, obligations and other documents which shall be used in all cases on which they apply in accordance with the provisions of the Law.
- 5- Domicile: the full address of any person obliged by the Law or the Executive Regulations to submit their address to the Protection Directorate. It is also the address of the legal representative selected by the registration applicant that shall be the place to which correspondences from the Protection Directorate are communicated.
- 6- Property Protection Gazette: the commercial and industrial property protection gazette issued by the Protection Directorate.
- 7- - Paris Convention for the Protection of Industrial Property: it is the Convention of March 20, 1883, revised at Stockholm on July 14, 1967 and joined by Syria by virtue of Decree 47 of 2002.
 - Madrid convention and Protocol: Madrid System for the International Registration of Marks, joined by Syria by virtue of Decree 92 of 2004.
 - Nice Agreement: Nice Agreement for the Classification of Goods and Services for the purpose of registration of marks for 1975 and its amendments, joined by Syria by virtue of Decree /37/ of 2004

Depositing, publishing, registration and renewal of marks

Article (2)

- 1- The Protection Directorate shall be the competent body responsible for registering the marks and shall receive all mark-related materials and execute all the relevant formalities, accounts and works pursuant to the provisions of this Law and its Executive Regulations.
- 2- The Protection Directorate shall register all formalities and entries related to the marks, the renewal of their registration or modification of their data and shall keep the necessary records for this purpose, issue all the certificates and compose all the correspondences necessary for these works.

Article (3)

- 1- The mark registration application shall be filed to the Protection Directorate in Damascus or its departments in the governorates authorized to receive such applications by virtue of a decision by the Minister. The application shall be written on the adopted form by the interested party pursuant to the provisions of Articles 11 and 14 of the Law or by their legal representative by virtue of a power of attorney according to the form designed for that purpose. The financial duty stipulated by the registration application shall be duly paid.
- 2- Applications may be filed directly to the Protection Directorate via registered mail or by e-mail by virtue of a decision by the Minister according to a proposal by the head of Protection Directorate.
- 3- The date and time of receiving the application by the Protection Directorate shall be considered the official date of registering the application.

Article (4)

- 1- The mark registration application shall not require an approval from any other body.
- 2- Registering the mark in the Protection Directorate records shall not entail authorizing its proprietor to produce, trade, import or export the items to which the mark belongs if such requires obtaining licenses or approvals from the competent authorities

Article (5)

- a. Marks applied on goods and services of national origin that are produced and circulated in the Syrian Arab Republic shall be written in Arabic. The mark may contain foreign letters alongside the Arabic ones evenly in size.
- b. Marks written in foreign letters only may be applied on the following regardless of the nationality of the producer, whether Syrian or not:
 - 1- Goods and services produced inside Syria and exported without being circulated in Syria.
 - 2- Marks applied on goods and services produced outside Syria and are entered into the country and circulated, with the country of origin stated.
- c. Goods and services produced or presented in Syria by virtue of a license granted by a proprietor of a foreign mark may have a foreign mark applied on them without any modification but the phrase "made or packed in Syria" should be added" by licensee. The said phrase shall be written in Arabic and shall not be erasable or removable.
- d. Registration or renewal of marks that do not conform to the provisions of this article shall not be accepted.

Article (6)

The registration application shall contain the following information:

- 1- First name, surname, nationality, domicile and contact address of applicant. If the applicant is a legal person, full name, legal type, nationality and contact address in Syria should be mentioned.
- 2- Name, surname, domicile and place of abode of agent, if any.
- 3- Attest the capacity of applicant if the application is not filed in person.
- 4- Brief description of the mark intended for registration.
- 5- Picture of the mark intended for registration attached in the dedicated space in the registration application.
- 6- The products, goods or services on which the mark is intended to be applied and stating the codes of their categories in the Nice classification. The number of applications varies according to the number of categories on which the mark is intended to be applied.
- 7- The registration made in foreign countries for the same mark, if any.
- 8- Stating whether the mark intended for registration is used by the applicant or whether the latter has the intention to use it within a period of 3 years as of registration date.
- 9- In case the application is pertaining to right of priority, name of country to which the first application was filed, number and date of application and name of applicant shall be stated.
- 10- Name and date of official opening of the exhibition in which the mark was displayed or officially announced, if the applicant is granted temporary protection license.
- 11- The registration application shall be signed by applicant or their legal representative, if any. If the application is filed by a legal person without a legal representative, the documentation shall be signed by the person authorized to sign on their behalf and this shall be attested by presenting a document signed and stamped by the legal person.

Article (7)

a. The following documentation shall be attached to the registration applications:

- 1- Ten pictures of the mark intended for registration.
- 2- Original copy of the power of attorney or a true copy of it if a legal representative is present translated into Arabic upon presenting the power of attorney in a foreign language.
- 3- Temporary acceptance certificate for exhibitions and markets, if any.
- 4- In case the application is pertaining to a collective mark, the application should be attached with a copy of the utilization system of the collective mark.
- 5- The license granted for the use of the mark in order to perform control and inspection measures.
- 6- Receipt of the duty fixed for filing a registration application.
- 7- If the registration application contains word(s) written in a foreign language, a translation and explanation of the word(s) should be attached.
- 8- The document demonstrating the right of priority, if the applicant wishes to benefit from it.

- 9- Any other documentation or information requested by the Protection Department.
- b. The application shall be attached with a copy of the mark registration certificate in foreign countries, if any, translated in Arabic.
- c. Date of issuance of the abovementioned documentation should be within 3 months as of date of filing the registration application other wise they will annulled and new acceptable documentation needed.

Article (8)

The category of product, good or service shall be determined according to the Nice classification in force in Syria.

Article (9)

Registration applications shall be listed in a registry for marks in serial numbers and in timely order pursuant to Article (13) of the Law. Applicants shall be given a relevant document according to the form prepared for that purpose. The registry shall contain the following information:

- 1- Name and surname of applicant.
- 2- Name and surname of legal representative, if any.
- 3- Number, date and time of presenting the registration application.
- 4- The mark intended for registration.
- 5- Category of products or services.

Article (10)

A page in the record mentioned in Article (21) of the Law shall be dedicated for each registered mark. This page shall contain the following information:

- 1- Number, date and time of filing the application.
- 2- Number and date of registering the mark in the marks record.
- 3- Name, surname, nationality and elected domicile in Syria of the person in the name of which the mark is registered, and the legal form of the legal person.
- 4- Name, surname and address of legal representative, if any.
- 5- Goods or services to which the mark belongs and stating category number of these goods or services according to Nice classification.
- 6- Terms on the basis of which the mark is registered, if any.
- 7- Changes and post-registration entries.
- 8- Transfer of mark ownership, usufruct or utilization licensing.
- 9- Mortgaging the mark, cancellation of mortgage, renewal or cancellation of registration.
- 10- Seizure procedures that occur on the mark or cancellation of seizure.
- 11- Registration in foreign countries of the same mark, if any.
- 12- Right of priority for the same mark, if any.
- 13- Marks record shall be serially numbered.

Article (11)

The mark shall be registered in the color(s) it presented with. In case a mark is presented without color, the Protection Directorate shall be entitled to advise the applicant to specify the color(s) of the mark of any part of it. If the mark is registered without fixed colors it shall be considered registered for all colors.

Article (12)

The Protection Directorate shall keep manual and electronic alphabetical catalogues for all marks and also a record for all drawings of the elements constituting the mark.

Article (13)

The Protection Directorate shall examine the application and the attached documents to verify the mark soundness and fulfillment of the required legal terms and compare it with the previously registered marks or the ones an application is filed for, and also to ensure that the applicant adheres to the necessary procedures stipulated by the Law and its Executive Regulations.

Article (14)

If serious doubts arose about the truthfulness of the application's information or the attached documents, the head of the Protection Directorate or the person assigned by him shall be entitled to summon the applicant or his legal representative for discussion by virtue of a written letter sent to the applicant's address or his legal representative. The Director or the person assigned by him shall be entitled to request a face to face meeting with the applicant or his legal representative what is necessary to validate the truthfulness of information or documents within a period not exceeding three months as of date of request. The application shall be considered void if the requested materials are not submitted by the end of the deadline.

Article (15)

If the mark contains an element or statement with no distinctive characteristic whatsoever or that the phrase is just a name customarily designated to the ordinary products or to the products' drawings or pictures, the head of the Protection Directorate or the person assigned by him shall be entitled to suspend approving the application on the condition of relinquishing that element or phrase.

Article (16)

Prior to the publishing of the application pursuant to Article /25/ of the Law, the Protection Directorate shall advise the applicant to provide a cliché of the mark or a colored photocopy of it put on any medium deemed suitable by the Protection Directorate. The cliché or the colored copy shall be kept by the

Protection Directorate for a period of one year and shall be submitted to the applicant upon request otherwise it shall be destroyed by the Protection Directorate.

Article (17)

- a. Formalities may be completed, including the documents stipulated in Article (7) of these Executive Regulations, within a period of six months as of date of filing the application, with the exception of items 1 and 6 which shall be attached to the application when filed.
- b. If the documents are completed within the period mentioned in (a) above, a delay duty shall be collected for each month pursuant to Article /22/ of the Law and the part of the month shall be considered a full month. The application shall be considered void if the deadlines passed without submitting the required documents.

Article (18)

The rejection of an application or the suspension of an approval of registration subject to terms or modifications shall be by virtue of a justified decision issued by the head of Protection Directorate or the person assigned by him. In any case, the applicant or his legal representative shall be notified in writing with this decision within 30 days as of date of decision issuance. The notification shall state the right of applicant to file an objection to the committee mentioned in paragraph (b) of Article /24/ of the Law and shall also state the dates and procedures related to filing the objection.

Article (19)

The objection (original and copy) shall be filed using the form prepared for that purpose and the Protection Directorate shall inform the objector with the date of the hearing session. The objector shall be advised to attend before the said committee to present all the information and file all the documents in their possession.

Article (20)

The specialized committee mentioned in paragraph (b) of Article /24/ of the Law shall be formed by virtue of a decision issued by the Minister and shall comprise five members as follows:

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|--|---|----------|
| 1- A high court judge appointed by the Minister of Justice | : | chairman |
| 2- Deputy of the competent minister | : | member |
| 3- Director of legal affairs in the Ministry | : | Member |
| 4- Representative of the Federation of Syrian Chambers of Commerce | : | member |
| 5- Representative of the Federation of Syrian Chambers of Industry | : | |

The committee shall be entitled to recruit the experts it deems suitable from the list of experts prepared for that purpose.

Article (21)

The list of experts in the filed of property protection shall be determined by a decision issued by the Minister based on a proposal by the Protection Directorate, which shall base its selection criteria upon the following:

- a. The list of sworn property protection experts accredited by the Ministry of Justice.
- b. Persons previously worked in the field of property protection for at least three years.
- c. Specialists from the agents registered in the registration agents list at the Commercial and Industrial Property Protection Directorate who have 5-year experience at least in this field.

Article (22)

The committee appointed to examine objections shall do so with the presence of the head of Protection Directorate or the person assigned by him. After inviting the applicant or his legal representative to respond to the objections, the committee shall issue a justified decision after examining the pleadings of the objector within a period of three months as of date of receiving the objection if possible. The decision of this committee shall be challengeable before the specialized court within a period of thirty days as of date of notifying the objector with the decision.

Article (23)

The allowances of the chairman and members of the specialized committee shall be determined by a decision issued by the minister according to a proposal by the head of the Protection Directorate. These allowances shall be paid by the Protection Directorate's cash box mentioned in Article /142/ of the Law.

Article (24)

The approved applications which fulfill the legal terms, the documents and information mentioned in Articles /6/ and /7/ of these Executive Regulations shall be published in the Property Protection Gazette and shall contain the following information:

- 1- Name, nickname, nationality and address of applicant.
- 2- Name, nickname, and address of legal representative, if any.
- 3- A picture of the mark intended for registration.
- 4- Serial No. and date of filing the application.
- 5- Products, goods or services to which the mark belongs and the category of these goods or services according to the Nice classification.
- 6- Any other information deemed necessary by the Protection Directorate.

Article (25)

Every interested party shall be entitled to object in writing to the mark registration application within a period of ninety days as of date of publication. The original version and copy of the objection shall be filed to the Protection Directorate using the form prepared for that purpose. The Protection Directorate shall inform the applicant or his legal representative in writing with the objection by virtue of a written memo within a period of thirty days as of date of filing the objection.

Article (26)

The applicant or his legal representative shall file a written reply on two copies to the Protection Directorate within a period of thirty days as of date of receiving the objection notification otherwise he shall be deemed conceded the mark registration application. The objector shall be informed with a copy of the reply by virtue of a written memo within a period of ten days as of date of receiving the memo.

Article (27)

The decision issued by the Protection Directorate to approve or reject the application shall be justified and that is after hearing both sides of the dispute and it shall be entitled to oblige the applicant to fulfill whatever terms it deems appropriate for registering the mark. If the application is rejected the Protection Directorate shall be entitled to keep half of the duty paid while the other half shall be returned to the applicant.

Article (28)

- a. The Protection Directorate's decision stipulated in Article /27/ of the Law may be challenged before the specialized committee mentioned in paragraph (b) of Article /24/ of the Law within a period of thirty days as of date of notification.
- b. If the specialized committee supported the Protection Directorate decision to reject the objection, the applicant shall be given an additional time of ninety days as of time of notification to complete the registration procedures otherwise he shall be considered as if he abandoned his application.
- c. The specialized committee's decision shall be challengeable before the court specified in Article /119/ of the Law within thirty days as of date of notification.
- d. The applicant shall be considered as if he abandoned his application if he failed to satisfy the Protection Directorate requests of modifications or terms within the deadline set by the notification communicated to him in that regard or if he did not object to or challenge the Directorate's decision within the set deadlines.

Article (29)

If no objection to the mark registration request is filed within ninety days as of publication date, the applicant shall complete the registration procedures

within ninety days as of date of end of publication period otherwise he shall be considered as if he abandoned the application.

Article (30)

International mark registration shall be treated as local ones in terms of objective examination, publication and objection.

Article (31)

- a. The Protection Directorate shall grant the proprietor of the registered mark a certificate within thirty days as of date of registering in the marks record using the form prepared for that purpose. The certificate shall contain the following:
 - 1- No. and date of registration application
 - 2- No. and date of registering the mark in the marks record
 - 3- Name, surname, nationality and elected domicile in Syria of the person in the name of which the mark is registered, and the legal form of the legal person.
 - 4- Name, surname and address of legal representative, if any.
 - 5- Goods or services to which the mark belongs and stating category number of these goods or services according to Nice classification.
 - 6- Terms on the basis of which the mark is registered, if any.
 - 7- The registration made in foreign countries for the same mark, if any.
 - 8- Right of priority for the same mark, if any.
- b. The registration of the mark shall be published in the Property Protection Gazette provided that the above information (except 7 and 8) is published, in addition to publishing the issue of the gazette in which the registration application is published.

Article (32)

Every person, or his representative, shall be entitled to request in writing to see the registered marks and also obtain information or extracts about the marks, records or occurrences affecting them. The proprietor of a mark, the person to which a mark-related right is transferred and all parties proven part of a law suit related to the mark shall be entitle to obtain a certified copy of the mark registration certificate after paying the fixed duty. The relevant request shall be composed using the form prepared for that purpose.

Article (33)

A copy of the registered mark shall be stuck in the field dedicated for that purpose and shall stamped with the Protection Directorate's seal and the registration certificate shall be signed by the head of the Protection Directorate or the person assigned by him.

Article (34)

If the proprietor of the mark wished to cancel its registration, or his legal representative by virtue of a special official power of attorney, shall file a written request in that regard to the head of the Protection Directorate or the person assigned by him. The Protection Directorate shall issue its decision within thirty days as of date of filing the request and its decision to cancel the mark shall be considered valid as of date of filing the request.

Article (35)

The proprietor of the mark or his legal representative by virtue of a special official power of attorney shall be entitled to file a written request to modify, via canceling not adding, the products or services to which the mark belongs using the form prepared for that purpose. The Protection Directorate shall register this modification in the record and publish it in the gazette stating the mark's serial number, name of proprietor, the canceled products or services and No. and date of the gazette in which the mark's registration is published.

Article (36)

The mark may be reregistered in the name of its proprietor and no one after its cancellation or not renewing it for whatever reason and that is within three years as of date of cancellation pursuant to the same registration terms, situations and procedures and subject to paying the fixed duty.

After the passing of the said period, the mark may be reregistered in the name of its proprietor or in the name of others for the same products or services or others pursuant to the same registration terms, situations and procedures and subject to paying the fixed duty. If the cancellation of the mark is an execution of an imperative judicial ruling abolishing the right of registering the mark, the mark may be registered in the name of the party whose right is proven immediately after the cancellation and after informing the Protection Directorate subject to paying the fixed duty. The party who paid the said duty shall be entitled to be refunded by the party who is proven not entitled for registration.

Transference of mark ownership

Article (37)

Applications related to transferring a mark ownership, changing a proprietor or a resulting right from a party of the agreement or his legal representative by virtue of a special official power of attorney shall be filed after paying the fixed duty. The application shall be composed using the form prepared for that purpose and shall contain the following:

- 1- No. and date of registration application.
- 2- No. and date of registering the mark in the record.
- 3- No. and date of renewal, if any.
- 4- Name, surname and address of the new proprietor or the party to which the ownership right and trade name is transferred, his elected

domicile in Syria and his nationality. If one or both parties are legal persons, name, address, purpose of establishment and legal form shall be also mentioned.

- 5- Name and address of legal representative, if any.
- 6- Name, surname and address of former proprietor.
- 7- Reference of document in which the transference of ownership or the resulting right is documented.
- 8- Date of transference of ownership or resulting of right.
- 9- Goods or services to which the mark belongs and category No. according to Nice classification.
- 10-No. and date payment receipt of the required duty.

Article (38)

The certified documentation proving the transference of ownership or the resulting of any right shall be attached to the transference application. The Protection Directorate shall be entitled to request any document or official paper it deems necessary as a proof of goodwill.

Article (39)

- 1- The Protection Directorate shall register the transference of ownership or the resulting of any right in the record, in addition the name of the new proprietor, right holder or the party for the interest of which the seizure is made, his profession, address, reason of ownership transference or resulting of right, date of registration in the record and No. and date of ownership transference certificate.
- 2- If the ownership is transferred, the Protection Directorate shall issue a certificate in that regard to the new proprietor using the form prepared for that purpose.
- 3- The Protection Directorate shall retrieve the certificate from the former proprietor, and if the latter alleged that the certificate is missing, a written statement signed by him shall be presented in that regard.

Article (40)

The registering process in the record of the mortgaging, resulting of any corporeal rights or seizing of the mark shall be performed pursuant to the same procedures as those of ownership transference. The declaration of the mortgaging, seizure or any other corporeal rights on the mark with the information stipulated in Article /45/ of these Executive Regulation.

Article (41)

The mark registration certificate and any resulting right shall be published in the Property Protection gazette and the publication shall include the following information:

- 1- No. and date of property transfer registration application or resulting right.

- 2- No. and registration date of the mark and No. and date of renewal of registration, if any.
- 3- No. and date of mark property transfer certificate or any resulting right.
- 4- Name, surname, nationality and elected domicile of the former proprietor of the mark and the legal form of legal person.
- 5- Name, surname and nationality of the person to which the mark property is transferred or has any resulting right and the legal form of the legal person.
- 6- Name and address of the legal representative, if any.
- 7- The goods or services to which the mark belongs and category No. of products or services according to the Nice classification.
- 8- Date of property transfer or resulting right and date of registration in the record.

Article (42)

Cancellation of the mark mortgage shall be registered according to a request filed to the head of the Protection Directorate by the proprietor, the person assigned by him or the legal representative. The request shall be attached with the documents proving the expiry of the mortgage.

The cancellation shall be published in the Property Protection Gazette and the publication shall include the No. and date of the issue in which the mark mortgaging was published.

Renewal of the mark registration

Article (43)

The protection period resulting from the registration shall be renewed pursuant to the provisions of articles (34 and 35) of the Law. The fixed dates shall be observed upon filing the registration renewal applications. One duty only per registration shall be paid regardless of the number of categories. The registration renewal application shall be filed using the form prepared for that purpose and the applicant shall specify the categories intended for renewal other than the original registration.

Article (44)

The Protection Directorate shall post in its record the relevant information which demonstrates the renewal of the mark protection period. The applicant shall be granted a renewal certificate for each category in return for paying the fixed duty for each category specified in his application filed for mark registration renewal.

Article (45)

The renewal of the mark registration shall be published in the property Protection Gazette, provided that the publication includes the information

mentioned in Article /31/ of these Executive Regulations plus No. and date of the previous registration and date of the protection period renewal application.

Licensing the use of the mark

Article (46)

The property transfer procedures or the resulting of any right on the mark stipulated in articles 37-42 of these Executive Regulations shall be applied on the license while making all the necessary changes. In addition, the licensing contract or extract shall include the type, period and geographical area of the license. All the contract parties shall sign the licensing contract extract.

Article (47)

- 1- The modification or revoking of license shall be made pursuant to the provisions of Article /57/ of the Law using the form prepared for that purpose. The provisions of Article /46/ of these Executive Regulations shall be applied on the modification, cancellation or revoking of license, in addition to whatever replacement necessary.
- 2- The revoking of mark use license shall be registered according to a request filed to the Protection Directorate by the mark proprietor or the person licensed to use the mark or by the legal representative of either provided that the request is attached with the proper documentation. The revoking of license shall be published in the Property Protection Gazette stating the No. and date of the Gazette issue in which the license was published.

Article (48)

If the mark intended for registration contained any geographical indication, the provisions of articles 70-8- of the Law shall be applied upon registration.

Industrial designs and models

Article (49)

The Protection Directorate shall be the competent authority in charge of registering the industrial designs and models in the record prepared for that purpose pursuant to the provisions of the Law and its Executive Regulations.

Article (50)

- 1- The industrial design or model registration application shall be filed to the Protection Directorate or one of its departments in the governorates authorized to receive application by virtue of a decision by the Minister using the form prepared for that purpose. The application shall be filed by the applicant or his legal representative by virtue of a special power of attorney. The number of industrial designs or models shall not exceed five per application filed provided that they constitute a uniform entity. The

fixed duty shall be fully paid for each industrial design or model according to their number.

- 2- The application may be filed via the registered mail directly to the Protection Directorate or by e-mail by virtue of a decision by the Minister according to a proposal by the head of Protection Directorate.
- 3- The date and time of receiving the application by the Protection Directorate shall be considered the official date of registering the application.

Article (51)

The industrial design or model registration application shall contain the following information:

- 1- Name, surname, nationality, domicile and contact address of the applicant. If the applicant is a legal person, full name, legal form, nationality and contact address in Syria should be stated.
- 2- Name, surname and address of the legal representative, if any, or ID of the person who is filing the application if not filed personally.
- 3- The number of industrial designs and models intended for registration and the type of goods or products to which they belong, if any.
- 4- In case the application is related to a right of priority, the name of the country to which the application is filed, number, and date of application and name of the person who filed the application should be stated.
- 5- Name and date of official opening of exhibition in which the industrial design or model was shown or announced shall be stated. Whether the applicant is granted a temporary protection certificate should be stated also.
- 6- The registration application shall be signed by the proprietor or his legal representative, if any. If the application is filed by a legal person who has no legal representative, the documentation shall be signed by the person who has the right of signing on behalf of the legal person and this shall be validated by filing a document produced by the legal person and stamped with his seal.

Article (52)

a- The application shall be attached with the following documentation:

- 1- Five colored pictures of each industrial design or model, alongside a sample of each. In Case providing a sample is not possible, the said pictures shall be sufficient provided that they are endorsed by the applicant. One certified copy shall be returned to the person concerned with the registration certificate while the Protection Directorate shall keep the other pictures.
- 2- A documented technical description of the industrial design or model intended for registration shall be filed by the applicant in which only the outside form of the model is described.
- 3- A receipt of the fixed duty for filing the registration application.

- 4- The original copy of the power of attorney or a true copy of it in case a legal representative exists officially translated into Arabic if it is in a foreign language.
 - 5- The temporary acceptance certificate for exhibitions and markets, if any.
 - 6- A written assurance signed by the applicant and stamped with his seal declaring and acknowledging that the design or model intended for registration is of his own design and invention and that it is not previously copied or used and shall be legally liable for that.
 - 7- The document indicating the right of priority if the applicant wishes to benefit for it.
 - 8- Any other documentation requested by the Protection Directorate.
- b- All the above documentation shall be issued within 3 months as of date of filing the registration application otherwise the violating document shall be considered null and void and an acceptable one should be filed instead.
- c- The formalities, including the documentation mentioned in (a) in this Article may be completed within 6 months as of date of filing the application (with the exclusion of items 1 and 3) in return for paying a delay duty for each month. If the said period expired without filing the required documentation the application shall be null and void.

Article (53)

The paper dedicated for the industrial design or model picture shall contain the following information:

- 1- Name of applicant.
- 2- No. and date of registration application stated in the upper right of the paper.
- 3- Signature of the applicant or his legal representative in the bottom right of the paper.

Article (54)

The registration applications for industrial designs or models shall be serially registered in a special record at the Protection Directorate named /Applications Registration Record/ according to the time and date of filing them. The applicant shall be granted a certificate substantiating that using the form prepared for that purpose. The said record shall include the following information:

- 1- No., date and time of filing the application.
- 2- Name and surname of applicant.
- 3- Name and surname of legal representative, if any.
- 4- A brief description of the industrial design or model intended for registration.

Article (55)

The Protection Directorate shall keep manual and electronic catalogues of industrial designs and models for which registration application are filed. These designs and models shall be classified according to international standards and a soft copy of the designs or models shall be attached.

Article (56)

The industrial design or model should not contain words, letters or numbers unless they are the essential parts that could not be taken away, otherwise these words, letters or numbers should be removed.

Article (57)

A page in the industrial designs and models record shall be dedicated for every industrial design or model registered. The said page shall include the following information:

- 1- No., date and time of filing the application.
- 2- No. and date of registering the industrial design or model in the record.
- 3- Name, surname and nationality of the person in the name of which the industrial design or model is registered, his elected domicile in Syria and the legal form of the legal person.
- 4- Name, surname and address of the legal representative, if any.
- 5- The right of priority of the industrial design or model, if any.
- 6- The number of industrial designs and models for the goods and products upon which the registration is made and a description of them.
- 7- Terms imposed by the protection Directorate for the registration to take place.
- 8- Modifications and remarks made after the registration.
- 9- Occurrences on the industrial design or model, including transference of property, mortgaging use licensing.
- 10- Seizure procedures affecting the industrial design or model or their cancellation.
- 11- Canceling the mortgaging or revoking the use license.
- 12- Renewal of registration pursuant to the Law.
- 13- Name of the exhibition in which the industrial design or model was shown and date of opening, if any.
- 14- Temporary protection certificate, if any.

Article (58)

If serious doubts arose about the truthfulness of the application's information or the attached documents, the head of the Protection Directorate or the person assigned by him shall be entitled to summon the applicant or his legal representative for discussion by virtue of a written letter sent to the applicant's address or his legal representative. The head of the Protection Directorate or the person assigned by him shall be entitled to request a face to face meeting with the applicant or his legal representative what is necessary to validate the truthfulness of information or documents within a period not exceeding 90 days as of date of request.

Article (59)

The provisions of articles /13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29/ of these Executive Regulations shall apply on industrial designs and models with what replacement needed.

Article (60)

- a. The Protection Directorate shall grant the applicant a certificate of registration of an industrial design or model within /30/ days of registering in the relevant record using the form prepared for that purpose. The said certificate shall be signed by the head of the Protection Directorate or the person assigned by him and shall include the following information:
- 1- No., date and time of registering the application.
 - 2- No. and date of registering the industrial design or model in the relevant record.
 - 3- Name, surname, nationality and elected domicile of the person in the name of which the mark is registered, and the legal form of the legal person.
 - 4- Name and address of the legal representative, if any.
 - 5- List of the products on to which the industrial design or model belongs, if any.
 - 6- Terms on the basis of which the industrial designs and models are registered, if any.
 - 7- The registration that took place in foreign countries for the same industrial design or model, if any.
 - 8- The right of priority for the industrial design or model, if any.
- b. The registration of the industrial design or model shall published in the Property Protection gazette provided that the publication contains the above data, with the exception of (7 and 8), in addition to stating issue No of the gazette in which the registration application was published.

Article (61)

The proprietor of the industrial design or model shall have the right to modify or add extra data or remarks in the in information without touching on the industrial design or model. The relevant application shall be filed by the proprietor or his legal representative by virtue of a special power of attorney using the form prepared for that purpose.

Article (62)

The protection period resulting from the registration shall be renewed pursuant to articles 95 and 96 of the Law. The fixed dates and payment of the duties required for registration according the Law shall be observed upon filing the registration renewal application, which shall be composed using the form prepared for that purpose.

Article (63)

The administration shall put in the record all the necessary information about the renewal of the protection period of the industrial design or model and the applicant shall be granted a certificate of that according to the form prepared for that purpose after paying the fixed duty specified by the Law.

Article (64)

The renewal of the protection period of the industrial design or model shall be published in the property protection gazette provided that the publication includes the following information:

- 1- No. and date of the certificate of the renewal of the protection period of the industrial design or model in the record.
- 2- Name of proprietor.
- 3- No. and date of previous registration.
- 4- No. and date of renewal of the protection period application.

Cancellation of the industrial design or model

Article (65)

The cancellation of the registration of the industrial designs or models shall be entered in the record. The cancellation shall be published in the property protection gazette provided that the publication includes the following information:

- 1- No. and date of registration of the industrial design or model.
- 2- Name of proprietor.
- 3- Reason and date of cancellation.

Article (66)

Every person shall be entitled to request in writing to see the registered industrial designs or models and also obtain information or extracts about them, records or occurrences affecting them. The proprietor of an industrial design or model, the person to which an industrial design or model -related right is transferred and all parties proven part of a law suit related to the industrial design or model shall be entitle to obtain a certified copy of the mark registration certificate after paying the fixed duty. The relevant request shall be composed using the form prepared for that purpose.

Property transfer

Article (66)

Applications related to transferring an industrial design or model ownership, changing a proprietor or a resulting right from a party of the agreement or his legal representative by virtue of a special official power of attorney shall be

filed after paying the fixed duty. The application shall be composed using the form prepared for that purpose and shall contain the following:

- 1- No. and date of registration application.
- 2- No. and date of registering the industrial design or model in the record.
- 3- No. and date of renewal, if any.
- 4- Name, surname and address of the new proprietor or the party to which the ownership right and trade name is transferred, his elected domicile in Syria and his nationality. If one or both parties are legal persons, name, address, purpose of establishment and legal form shall be also mentioned.
- 5- Name and address of legal representative, if any.
- 6- Name, surname and address of former proprietor.
- 7- Reference of document in which the transference of ownership or the resulting right is documented.
- 8- Date of transference of ownership or resulting of right.
- 9- Goods or services to which the industrial design or model belongs and category No. of these goods or products according to Nice classification.
- 10-No. and date payment receipt of the required duty.

Article (68)

The certified documentation proving the transference of ownership of the industrial design or model or the resulting of any corporeal right shall be attached to the transference application. The Protection Directorate shall be entitled to request any document or official paper it deems necessary as a proof of goodwill.

Article (69)

- 1- The Protection Directorate shall register the transference of ownership of the industrial design or model or the resulting of any right in the record, in addition the name of the new proprietor, right holder or the party for the interest of which the seizure is made, his profession, address, reason of ownership transference or resulting of right, date of registration in the record and No. and date of ownership transference certificate.
- 2- If the ownership of the industrial design is transferred, the Protection Directorate shall issue a certificate in that regard to the new proprietor using the form prepared for that purpose.
- 3- The Protection Directorate shall retrieve the certificate from the former proprietor, and if the latter alleged that the certificate is missing, a written statement signed by him shall be presented in that regard.

Article (70)

The certificate of the transference of ownership of the industrial design or model registration and any resulting right shall be published in the Property Protection gazette and the publication shall include the following information:

- 1- No. and date of property transfer registration application or resulting right.
- 2- No. and registration date of the industrial design or model and No. and date of renewal of registration, if any.
- 3- No. and date of property transfer certificate or any resulting right.
- 4- Name, surname, nationality and elected domicile of the former proprietor of the industrial design or model and the legal form of legal person.
- 5- Name, surname and nationality of the person to which the industrial design or model ownership is transferred or has any resulting right.
- 6- The goods or products to which the industrial design or model belongs and category No. of these goods or products according to the Nice classification.
- 7- Date of property transfer or resulting right and date of registration in the record.
- 8- The body in which the commercial institution or commercial project is located to which the ownership of the industrial design or model is transferred or the resulting right.

Licensing the use of the industrial design or model

Article (71)

The property transfer procedures or the resulting of any right on the industrial design or model shall be applied on the license while making all the necessary changes. In addition, the licensing contract or extract shall include the type, period and geographical area of the license. All the contract parties shall sign the licensing contract extract.

Article (72)

The modification or revoking of license shall be made pursuant to the provisions of Article /104/ of the Law using the form prepared for that purpose. The provisions of Article /71/ of these Executive Regulations shall be applied on the modification, cancellation or revoking of license, in addition to whatever replacement necessary. The application shall be filed to the Protection Directorate by the proprietor of the industrial design or model or the person licensed to use them attached with the proper documentation. The marking of cancellation or modification shall be published in the Property Protection Gazette at the expense of the proprietor.

Compulsory license

Article (73)

The application for the compulsory license for the exploitation of the industrial design or model shall be filed to the Protection Directorate pursuant to the provisions of Article /97/ of the Law using the form prepared for that purpose.

Article (74)

The compulsory license applications shall be received by the Protection Directorate and these applications shall be entered in a special record in a timely order pending their examination by the Protection Directorate.

Article (75)

The compulsory license applications shall be examined by the Protection Directorate to verify that they fulfill the formal and objective terms. The approved application shall be referred to the Minister attached with the opinion of the Protection Directorate pursuant to Article /97/ of the Law.

Article (76)

In order to grant the compulsory license stipulated in Article /97/ of the Law, the applicant should prove that he previously negotiated with the proprietor of the industrial design or model and that he exerted serious efforts to obtain the compulsory license from him and that suitable terms were offered and that reasonable negotiation period is passed. The following shall be taken into consideration upon judging the suitability of the terms:

- 1- Type of the industrial design or model.
- 2- Remaining protection period.
- 3- Payment tabled for the compulsory license.

Article (77)

A compulsory license shall be only granted to a party capable of exploiting the industrial design or model seriously within the scope and period specified by the license granting resolution and according to its terms and that is via a facility located in Syria.

Article (78)

The proprietor of an industrial design or model who is granted a compulsory license shall be entitled to receive a fair compensation in return for exploiting the industrial design or model. The amount of compensation shall be determined by a specialized committee formed by the head of the Protection Directorate. The following in particular shall be taken into consideration by the said committee:

- 1- Remaining protection period.
- 2- Volume and value of licensed production.
- 3- Proportion between the price of the product and the average personal income.
- 4- Size of investments required for the researches necessary for commercial introduction.
- 5- Size of investments necessary for production.
- 6- Availability of similar product in the market.
- 7- Damages caused by the abuses of the proprietor of the industrial design or model or the anti-competition practices.

The assessed compensation of the said committee shall be presented to the competent minister to take the proper decision.

Article (79)

The Protection Directorate shall inform the proprietor of the industrial design or model with the decision of granting the compulsory license and with the compensation assessment decision by virtue of a written memo communicated to his address.

General provisions

Article (80)

Any registration application for a mark or industrial design or model shall benefit from the right of priority if the following conditions are fulfilled:

- 1- The previous application is filed in one of the countries or entities who are member in the Paris Convention for the Protection of Industrial Property or in a multilateral international agreement in which Syria is a part or a country which applies the principle of reciprocity when dealing with Syria in terms of the right of priority.
- 2- The previous application is the first application filed to deposit the same mark or industrial design or model in Syria to which the same goods or services belong.
- 3- A statement stating No. and date of the first application, name of country in which the application is filed and name of applicant is attached with the application. In addition, a statement translated into Arabic about the previous depositing certified by the body that issued it in the country in which the depositing occurred shall be filed to be filed within 9 months as of date of the subsequent depositing. Failure to file any of the above documentation shall result in forfeiting the right of priority.
- 4- The right of priority application shall be filed within 6 months as of date of depositing the first application otherwise the right of priority shall be forfeited. The date of the first depositing shall be resorted to determine the priority subject to fulfilling the said conditions.

Temporary protection of markets and exhibitions

Article (81)

- 1- Any party wishing to be granted temporary protection pursuant to Article /107/ of the Law as regards the exhibitions organized in Syria shall:
 - a. Inform the protection Directorate in writing with his prior wish to exhibit.
 - b. Compose the application using the form prepared for that purpose, which shall include the required information attached with a picture of the mark or industrial design or model.
- 2- The Protection Directorate shall be entitled to request the party concerned to present any other information related to the mark or industrial design or model if deemed necessary. As regards the markets and exhibitions

organized in foreign countries in which Syria participates, the said documentation shall be filed to Syria's representative pursuant to the provisions of Article /108/ of the Law.

Article (82)

The temporary protection application filed pursuant to the previous article shall be registered in a special record at the Protection Directorate or at Syria's representative in the markets or exhibitions staged in foreign countries and shall include the following information:

- 1- Name and address of exhibitor or his legal representative, if any.
- 2- Name of exhibition, date of official opening and its duration.
- 3- The products on which the mark or the industrial design or model is applied.
- 4- Date of entering the products on which the mark or the industrial design or model is applied in the exhibition.

Precautionary measures

Article (83)

The precautionary measures in force stipulated in articles (122 and 123) of the Law shall be stamped on the page of the mark or industrial design or model in the record prepared for that purpose. Removing the precautionary measures stamps shall be made by virtue of a binding judicial ruling.

Article (84)

- 1- If the legal representative changed a registered mark or industrial design or model or more, an application in that regard shall be filed using the form prepared for that purpose signed by the proprietor of the mark or industrial design or model or by the new legal representative after paying the fixed duty. The protection Directorate shall register the new legal representative at his address in the record of marks and industrial designs or models prepared for that purpose.
- 2- The provisions of articles /37, 38, 39 and 41/ of these Executive Regulations shall be applied upon changing the name or address of the proprietor of the mark and on all other incidences except changing the legal representative. The provisions of articles /67, 68, 69 and 70/ of these Executive Regulations shall be applied upon changing the name or address of the proprietor of the industrial design or model with making the required changes in names.

Property protection gazette

Article (85)

- 1- During the first half of each month, the Protection Directorate shall issue a special gazette named the Property Protection Gazette as stipulated in

Article /25/ of the Law in which the required information pertaining to the Law or Executive Regulations should be published. Property protection-related articles and subject may be published also.

- 2- According to a proposal by the head of the Protection Directorate, a decision comprising all the legal, financial and administrative measures for establishing this gazette shall be issued by the Minister.
- 3- The value of the registration, renewal, modification, assurance, objection true copy, review, prior inspection, power of attorney, and other forms shall be determined by virtue of a decision issued by the Minister according to a proposal by the Protection Directorate. The value of the form shall return to the Protection Directorate.

Abandonment of the application

Article (86)

Applicants may request the abandonment of their applications at any time without being obliged to pay any duty. Applicants may also cede their applications in return for paying the fixed duty provided that the cession is made prior to the publishing of the application.

Commercial and Industrial Property Registration Agents

Article (87)

- 1- The provisions of Chapter Six of the Law pertaining to the commercial and industrial property registration agents shall be applied from Article /143/ to Article /154/.
- 2- The allowances of the committee mentioned in Article /146/ of the Law shall be determined by virtue of a decision issued by the Minister.

Article (88)

The dates and periods stipulated by the Law and these Executive Regulations shall start as of the next day following it coming into force.

Damascus: / / /2007

Minister of Economy and Trade

Dr. Amer Husni Lutfi

