

**Law /8/ on  
Trademarks, Geographical Signs and Industrial Drawings & Models**

Republic's President

Pursuant to the provisions of the Constitution, and

What has been ratified by the People's Assembly in its session of 06 /03/ 2007

Decreases the following:

**Chapter 1: Trademarks  
Section 1: Definitions**

**Article 1:**

In the context of applying the provisions of this Law, the following terms are hereby defined:

- **The Law:** the Law of trademarks, geographical signs, industrial drawings and models and illegal competition.
- **The Executive Regulation:** the executive regulation of this Law.
- **The Ministry:** Ministry of Economy & Trade.
- **The Minister:** Minister of Economy & Trade.
- **The Directorate:** Directorate of Industrial and Commercial Property Protection at the Ministry of Economy & Trade
- **The Director:** Director of Industrial and Commercial Property Protection.
- **Trademark:** Commercial, Industrial and services Trade.
- **Competent Committee:** the competent Committee to consider the contests to the Directorate decisions pursuant to this law.
- **Competent Court:** the competent court to consider commercial and industrial property cases pursuant to the provisions of this law.
- **Legal Agent or Representative:** the person authorised to register commercial and industrial property rights on behalf of his authoriser pursuant to this law.
- **Property Protection Newspaper:** the newspaper of commercial and industrial property protection issued by the Directorate.
- **Paris Convention for the Protection of Industrial Property:** the agreement dated 20/3/1883 that Syria joined in 1939, amended by Stockholm Document of 1967 that Syria joined by virtue of the Legislative Decree 47 of 2002.
- **Madrid Accord and Protocol:** they are Madrid Accord on trademarks international registration of 1891 and Madrid Protocol of 1989. Syria joined both of them by virtue of the Decree 92 of 2004.
- **Nice Agreement:** Nice Agreement on the international classification of goods and services for the purposes of trademarks registration of 1957 and amendments that Syria entered by virtue of the Law 37 of 2004.

**Section 2: Trademark**

**Article 2:**

Any sign that enables differentiating the products or services of a natural or artificial person shall be considered a trademark which could be names, nomenclatures, symbols, stamps, words, letters, prints, engravings, drawings, pictures, figures, signatures, imprints, shop titles, color groups and the orders and grades thereof that take a specific distinguished appearance, products shapes or covers or any combination of those elements. Whatever the trademark is, it should be visible and remarkable by eye.

**Article 3:**

- a. A trademark distinguished character shall be estimated according to the relevant products or services.
- b. The following shall not be considered trademarks by the virtue of this Law:
  - 1) The signs and nomenclatures that don't have any distinguished attributes, the necessary or regular nomenclatures, the product's or service's species name in common or professional language.
  - 2) The signs or nomenclatures that can be used to indicate one of the product's or service's characteristics, particularly the kind, attribute, quantity, usage, value, geographical origin, product's manufacture date or service delivery date.
  - 3) The signs generated by an exclusive shape imposed by the product's nature or function.
- c. Apart from the exclusion stipulated in Item /3/ of Paragraph /b/, a distinguished character can be acquired by a long time of use.

**Article 4:**

None of the following shall form a trademark or a part thereof:

- a. The signs excluded by the virtues of Article /6 – 3"/ of Paris Convention for the Protection of Industrial Property of 1883 amended.
- b. The signs violating public order or moralities or whose use is prohibited by law.
- c. The signs that might deceive the public, particularly regarding the product's or service's nature, quality or geographical origin.
- d. Logos, flags, pictures, stamps and other symbols of countries or Arab, foreign or religious organisations or any institutions thereof, or imitations of those logos or flags, as well as the Red Crescent and Red Cross Symbols, or any similar or imitating signs.
- e. The signs responding to or resembling entire religious symbols and holy places names.

**Article 5:**

Any sign that might affect foregoing rights such as the following shall not be a trademark:

- a. A trademark that has been used on identical or similar products or services, whether that is in shape, pronounce or writing in a way that might deceive the public.
- b. An internationally and in Syria well known trademark pursuant to Article /44/ of this Law.

- c. The title or nomenclature of a company if that might confuse the public.
- d. A well known trade name or logo at the national level if that might confuse the public.
- e. A protected geographical sign.
- f. Protected copyrights.
- g. An industrial drawing or model already registered to others.
- h. Rights affecting others personality, particularly their family names, surnames, pictures or trade names unless they or their successors approve that.
- i. A local group's name, picture or attribute of its.

**Article 6:**

- a. Trademarks used on products or services of national origin that are produced and circulated within the SAR, shall be written in Arabic letters. It shall be permissible to use foreign letters as well as the Arabic ones but they should be equal in size.
- b. It shall be permissible to use trademarks of foreign letters only on the following goods disregarding the product's nationality, Syrian or not:
  - 1. Goods and services produced in Syria and exported with no circulation in Syria.
  - 2. Trademarks used on goods and services produced out of Syria and imported and circulated in Syria with the country of origin is defined.
- c. Goods or services produced or introduced in Syria according to a license from a foreign trademark owner can use the foreign trademark as it is without any change, provided adding the following phrase "manufactured or filled in the SAR by the licensee according to a license from the licensing company" . This phrase shall be written in Arabic and should be non-erasable and non-removable.
- d. It shall be impermissible to register or renew the trademarks that don't meet the provisions of this article.

**Section 3: Acquiring and losing the right of a trademark**

**Article 7:**

- a. A trademark ownership can be individual or common.
- b. Taking the following into consideration, a trademark ownership shall be acquired by proper and continuous registration pursuant to the provisions of this law:
  - 1. The one who registers a trademark shall be its owner if he used it within the five following years; unless it is proved that the use priority has been to others. The one who has used a trademark prior to the one who has registered it shall have the right to contest the registration validity within the a.m. 5 years. It shall be permissible to contest a trademark registration validity disregarding any limited period of time if it is accompanied with a bad faith.
  - 2. It shall be permissible, by a justified decision from the Director, to repeal a trademark registration disregarding any period of time, if it has been

- registered against the provisions of Article /4/ of this law. The concerned or his agent shall be notified of the Directorate decision that is contestable before the competent committee in 30 days as of the notification date. The Committee's decision is contestable before the competent court in 30 days as of the notification date. In this case, repeal decision shall not be subject to any duties.
3. It shall be permissible for the Public Prosecution, the Director as well as any concerned person, in the cases stipulated in Articles /2, 3, 4/ of this law, to make an application to the competent court to repeal the registration of a trademark disregarding any period of time.
  4. Only the one who has a prior right of a trademark shall have right to request the repeal according to Article /5/ of this law. This request shall be rejected if the trademark has been registered with good faith and its use has been allowed for five years.

**Article 8:**

- a. The competent court according to an application from any concerned person shall have the right to decide repealing a trademark if it is convinced that it has not been used seriously for three continuous years on the products, services or parts thereof, for which it has been registered unless the owner gives justified reasons for that non-use. Using the trademark by the licensee shall be a reason for the continuity of its registration. The following, in particular, shall be serious use of a trademark:
  1. Using the trademark on the products or the covers thereof for the intention of marketing.
  2. Using the trademark in a different way that doesn't make it lose its distinguished attribute.
  3. Using the trademark according to its owner's approval or by a person who is authorised to use it as a collective trademark.
- b. Proving the trademark use shall be assumed by the owner who can prove that by all proving ways.
- c. Repeal shall be valid as of the end of the period mentioned in Paragraph /a/ of this article.
- d. The right to request repealing a trademark shall be abated if the serious use of a trademark started, or resumed, during the period lasting from the end of the three years mentioned in Paragraph /a/ to the date of making the repeal application. If that start of use occurred during the three months preceding the date of making the repeal application and the trademark owner knew about the possibility of making such application, it will not affect the right to request repealing the trademark.

**Article 9:**

A trademark owner's rights shall be abated and its registration shall be repealed by a decision from the court according to an application from any concerned person:

- a. if the trademark became the regular name of the product or service in the commercial area due to an action taken by the owner.
- b. if the trademark might confuse people or make them make mistakes regarding the product's or service's nature, quality or geographical origin due to a use made by the owner or under his permission.

**Article 10:**

It shall be permissible, after repealing a trademark for any reason or as it has not been renewed, to re-register it under the name of its owner exclusively in three years as of the repeal date. It shall be permissible, after that period, to register the trademark to the owner or to others. If the trademark is repealed to execute a final juridical sentence stating the registration invalidity, it shall be permissible to register it to the right holder as soon as it's repealed pursuant to the conditions and according to the same registration procedures and duties stipulated in this law and the Executive Regulation.

**Section 4: Trademarks registration, publishing and renewal**

**Article 11:**

Respecting the provisions of the international laws and conventions valid in Syria, the following shall benefit from the provisions of this law:

- a. Any Syrian person, natural or artificial, wherever his place of residence is.
- b. Any non-Syrian person, natural or artificial, provided that he holds the nationality of one of the countries members in commercial and industrial property agreements valid in Syria.
- c. Any person, natural or artificial, who is a national in one of the Arab League countries on a base of reciprocity.
- d. Any non-Syrian person, natural or artificial, who has a business or residence place in Syria or in one of the countries members in commercial and industrial property agreements valid in Syria.

**Article 12:**

Trademarks are voluntary, unless legal stipulations state against that. Registration of all trademarks, voluntary or obligatory, shall comply with the provisions of this law and the executive regulation thereof.

**Article 13:**

Applications shall be registered in a special registry with serial numbers according to the date and time of making the application. Registration seeker shall be granted a document proving that he has registered his application according to the form defined by the Executive Regulation. Applications made according to Madrid Accord and Protocol to register International trademarks shall have the same dealing as the Syrian ones.

**Article 14:**

A trademark registration application, accompanied with the defined financial fee, shall be made by the concerned or his legal agent. If the registration seeker is not residing in Syria, he has to authorise a person residing in Syria to be his

agent in the registration transactions. The application shall contain all the documents and information stipulated in the Executive Regulation.

**Article 15:**

Any application to register or renew a trademark shall not be accepted unless it is accompanied with the fee stipulated in this Law.

**Article 16:**

- a. It shall be permissible to apply for the registration of a trademark for one or more group of products or services. The number of applications shall respond the number of groups to be registered according to the conditions and procedures stipulated in the executive regulation.
- b. The products or services shall not be considered similar, or not, only according to their existence, or not, in one group or more of Nice Classification.

**Article 17:**

Any person shall have the right to ask the Directorate in writing for an in advance statement of the trademarks against a certain amount of money to the Directorate, provided that each application doesn't contain more than 5 trademarks. The Directorate shall have to reply the application in 15 days as of the date of making the application. The statement result shall not generate any responsibilities on the Directorate or any rights to the applier against the Directorate.

**Article 18:**

If the trademark registration application contains one word, or more, in a foreign language, it should be translated into Arabic. It shall not be necessary for a trademark to have a meaning to be registered.

**Article 19:**

It shall be permissible for a trademark to be limited totally or partially to one color or more of the specific colors. In this case the Directorate or the court shall take into consideration when making a decision on the distinguished attribute of that trademark that it is limited to those colors. If a trademark is registered without being limited to specific colors, it shall be considered registered for all colors.

**Article 20:**

It shall be permissible for an applier to request repealing his application at any time without any fees or to cede it to others in return of the defined duty.

**Article 21:**

The Directorate shall keep a special registry for trademarks in which it will write all information mentioned in the registration license as well as any records, events or amendments occurring to the trademark.

**Article 22:**

- a. the Directorate shall examine the application and the attached documents to be sure that the legal terms stipulated in this law and the executive regulation thereof are fulfilled. It shall be permissible to complete the formal terms, except for the duty, including the required documents in 6 months as of the date of making the application. A delay duty shall be paid for each month delay; a month fraction shall be considered a full month.
- b. The application shall be considered repealed if the required terms are not completed within the a.m. period.

**Article 23:**

It shall be permissible for the Directorate to charge the applier with the terms or amendments it finds necessary to define and clear up a trademark in a way preventing any confusion with an already registered trademark or whose registration application has been made. If the Directorate rejects to register a trademark pursuant to the provisions of Article /22/ of this law, or if the registration becomes contingent on certain terms or amendments, it shall have to notify the applier in writing of its decision. The Directorate shall have the right to reject the application in 3 months as of the notification date if the applier did not make the required amendments.

**Article 24:**

- a. The applier whose application has been rejected or become contingent on certain terms or amendments, shall have the right to contest in writing the Directorate decision mentioned in Article /23/ of this law before the competent committee in /30/ days as of being notified of the decision in writing after paying the defined duty.
- b. Contests shall be considered by a committee constituted by a decision from the competent minister as follows:
  - A judge of a counselor rank, nominated by the Minister of Justice /Chairman
  - The competent deputy minister /Member.
  - Director of legal affairs at the ministry /Member.
  - Representative of the Chambers of Commerce /Member.
  - Representative of the Chambers of Industry /Member.

The Executive Regulation shall stipulate the procedures of making contests, contest's considerations and making decisions on them, as well as the Committee's members' compensations.

- c. The Committee's decisions shall be effective but the execution thereof can be stayed by a decision from the competent court.
- d. If the Committee confirms the Directorate decision, it shall be impermissible to register the trademark but upon an effective sentence from the competent court pursuant to the contest made by the applier in 30 days as of the date of being notified of the Committee's decision.

**Article 25:**

- a. A newspaper shall be established at the Directorate under the title of Property Protection Newspaper whose provisions shall be regulated by the Executive Regulation.
- b. The approved fulfilling the terms applications shall be published in the Property Protection Newspaper as it is defined in the Executive Regulation on the account of the applier. The publishing shall include the trademark model and a statement of the products or services relevant to it.

**Article 26:**

Any concerned shall have the right to contest a trademark registration application at the Directorate in writing after paying the defined duty in 90 days as of the date of publishing. The Directorate shall have to notify the applier, or his agent, of the contest in 30 days as of the date of receiving it. The applier, or his agent, shall have to submit a written and justified reply to that contest in 30 days as of the date of being notified of the contest; otherwise his application will be considered ceded.

**Article 27:**

The Directorate shall make a justified decision on the contest, approving or rejecting the registration, after considering the documents submitted by the two disputing parties and listening to their pleadings. It shall have the right to include an approval decision obliging the applier to fulfill whatever it finds necessary of requisitions to register the trademark. If an application is rejected, half of the paid duty will be to the Directorate and the other half to the applier.

**Article 28:**

- a. The Directorate shall notify the two disputing parties of its decision. The Directorate decision mentioned in Article /27/ shall be contestable before the competent committee in 30 days as of the notification date.
- b. The Committee's decision shall be contestable before the competent court in 30 days as of the notification date.
- c. An application shall be considered ceded, if the applier doesn't fulfill what the Directorate requests of amendments or requisitions within the period of time defined by the notification, or if he doesn't object the Directorate decision or contest the Committee's decision within the defined periods of time.

**Article 29:**

A trademark registration application approved properly shall be repealed by law if the applier, or his agent, doesn't complete the registration procedures and get the license in 90 days as of the end of the publishing period or the issuance of an effective sentence in his favor.

**Article 30:**

The Directorate shall register the approved trademarks in the registry thereof and publish them in the Property Protection Newspaper, on the account of the trademark owner.

**Article 31:**

The directorate shall grant the owner of a registered trademark a license in 30 days as of the date of recording it in the Registry in accordance with the model and statements defined by the Executive Regulation. A copy of the registered trademark shall be pasted in a specified field the license that should be stamped by the Directorate stamp and signed by the Director, or whom he authorises.

**Article 32:**

A registered trademark protection period shall be 10 years starting on the date of making the registration application and ending in 10 years as of the last day of the month in which the application is made. The trademark is renewable for similar periods of time upon the owner's, or his legal agent, request. Renewal shall be in the last year of the protection period against a defined duty.

**Article 33:**

A trademark owner shall be granted a grace period of 6 months to renew its registration against a delay duty. Renewal shall be valid as of the end of the previous protection period. If a trademark registration is not renewed, it shall be considered repealed by law at the end of its protection period.

**Article 34:**

- a. A trademark registration renewal application shall be made by the owner or his legal agent same way as the registration application is made to the Directorate. A trademark registration shall be renewed according to its final status. It shall be impermissible to make any additions to a trademark when it is renewed, but deleting some items from the trademark's products or services shall be permissible.
- b. Objective examination, publishing and contest procedures shall be applied on the renewal application for the trademarks registered before the validity of this law for one time only. Directorate's decision of renewal rejection shall be justified and contestable before the competent committee in 60 days as of the date notification. The Committee's decision shall be contestable before the competent court in 30 days as of the date of notifying the owner of the decision.

**Article 35:**

Renewed trademarks shall be registered in a special registry. The owners thereof shall be granted licenses signed by the Protection Director, or whom he authorises, in 30 days as of recording the trademark in the renewal registry. Trademarks registered for more than one group before the issuance of this law shall be granted renewal license for each group after paying the duty defined for each of them. The renewed trademark's previous registration number and date shall be mentioned in the renewal license. Renewal of a trademark registration shall be published in the Property Protection Newspaper on the account of the owner.

**Article 36:**

- a. A registered trademark owner shall have the right to request in writing changing –only deleting without adding- some items of the trademark's products or services against a defined duty. Such a change shall be published in the Property Protection Newspaper.
- b. Changing a trademark owner's address, name or agent or any other act shall be subject to the duties imposed pursuant to the provisions stipulated in this law. Any act of those shall be published in the Property Protection Newspaper.

**Article 37:**

Any person shall have the right to ask the Directorate in writing to acquaint the registered trademarks. He shall as well have the right to get statements or extracts of them or of the records and acts occurring on them. It shall be permissible for a trademark's owner, right holder as well as anyone who proves to be a party in a judicial case related to it, to get a ratified copy of its registration license after paying the defined duty. The application shall be written on the form prepared for that purpose.

**Section 5: Collective Marks**

**Article 38:**

- a. **Collective Trademark:** is a trademark used to distinguish the product or service of many people belonging to a certain entity with artificial personality, even if it itself doesn't have an industrial or commercial establishment. Registration application shall be made by the entity representative but the trademark is used by all members pursuant to use instructions developed by the collective trademark owners.
- b. **Collective Inspection Mark:** a specific mark used on the products or services indicating that they have been inspected or checked regarding their origin, nature, attributes, production method or any other attribute pursuant to the use instructions developed by the mark owners who practice the inspection and checking procedures.
- c. A trademark registration application should mention that it is a collective one and a copy of the collective trademark use system should be attached to the application. The owner shall have to inform the Directorate of any change of that system.

**Article 39:**

- a. A collective inspection mark can be registered only by the artificial person who doesn't produce, sell or import the products or services on which the mark is put.
- b. Collective inspection mark use shall be open to all people providing products or services fulfilling the terms of the mark use instructions except its owner.
- c. Collective inspection mark can't be subject to any kind of authorisation, transfer, cession, mortgage or mandatory execution. If the artificial person in

possession of collective inspection mark is dissolved, it can be transferred to another artificial person pursuant to the terms defined by a decision from the Minister.

- d. In order to approve the registration of a collective inspection mark it is conditioned that the terms stipulated in this law regarding inspection process are fulfilled and the necessary licenses for inspection practices are gained.
- e. If a collective inspection mark is repealed for any reason, it shall be impermissible to register or use it for any purpose for 10 years.

**Article 40:**

Any collective inspection mark contradicting the provisions of this law shall be repealed by the competent court through a sentence **of an absolute impact** pursuant to a request from the Protection Director, the public prosecution or any concerned person.

**Section 6: Rights generated by the registration of marks or famous marks**

**Article 41:**

Registering a trademark shall grant the owner the right to possess it regarding the products and services covered with the registration pursuant to the provisions of this law.

**Article 42:**

It shall impermissible for others without the owner permission to:

- a. use, copy or put a registered mark even if some words such as way, system, likening, composition, kind or style; or use a copied mark regarding the products or services identifying those mentioned in the registration.
- b. Delete or amend the mark put on the products or services properly.

**Article 43:**

In case it is possible to confuse consumers, it shall be impermissible for others without the owner permission to:

- a. use, copy or put a registered mark or use a copied mark regarding the products or services similar to those mentioned in the registration.
- b. Imitate a mark or use an imitated mark regarding the products or services identifying or similar to those mentioned in the registration.

**Article 44:**

- a. The owner of a trademark that is famous internationally and in Syria shall have the right to ask the competent court to repeal or prevent others from using an identifying or similar trademark or its translation on similar or non-similar products or services, if such a use might make others think of a link between the owner of the famous trademark and those products, or if it might detract from the mark value or hurt its owner, or if it might generate unjustified benefit from it.

- b. When deciding whether a mark is famous, the extent of its fame among the concerned Syrian people shall be taken into consideration.

**Article 45:**

Registering a mark shall not prevent its use or the use of a similar one in the following cases:

- a. A commercial name, logo or title of a shop, if that use is prior to the registration or if others use their family name with a good faith.
- b. As a necessary reference to show the use of a product or service, particularly the accessories and spare parts provided that that doesn't make any confusion about the product or service origin.

In spite of that, the owner might ask the court to restrict or prohibit the use of a registered mark if that use might harm his rights.

**Article 46:**

The owner of a mark shall lose his right to prevent others from importing, using or distributing the trademark's products if he markets those products in any other country or authorised others to do that.

### **Section 7: Mark Property Transfer**

**Article 47:**

It shall be permissible to transfer a mark ownership, totally or partially, by sale, cession, heritage or will or to mortgage it or to decide any in kind right on it, in return of money or freely, with a commercial enterprise or foundation or not, pursuant to the rules and procedures stipulated in the Executive Regulation after paying the defined duty.

**Article 48:**

The transfer shall be according to an application made by one of the agreement parties, or his agent through a special official power of attorney, in 90 days as of the agreement date. Registration delay shall require paying an additional duty as defined in this law.

**Article 49:**

If the transfer of a commercial enterprise or foundation doesn't include the trademark, the owner shall have the right to use it on the same products or services or the group or groups of the trademark unless something else is agreed on.

**Article 50:**

A mark ownership transfer, mortgage or deciding any in kind right on it shall not be an evidence against others unless it is recorded in the Directorate's special registry. After introducing the registered and ratified document indicating the required procedure, the mark shall be published on the account of the owner as it is defined in this law and the Executive Regulation thereof.

**Article 51:**

If a partner, or more, of a mark's owners, changes and that change does not include all of them, and it has been generated by a contract or joining process, that change shall be conditioned to a written approval from all the other partners.

**Article 52:**

If a person stops his commercial business for any reason and that is resulted in the transfer of the mark ownership to more than one person and those latter want to distribute it among them, the Directorate shall have the right to distinguish it among the people who prove practicing that commercial business on reality pursuant to the limitations, terms and amendments considered by the Directorate.

**Section 8: Use Authorisation****Article 53:**

A mark owner shall have the right to authorise one natural or artificial person, or more, to use and exploit that mark for all or some products or services for which the mark has been registered. Authorising others to use the mark doesn't prevent the owner from using it unless a written agreement is done against that. It shall be impermissible for a mark authorisation period to exceed its protection period.

**Article 54:**

a. it shall be impermissible to include an authorisation contract any stipulations that bind the authorized to unnecessary restraints to keep the rights resulted from the mark registration.

However, it shall be permissible to include an authorisation contract the following terms:

1. identifying the geographical zone for marketing the products and services holding the authorised mark.
  2. identifying the period of authorising the mark use.
  3. Obliging the authorised to abstain from any actions that might detract from the value of the products or services labeled by the mark.
- b. A mark owner shall have the right to advance as excuses the rights he is charged with pursuant to its registration and apply them to any authorised overreaching the authorisation terms shown in Paragraph /a/ of this article.

**Article 55:**

- a. In order to record an authorisation contract it should be registered or ratified by the competent bodies.
- b. Authorisation shall not be valid before others unless it is recorded in the Marks Registry at the Directorate and after paying the defined duty.
- c. The delay of registering this contract beyond 90 days as of the authorisation contract shall be subject to an extra duty. It shall be published as defined in this law and the Executive Regulation thereof.
- d. Authorisation contract shall have to contain the terms that ensure the owner's control of the products or services quality.

**Article 56:**

It shall be impermissible for the authorised to cede the authorisation contract to others or to make sub-authorisations unless the contract stipulates against that.

**Article 57:**

A mark owner or the authorised shall have the right to request repealing the authorisation record after submitting evidence on the termination or annulment of the registration contract. The repeal shall be valid as of the date of making the application and shall be published in the Property Protection Newspaper on the account of the concerned.

**Section 9: Trademarks Violation and Penalties****Article 58:**

- a. Any violation to the rights of a registered mark owner shall result in liability on the violator.
- b. Infringing the provisions of Articles /42 & 43/ of this law shall constitute a violation to the rights of a registered mark owner.

**Article 59:**

Competent courts shall make decisions on marks likening cases that aim at deception and imitation and on marks similarity cases in general after assuming itself in the position of a regular product consumer or a service receiver, or after taking the total similarity between the original mark and the complained of one disregarding the details of their differences.

**Article 60:**

The trademark covered with penal protection is the one that is registered pursuant to the provisions of this law.

**Article 61:**

With no breach to any harder penalty stipulated in any other law, the one who practices one of the following shall be sentenced of (3 months to 3 years) in prison and fined of (SYL 300,000 to 1,000,000) or only one them:

- a. use a trademark of someone else on his products or services with bad faith.
- b. Imitate a trademark of someone else even if he adds some words or other things to it such as likening, similar, type, kind, attribute, etc.
- c. Use an imitated trademark.
- d. Sell, expose for sale, circulate or possess for sale or circulation products with an unlawful or imitated trademark and he knows that.
- e. Make, engrave, carve or sell a wood or metal plate or printer or any other stamp representing a properly registered trademark or any imitation of it for the purpose of enabling another person, other than the owner, from using or imitating it on goods of the same kind as the ones for which the mark has been registered.

**Article 62:**

With no breach to any harder penalty stipulated in any other law, the one who likens a trademark with another targeting deception without imitating it, and the one who uses such a mark, or sells, disposes for sale or circulation or possesses for sale or circulation products or services holding that mark and he knows that, shall be sentenced of (3 months to 2 years) in prison and fined of (SYL 200,000 to 600,000) or only one them.

**Article 63:**

With no breach to any harder penalty stipulated in any other law, the one who practices one of the following shall be sentenced of (2 months to 2 years) in prison and fined of (SYL 200,000 to 500,000) or only one them:

- a. 1. use a non-registered mark breaching Article /4/ of this law.  
2. make any kind of hints to show a non-registered mark as a registered one.
- b. The one who delivers a commodity or provides a service other than the one required from him under a certain mark, shall be sentenced of (1 months to 1 year) in prison and fined of (SYL 100,000 to 300,000) or only one them.

**Article 64:**

The one who practices one of the following, knowing what he is doing, shall be fined of (SYL 100,000 to 300,000):

- a. use a collective mark under conditions other than the ones defined in the system attached to the registration application.
- b. Sell or market a product with a collective mark used improperly.

**Article 65:**

With no breach to any harder penalty stipulated in any other law, the one who breaches the provisions of Article /6/ of this law, shall be sentenced of up to 3 months in prison and fined of (SYL 10,000 to 50,000) or only one them.

**Article 66:**

The one who uses his registered mark in a way that is essentially different from what it has been given to, shall have the same penalty mentioned in Article /65/ if that use might confuse the public or violate the others acquired rights or trademarks.

**Article 67:**

In the context of applying this law's penalties provisions, It shall be impermissible at any case to give a sentence lower than the minimum limit of the prison and financial fine.

**Article 68:**

The one who has been sentenced under one of the crimes stipulated in this law, whether he is the doer, a partner or an interferer, shall be considered repeater if he is sentenced again under another crime of those in 5 years as of the first one.

**Article 69:**

The one who repeats this Section's punishable crimes shall be sentenced of (2 months to 3 years) in prison and fined of no less than the maximum limit specified in those articles and no more than the double of that limit. Repetition shall be stipulated pursuant to Article /68/ of this law.

## **Chapter 2: Geographical Signs**

**Article 70:**

- a. **Geographical Signs** mean the signs that might identify a product's place of origin in a country, region or area if the product's quality, attribute, reputation, fame or any other attributes that affect its marketing depend basically on that geographical origin. In order to protect those signs they should be protected in the country of origin.
- b. **Country of origin** is the country whose name is the place of origin under which the product became known, or the country in which the region or the area whose name is the place of origin under which the product became known, is located.

**Article 71:**

In order to register a trademark containing a geographical sign, the commodity should be continuously produced, under the registration applier's knowledge, in the geographical zone enjoying that fame. A certificate of origin proving that shall be attached to the application.

**Article 72:**

It shall be impermissible for anyone from an area with special fame for producing a certain commodity, to put on the products he trades in, geographical signs in a way that might deceive the public about the origin of those products giving the impression that their origin is the area of the special fame.

**Article 73:**

It shall be impermissible to use any mean to name or present a commodity in a way giving a deceptive impression that it has been produced in a geographical zone other than its actual place of origin. However, geographical signs of wines shall benefit from this protection even if the use doesn't result in deceiving the public or illegal competition.

**Article 74:**

It shall be impermissible for a commodity producer in an area with special fame for that production, to put a geographical sign on similar products he produces in other places in a way that gives the impression that they are produced in the area with that fame.

**Article 75:**

It shall be impermissible to register a mark containing a geographical sign if the use thereof might deceive the public regarding the commodity's actual origin.

**Article 76:**

It shall be impermissible for anyone to use a geographical sign that is considered illegal competition and against honest traditions of industrial and commercial businesses.

**Article 77:**

It shall be permissible to register a mark containing a geographical sign if the right of that mark has been acquired through good faith use before the validity date of the provisions of this law or before granting the geographical sign protection in the country of origin or if the protection period has finished or is not in use any more in that country.

**Article 78:**

It shall be permissible to give some products geographical names that in commercial tradition mean essentially the product kind disregarding its geographical origin.

**Article 79:**

It shall be permissible for any concerned to litigate before the competent court requiring the prevention of the use of any geographical sign not contained in a registered trademark if that use might deceive the public regarding the commodity's actual origin.

**Article 80:**

The Minister shall make a decision defining the terms and conditions in which geographical signs shall be recorded in the registry specified for that at the Protection Directorate.

**Article 81:**

With no breach to any harder penalty stipulated in any other law, the one who practices one of the following shall be sentenced of up to 6 months in prison and fined of (SYL 50,000 to 200,000) or only one them. In case of repetition the penalty shall be no less than one month in addition to a fine of no less than the double of the a.m. maximum limit:

- a. put on the goods he trades in, in an area with special fame in the production of certain commodity, geographical signs or indications in a way deceiving the public that they are produced in that area.
- b. Use any mean to name or present a commodity in a way giving a deceptive impression that it has been produced in a geographical zone other than its actual place of origin.

- c. Any commodity producer in an area with special fame for that production, who puts a geographical sign or indication on commodities he produces in other places in a way that gives the impression that they are produced in the area with that fame.

## **Chapter 3: Industrial Drawings and Models**

### **Section 1: What is Considered an Industrial Drawing or Model**

**Article 82:**

**Industrial drawing:** Any composition or harmonisation of lines or colors appearing on the products in a new way distinguished from already known drawings giving those products special appearance or luster distinguishing them from other similar products shall be considered industrial drawings, whether they are done by hand, machine or computer including textile and other materials designs.

**Industrial Model:** the outward shape of any object correlated to lines and colors or not, provided that it is new and distinguished from already known models and that it has a specific shape that can be used for an industrial or handicraft product, etc.

Examples of those drawings and models are textiles with printed drawings; colored paper used as wallpaper or to pack materials and commodities; new models of dresses, overcoats, hats and head covers, toilet accessories such as shawls, suspenders, shoes, flasks and bottles caps; wines, alcoholic drinks, foods, beverages, perfumes and the like bottles; cardboard boxes used for pharmaceutical compounds, as well as any outward shape of any commodity or good, etc.

**Article 83:**

The one who innovates a drawing or model, or the one to whom the right of using it has been transferred, shall exclusively have the right to exploit, sell, expose for sale or authorise others to use that drawing or model, provided that it is already registered at the Directorate.

### **Section 2: Registrable & Non-registrable Industrial Drawings and Models**

**Article 84:**

- a. Drawings and models fulfilling the innovation and excellence elements with outward attributes giving them specific feature to be distinguished from other already known drawings and models shall have the right of being registered and protected pursuant to the provisions of this law.
- b. An industrial drawing or model shall be considered new if it has not been disclosed to the public anywhere throughout the world by any means including its concrete use or publishing, whether it has been disclosed before the date of making the registration application or before the date of the application priority, pursuant to the case. However, the industrial drawing or model shall not lose innovation prescription if that disclosure or description has been after making the registration application in a country that is a member in a relevant

convention effective in Syria and has reciprocity with Syria, or if the disclosure has been in a national or international fair, or if the industrial drawing or model has been published in a conference or scientific journal. That should be within a period of no more than 6 months preceding the date of making the registration application in Syria.

- c. Industrial drawings and models shall not be considered new and distinct unless they are essentially different from the already known drawings and models or used for new kind of products other than the one they are registered for.

**Article 85:**

It shall be impermissible to register the following industrial drawings and models:

- a. industrial drawings and models breaching public order and moralities.
- b. industrial drawings and models usually imposed by the product's technical, technological or functional considerations.
- c. industrial drawings and models representing national or international symbols or logos, religious tokens, the SAR stamps or flags or the other countries or international organisations stamps or flags.
- d. industrial drawings and models affecting the others' intellectual, industrial or commercial property rights or registered mark.

**Section 3: Registration Right of an Industrial Drawing or Model**

**Article 86:**

Registration right of an industrial drawing or model shall be as follows:

- a. to the innovator of the industrial drawing or model or the right holder thereof.
- b. If two people or more innovated together an industrial drawing or model, its registration right shall be to all of them equally or to the right holder thereof unless something else is agreed on.
- c. If two people or more innovated separately an industrial drawing or model, its registration right shall be to the one who applies first for registration.
- d. To the employer if the worker made the innovation due to a contract in which the worker committed himself to innovate it, unless the contract stipulates something else.

**Section 4: Industrial Drawings and Models Registration, Publication and Renewal**

**Article 87:**

- a. An industrial drawing or model registration application shall be made by the innovator, or his legal agent, according to the conditions and terms defined by the Executive Regulation. It shall be permissible for an application to contain a number of drawings and models not exceeding five, provided that they constitute a harmonised unit. The duty of each shall be paid pursuant to the drawings or models it contains.
- b. If the registration applier is not residing in Syria, he shall have to authorise a person residing in Syria to be his agent in registration transactions. The

application shall have to contain the documents and information defined in the Executive Regulation. The provisions of Articles /11, 13, 22, 23, 24, 25, 26, 27, 28, 29, 30/ of this law shall be applied on the industrial drawings and models after making the necessary changes.

**Article 88:**

It shall be permissible to the registration applier to repeal his application any time without paying any duty, or to cede it to others after paying the defined duty.

**Article 89:**

It shall be permissible for the applier to ask for the delay of publishing an industrial drawing or model for a period of time not exceeding 12 months as of the date of making the application or the priority date, in case of priority claim.

**Article 90:**

If the publication is delayed the registration applier shall not have the right to litigate the violators but after informing the violator of the registration through a copy of the drawing or model registration license as long as the publication has not been completed, due to the confidential nature of the registration application. That shall be after 90 days of informing the violator.

**Article 91:**

The Directorate shall organise a special registry named (Industrial Drawings & Models Registry) in which all industrial drawings & models-related information shall be recorded including owners' names and addresses as well as the legal procedures and transactions occurring.

**Article 92:**

The Directorate shall grant the applier an industrial drawing or model registration license in 30 days as of the date of recording them in the Registry, the License shall be signed by the Director, or whom he authorises, and stamped by the Directorate's stamp. The license shall be announced in the Property Protection Newspaper pursuant to the terms and information defined in the Executive Regulation, on the account of the owner.

**Article 93:**

The registration of an industrial drawing or model shall give the owner the right to prevent the others from manufacturing, selling, exposing for sale or importing the products having the same shape as the drawing or model or containing it.

The right to prevent others from importing, selling, exposing for sale or distributing the a.m. products shall be lost if the right's holder markets those products in any other country or authorises others to do that.

It shall not be considered a violation to this right, if others use a protected industrial drawing or model in the context of the following actions:

- a. Scientific research-related actions.
- b. Teaching and training related actions.

- c. Non-commercial activities.
- d. Fabricating or selling parts of the a.m. products with the intention of repairing them in return of a fair compensation.
- e. Other uses that don't contradict the normal use of a protected industrial drawing or model in an unreasonable way and don't harm the owner's legal interests in an unreasonable way and take others' legal interests into consideration.

**Article 94:**

Any person shall have the right to ask the Directorate in writing to acquaint the registered drawings or models. He shall as well have the right to get statements or extracts of them or of the records and acts occurring on them. It shall be permissible for an industrial drawing or model owner, right holder as well as anyone who proves to be a party in a judicial case related to it, to get a ratified copy of its registration license after paying the defined duty. The application shall be written on the form prepared for that purpose.

**Article 95:**

- a. An industrial drawing or model protection period shall be 5 years starting on the date of making the registration application and ending in 5 years as of the last day of the month in which the application is made. This registration is renewable for two times of 5 years each. Renewal shall be in the last year of the protection period after paying the defined duty and shall be published in the Directorate's Newspaper.
- b. Objective examination shall be applied on the renewal application for the industrial drawings or models registered before the validity of this law for one time only. Directorate's decision of renewal rejection shall be contestable before the competent court defined in Article /119/ of this law, in 30 days as of the date of notifying the owner of the decision

**Article 96:**

The industrial drawing or model owner shall be granted a grace period of 6 months as of the end of the previous protection period to renew the registration against a delay duty. If the registration is not renewed, the industrial drawing or model shall be considered repealed by law and shall not be re-registered whether under the owner's or others, name.

**Article 97:**

The competent minister, for public interest reasons, and pursuant to a proposal from the Director and according to a request from the competent body, shall have the right to make a justified decision granting others a non-exclusive mandatory authorisation to use a protected industrial drawing or model in return of a fair compensation. The Executive Regulation shall define terms, conditions and procedures of granting this authorisation.

**Article 98:**

The public prosecution, the Directorate as well as any concerned shall have the right to ask the competent court repeal an industrial drawing or model registration. The court shall have the right to repeal that registration if it is proved that it contradicts the provisions of this law. The sentence shall be executed after paying the defined duty. If the execution is required by the public prosecution or the Directorate, no duty shall be paid.

### **Section 5: Industrial Drawing or Model Property Transfer**

#### **Article 99:**

It shall be permissible to transfer an industrial drawing or model property, totally or partially, by sale, cession, heritage or will or to mortgage it or to decide any in kind right on it, in return of money or freely, with the commercial enterprise or foundation or without.

#### **Article 100:**

An industrial drawing or model property transfer, mortgage or deciding any in kind right on it shall not be an evidence against others unless it is recorded in the Directorate's special registry. The registration record shall be published as defined in this law and the Executive Regulation thereof after paying the defined duty.

#### **Article 101:**

An industrial drawing or model property transfer, mortgage or deciding any in kind right on it shall be recorded upon the request of one of the agreement's parties in 90 days as of the date of cession after paying the defined duty. Any delay in making the application for a registration record shall result in an additional duty as defined in this law. Changing the drawing or model owner's address, name or agent or any other practice shall be subject to the duties imposed pursuant to the conditions stipulated in this law. Any of those practices shall be published in the Property Protection Newspaper.

### **Section 6: Authorisation of an Industrial Drawing or Model Use or Exploitation**

#### **Article 102:**

A registered industrial drawing or model owner shall have the right to authorise others to use and exploit that drawing or model. Authorising others to use the registered drawing or model doesn't prevent the owner from using it unless a clear agreement is done against that. It shall be impermissible for authorisation period to exceed its protection period.

#### **Article 103:**

Use and exploitation authorisation shall not be valid before others unless it is recorded in the special Registry. Recording should be in 90 days as of the date of authorisation contract. Any delay in recording the authorisation at the Directorate shall be subject to an extra duty. It shall be published as defined in

this law and the Executive Regulation thereof. It is conditioned to record an authorisation contract that it is registered or ratified by the competent bodies.

**Article 104:**

An industrial drawing or model owner, or the authorised, shall have the right to request repealing the authorisation record after submitting evidence on the termination or annulment of the registration contract. The Directorate shall issue a certificate of that and shall publish that repeal in the Property Protection Newspaper on the account of the concerned.

**Section 7: Industrial Drawings and Models Violation and Penalties**

**Article 105:**

With no breach to any harder penalty stipulated in any other law, the one who practices one of the following shall be sentenced of (2 - 6 months) in prison and fined of (SYL 200,000 to 600,000) or only one of the two penalties:

- a. Imitate a registered industrial drawing or model pursuant the provisions of this law.
- b. Fabricate, sell, expose for sale, or possess for sale or circulation products with an imitated industrial drawing or model and he knows that.
- c. Put illegally on his products, advertisings, trademarks, certain tools, etc. information that make others believe that he has registered an industrial drawing or model.

In case of repetition, the penalty shall be no less than one month in addition to a fine of no less than the a.m. maximum limit. Repetition shall be according to Article /68/ of this law.

**Article 106:**

The action preceding registration shall not give the hurt the right to litigate according to this law. Actions following registration and preceding the announcement shall not be subject to litigation by the hurt even if it is a civil suit resulted from Article /120/ of this law, unless bad faith is proved.

**Chapter 4: Provisional Protection of Markets & Fairs in Syria and Foreign Countries**

**Article 107:**

Trademarks and industrial drawings or models shall benefit from provisional protection in the markets & fairs held in Syria and foreign countries, if those markets & fairs are officially arranged. In order to apply this law, participation or arrangement shall have to be official.

**Article 108:**

The one who wants to benefit from the provisions of Article /107/ to protect his exhibit in foreign country's markets and fairs, in which Syria participates, shall have to make an application to the official representative of the Syrian Government at the relevant market or fair, showing the exhibit's nature. A

document proving that the exhibit to be protected is exhibited in the relevant market of fair, shall be attached to the application.

**Article 109:**

When Syria's representative receives those documents, he records that in a special registry and hands the exhibitor a record certificate in return of a defined duty. The exhibitor shall make a protection application in 3 weeks as of the date of exhibiting the item to be protected.

**Article 110:**

When the fair or market is terminated, Syria's official representative shall send the special registry to the Directorate in Syria. The one who has got a provisional protection shall have the right to change it into a permanent one in one year as of the end of the market or fair after submitting the certificate he has received pursuant to Article /109/. Actual protection shall be, in this case, as of the fair or market opening date.

The concerned shall make the permanent protection application pursuant to the provisions of this law and the articles related to industrial and commercial property rights protection.

**Article 111:**

Before the opening of an officially arranged market or fair in Syria, the competent body shall make a special decision showing the procedures to be followed by the exhibitors to ensure their products provisional protection that can be changed later on into a permanent one.

**Article 112:**

Provisional protection arranged this way shall grant the concerned in Syria the same rights granted by this law to the registered trademarks and industrial drawings and models.

## **Chapter 5: Industrial and Commercial Rewards**

**Article 113:**

Anyone who wants to use an industrial or commercial reward shall have to show, when he mentions that reward, its nature and the correct name of the granting fair or official authority as well as the actual and full grant date.

**Article 114:**

The one who, for personal attribute, receives a reward shall exclusively have the right to use it. He shall not have the right to transfer it with his shop. On the other hand, the reward granted for a produced commodity shall follow that commodity and shall be useable by the transferee of a transferred shop. It is the same when the reward is granted to a commercial or industrial foundation; the person to whom the reward is transferred shall have the right to use it as it follows the shop. The reward granted to someone as an assistant shall not be used by the

assistant unless he mentions the name of the place in which he has been working.

**Article 115:**

The one who deceptively ascribes to himself rewards granted by trade fairs or markets; pretends having illusive rewards and use them openly such as sticking them to trade cards, goods covers and commercial papers, or mention them on signboards or any other use; tries to convince the public of having a reward that he doesn't have in reality; or violates by any way the provisions of Articles /113 & 114/ of this law, shall be penalised of 3 month to 2 years in prison and fined of SYL 200,000 – 400,000, or only one of the two penalties.

## **Chapter 6: Protection from Illegal Competition & Protection of Commercial Confidences**

**Article 116:**

It shall be impermissible for natural and artificial persons to practice any illegal competition. The following shall be considered illegal competition:

- a. Competitive actions against honest traditions of industrial and commercial businesses.
- b. The actions that might, by any means, make confusion with a competitor's foundation's products or services or his commercial or industrial activity, especially if those actions are related to a commercial or industrial right or to a trademark, registered or not, used in the Country and lead to public deception.
- c. False pretensions in trade practice that might weaken confidence in a competitor's foundation or products or his commercial or industrial activity.
- d. Information or pretensions whose use in trade might deceive the public regarding goods origin, nature, characteristics, usability, fabrication method or quantity.
- e. The actions that might lower others' trademark's distinctive capacity, or benefit illegally from its reputation or fame, or from others' foundation's reputation or fame.
- f. Reveal commercial or industrial confidences in a way contradicting honest practice of trade. It is considered confidentiality if:
  1. the information as a whole or the conformation thereof are unknown or not circulated among the workers of an industrial or commercial activity within which the information fall.
  2. the commercial value depends on that confidentiality.
  3. reasonable measures have been taken by the legal possessor to keep them confidential.
- g. Any breach to the provisions of this law as well as any action considered illegal competition by the competent court.

**Article 117:**

Any concerned shall have the right to make a civil lawsuit claiming compensation for harms he has been subject to due to illegal competitive actions and to claim

suspending those actions. He shall also have the right to claim taking any precautionary measures.

## **Chapter 7: General Provisions**

### **Section 1: Priority Right**

#### **Article 118:**

- a. the one who wants to benefit from the priority right of a foregoing **deposition** that took place in a country joining Paris Convention for the Protection of Industrial Property amended, or a multilateral international convention in which Syria is a member or a country with reciprocity with Syria regarding priority right, shall have to attach to his application a statement showing the foregoing deposition number and date and the country in which it has been made. He shall have as well, in 6 months as of the new deposition date, to submit a ratified statement of the foregoing deposition after paying the defined duty. Neglecting the transactions stipulated in this article shall result in losing the priority right.
- b. The priority period mentioned in the foregoing paragraph shall be 6 months for trademarks and industrial drawings and models. It starts as of the date of depositing the first application. Deposition day shall not be considered part of the period.

### **Section 2: Juridical Competence and Litigation Right**

#### **Article 119:**

- a. A chamber of the civil court of first instance shall be designated to consider all industrial and commercial property related civil disputes and cases.
- b. The competent chamber at Damascus civil court of the first instance, without any other administrative court, shall consider the contests made against the decisions made by the Directorate or the Competent Committee.
- c. A chamber of the civil court of appeals shall be designated to consider the contests made against the decisions made by the court mentioned in Paragraph /a/ of this article.
- d. The lawsuits being considered by any juridical body at the validity date of this law shall continue at those bodies until a final decision is made disregarding litigation stage or category. New lawsuits occurring after the validity date of this law shall be considered pursuant to the provisions of the foregoing paragraphs.
- e. Disputing parties shall have the right to use local or international arbitration to settle the civil disputes mentioned in this law.

#### **Article 120:**

Civil lawsuits against the violation of trademarks or industrial drawings or models shall be made by the owner. The beneficiary of a trademark or an industrial drawing or model exclusive authorisation right shall have the right to make this lawsuit if the owner has not done that though has been notified officially to, unless authorisation contract stipulates against that. Any authorisation contract

party shall have the right to intervene in a violation lawsuit claiming compensation for the harm he has been subject to due to that violation.

**Article 121:**

The defendant shall have the right to claim compensation for the harm he has been subject to if it is proved, as a result to the lawsuit, that the claimant is rightless, or if it is proved that he is rightless claiming precautionary measures to be taken. Same dealing shall be valid if the precautionary measures claimer does not bring the lawsuit to the court within the legal period.

**Section 3: Summary Precautionary Measures and Violation Prevention**

**Article 122:**

It shall be permissible for the judge of summary proceedings to order, in return of a warranty or not, taking one, or more, of the suitable precautionary measures until a decision on the dispute is made, particularly:

- a. all precautionary measures necessary to prevent an imminent violation to any registered industrial or commercial property right in the cases in which such a violation is feared, including the order to abstain practicing certain action or actions or discontinue them. The judge shall have the right to impose compulsory fines to bring his decisions into effect.
- b. Suspend the implementation of registration procedures, suspend the effectiveness of a registered industrial or commercial right, prevent or precautionary seize the use or disposal of a registered right or prevent the objection or authorisation of its use or exploitation by others.
- c. Prove a violation event on a protected right; describe and list anything that is considered a violation or an evidence of violation, wherever it is; take samples of it, decide retaining it by the possessor in return of a warranty or not, assign a juridical guard to it or handing it to a third person. The judge, for that purpose, shall have the competence to assign any experts he finds necessary to carry out what is required.

The civil or penal litigation on the right's origin shall be made before the competent court in 15 days as of date of making the summary decision, otherwise any effect thereof shall be abolished.

**Article 123:**

- a. Any lawsuit regarding a dispute on a registered industrial or commercial right shall not be heard before putting the lawsuit sign on that right's registry at the Directorate. This sign shall be considered evidence against others proving that the right subject of that lawsuit is still subject to juridical dispute that might result in effects restricting or abolishing the rights of the person, under whose name the right has been registered.
- b. Bankruptcy sentences made against the holder of a registered industrial or commercial right shall be recorded in that right registry at the Directorate pursuant to the court's request or under the bankruptcy receiver's knowledge.

## **Section 4: Border Measures**

### **Article 124:**

- a. The General Directorate of Customs, pursuant to a written application from a commercial or industrial property right holder or a beneficiary from an exclusive investment right registered at the Directorate who submits evidences on that from the Directorate, shall have to confiscate, as a part of control procedures, the goods violating that right, even if they are in transit.
- b. Customs authorities shall inform the public prosecution, the applier, the goods owner or his legal agent and the goods possessor with no delay of the confiscation procedures and goods reservation.
- c. Confiscation shall be removed definitely and the goods shall be released if the applier doesn't provide the Customs Directorate, in 10 days as of the date of the procedure, with evidences of:
  1. the issuance of precautionary measures by the judge of summary proceedings, the public persecution or the head of execution department showing that the procedures taken by the Customs are continued. or
  2. a civil or penal litigation. The court shall have to decide in the chamber of deliberation in 3 days as of the date of making the litigation, obliging the litigator to advance a sufficient guarantee whose value is defined to cover the litigator's liability in case the lawsuit is rejected. The litigator shall have to advance this guarantee and send a copy of it to the Customs Directorate in 20 days as of that decision's date at the risk of confiscation removal and goods release.
  3. for the purpose of the a.m. lawsuits, and disregarding any contradicting stipulation, the litigator shall have the right to get from the Customs Directorate the names and addresses of the suppliers, importers, consignees and possessors of the confiscated goods and the quantities thereof.
- d. In coherence with the relevant effective laws and regulations, tiny quantities of goods incoming with travelers' luggage for personal non-commercial use shall be exempted from the provisions of this article.
- e. The application stipulated in Paragraph /a/ shall have to contain a commitment from the applier that he shall be responsible to compensate the importer or exporter for any harm they might be subject to due to his application if he is proved finally to be rightless.

## **Section 5: Public Lawsuit, Description and Seizure**

### **Article 125:**

Public lawsuits for the crimes stipulated in this law shall be made directly by the public persecution or upon the Director's or the hurt party's request.

### **Article 126:**

- a. the public persecution, whether the hurt party made a complaint or not, shall have the right to order identifying, listing in details and confiscating criminal

things, goods, commodities, tools and machines. The Director shall have such a right as well.

- b. If the procedures are taken upon a complaint or a claim from the hurt party, the Directorate shall charge him with an advance on the account of the compensations to the officers stipulated in Article 137 of this law. No procedures shall be started before paying this advance. If the procedures are not completed or no litigation is made within the legal period, the advance shall be transferred to the Directorate.

**Article 127:**

- a. Officers of property protection charged with identifying and listing criminal things, taking samples thereof and detecting the breaches stipulated in this law, shall have the judicial police for property protection capacity. They shall be nominated by a decision from the Minister. They perform their duties pursuant to a mission order or authorisation issued by the public prosecution, the Protection Director or the Judiciary. They shall have to inform the Directorate of any breaches they acquaint.
- b. The officers mentioned in the foregoing Paragraph, who have not delivered the legal oath for the purpose of implementing the provisions of this law, shall have to deliver the following oath before the civil court of the first instance in the governorate (**I swear by God to perform my duty faithfully and honestly**) before starting their job.
- c. Minutes arranged by Property Protection juridical police shall have the juridical minutes' capacity.
- d. The minutes shall be sent to the public prosecution to carry out what is required in that regard.

**Article 128:**

- a. Criminal things can be identified, listed, confiscated and samples thereof can be taken in the following places: stores, show halls, shops, factories, cars, trucks used in commerce, warehouses, slaughterhouses and subsidiaries thereof, **Al-hal** markets, commercial markets, fairs, stations, departure and arrival ports and free zones.
- b. The Directorate juridical police officers shall have the power to close administratively with sealing wax shops, factories, warehouses and the subsidiaries thereof, when any resistance or hindrance takes place preventing them from performing the duties mentioned in the foregoing paragraph for 3 days during which they report on that to the Director who shall have the right to abolish that close or prolong it for 30 days maximum.
- c. Juridical police officers shall have the right, when necessary to ask for help from the armed forces to carry out the duties they are charged with pursuant to the provisions of this law.

**Article 129:**

A minute of illegal materials shall be arranged. Any identifying or listing of them shall be arranged in a minute containing:

- a. Names, surnames and positions of the arrangers.
- b. Action date, time and place.
- c. The authority who ordered it and the date of the order.
- d. Name, surname, address, profession and nationality of the person where the action has been taken.
- e. If the action is taken on the road, names, positions, addresses and nationalities of the people mentioned as consignees in the letter of shipping and bill of lading should be mentioned in the minute.
- f. A summary of the conditions under which the action is taken and the number of attendants.
- g. Signature of the things' or goods' disposer or noting that he has rejected signing.
- h. Signature of the minute's arrangers.

Things possessor can mention in the minute all information and reservations he finds suitable. The things and the materials shall be delivered to the possessor or to a third trustee person until the competent court makes a decision confiscating or releasing those goods. Minute's arrangers shall not be less than two people.

**Article 130:**

A Minute's arranger shall not be obliged to inform the possessor of his authority before he starts investigations. When he wants to verify if the delivered product is different from the required one disguised with registered industrial or commercial right, he shall have the right not to show the possessor the detection order until he receives the product. It shall be permissible for an expert, assigned by the authority that has handed the order or authorisation, to accompany the commissioner whose name is mentioned in the order.

**Article 131:**

When suitable the commissioner shall hand the possessor a copy of the order upon which he works. Additionally, when the action is finished, he shall hand him copies of the minute and the list of things on which an action has been taken.

**Article 132:**

- a. Civil or penal lawsuit should be made before the competent court in 30 days as of the date mentioned in the last minute; otherwise the action shall be invalid and the guarantee, if there is any, shall be confiscated on behalf of the Directorate.
- b. Before issuing a sentence, the court shall decide either confirming or abolishing the actions taken. It shall have the right to decide confiscating the things mentioned in the minute and the complete list or part of them; in this case, it shall have the right to order the claimant to pay, before the confiscation, a guarantee whose value is estimated according to the value of the things to be confiscated. The decision shall also assign the commissioner charged with conducting the confiscation with a preference to assign the one who has arranged the minute and conducted the original identifying process or the minute mentioned in Article 126 of this law. The decision might finally

identify the place in which the confiscated things will be put and assign a guard for it when necessary.

**Article 133:**

The distrainee should receive the following documents; otherwise the confiscation will be invalid:

- a. Confiscation decision,
- b. The instrument of depositing the guarantee, if a guarantee is decided.
- c. A list of the confiscated things.
- d. Confiscation minute.
- e. If the distrainee refuses to receive the a.m. documents, that will be written down in the confiscation minute.

**Article 134:**

The commissioner who conducts confiscation shall arrange a minute on two copies and hand one of them to the distrainee. This minute shall be the same as the one explained in Article /129/ of this law with a list of the confiscated things. The distrainee shall sign the two documents; if he rejects signing or if signing is impossible, this will be mentioned in the signature place.

**Article 135:**

Before the Directorate identifies, detects, seizes and confiscates criminal things, it will collect the following amounts:

SYL 2,000 for things description, identifying and detection.

SYL 2,000 for seizure and confiscation.

If the Directorate conducted its actions upon the hurt party's complaint, this party shall have to advance those amounts to the Directorate, but if it conducts them directly with no complaint, no duties shall due and the amounts shall have the same dealing as the compensations stipulated in Article /137/ of this law.

**Article 136:**

The defendant shall have the right to ask the claimant for a compensation in return of the harms he has been subject to if, as a result of the lawsuit, the claimant proved to be rightless regarding his litigation or demand of taking precautionary measures, also if the precautionary measures demander did not make the lawsuit claiming his right base within the legal period.

**Article 137:**

Contradicting any other stipulation in effect, compensations of the officer charged with the implementation of the provisions of Article /135/ shall be assumed by the concerned. Those compensations shall be defined by the Minister and paid by the concerned to the Treasury Cashbox (Trusts Department). They shall be paid to the Ministry's representative upon a statement signed by him and ratified by the Protection Director.

**Article 138:**

- a. In any civil or penal lawsuit, the court shall have the right to decide seizing and selling the things and goods under complaint and deduct their prices from the hurt party's compensations, or to order disposing them the way it finds suitable.
- b. The court shall order removing and destroying the seized breaching trademarks and industrial drawings. It shall also order, when necessary, destroying industrial models, products, goods, shop titles, covers, bills, correspondences, advertising means or any other thing holding the mark breaching the provisions of this law; additionally destroying the machines and tools used in particular to commit the crime. In case of condemnation, the court shall have the right to decide closing the foundation used by crime committer for no more than 6 months. Closure shall be obligatory in case of repetition.
- c. When making a sentence on one of the delinquencies stipulated in this law regarding illegal competition, the court shall have to decide the incompetence of the sentenced to be elected in chambers of commerce, academic committees and bodies, associations and trade unions, in general, any elected entity until he is rehabilitated.
- d. It shall be permissible for the court as well to order publishing the sentence in a newspaper or more on the account of the sentenced.
- e. The court shall have the right to decide paying the hurt harm compensation even if the penal court sentences to "not guilty". It shall also have the right to order all or part of the a.m. even if the penal court sentences that the defendant is not guilty.

**Article 139:**

Any juridical decision made pursuant to the provisions of this law shall be sent to the Directorate by the Court who made it in 8 days maximum.

**Article 140:**

Physical errors in the documents issued by the Directorate shall be corrected by the Directorate or upon a request from the concerned without any duty or fine in one year as of the date of issuing the document or making the error, after that, correction shall be in return of a defined duty.

**Article 141:**

All registration, renewal, amendment, commitments, objections, true copies, reconsideration, in advance inspection, powers of attorney, certificates, etc. shall be made on forms prepared by the Directorate for that purpose and attached to the Executive Regulation. Those forms shall be amended and valuated by a decision from the Minister upon a proposal from the Directorate. Those forms value shall be the Directorate's.

**Article 142:**

- a. A cashbox shall be set up at the Directorate to deposit the amounts and values defined in this law and the Executive Regulation thereof on behalf

- of the Directorate and in return of publishing services and publications provided to the depositors.
- b. Personnel for the cashbox shall be set up and added to the Ministry's Bylaw.
  - c. The Director shall be the cashbox paymaster who expends the deposited amounts to the Directorate and the staff thereof.

## **Section 6: Industrial and Commercial Property Rights Registration Agents**

### **Article 143:**

Registration Agent is the natural or artificial person authorised to register industrial and commercial property rights on behalf of his authoriser.

### **Article 144:**

- a. Only the one whose name is registered in the registration agents table of industrial and commercial property rights, shall have the right to practice the profession of a registration agent mentioned in the foregoing article, provided that he meets the following terms:
  1. A SAR national or the like.
  2. A university degree holder.
  3. Non-sentenced of a penal punishment violating trust or public moralities.
  4. Practices his profession in a private office qualified for the practice of the profession.
  5. Pays the defined duty.
- b. In the registration agents table, the following shall be registered: local companies specialised in industrial and commercial property protection and the companies and foundations established abroad and have branches in Syria, provided that the director in the two cases fulfills the terms of Paragraph /a/ of this Article.
- c. Syrian lawyers or the like shall be exempted from submitting the documents mentioned in Paragraph /a/ of the foregoing article apart from the defined duty.

### **Article 145:**

Registration agent shall have the right to use many workers at his office to follow up the actions and duties he is charged with by the Directorate, in coherence with the following terms:

- a. they are SAR nationals or the like.
- b. they are at least secondary school certificate holders.
- c. non-sentenced of a penal punishment violating trust or public moralities.

The agent (office holder) shall provide his workers and employees with a signed authorisation to conduct those actions on his behalf.

### **Article 146:**

Registration application shall be submitted to the Directorate and registered at its **Input/Output Office**. The applier shall get a note of that. Submitted applications shall be considered by a committee constituted for that purpose by the Minister.

The Committee shall contain:

- The Protection Director or whom he authorises.
- The Legal Affairs Director or whom he authorises.
- Head of a department at the Directorate.

**Article 147:**

- a. Registration applications shall be submitted to the Committee with the required documents. The Committee's secretary shall register them in a special registry at the Committee according to their registration serial numbers at the Input/Output Office. Those documents shall be verified by the Committee within a meeting attended by all members. The Committee shall have the right to ask an applier to complete the documents or make some explanations on them before making a decision on them in case they are not complete.
- b. The Secretary shall arrange minutes of the Committee meetings, signed by all members.

**Article 148:**

After making sure that the required terms and documents are fulfilled, the Committee shall approve registering the applier's name in industrial and commercial property registration agent table. If the terms and documents are not fulfilled, the Committee shall decide rejecting the application; the decision shall justify and explain rejection reasons. Registration in the table shall be under successive numbers with the date of registration approval.

**Article 149:**

The Committee shall make a decision on the registration application in no more than one month as of the date of making the application that fulfills all terms and requirements. The Directorate shall inform the applier of the Committee's decision in a written letter. The one whose application is rejected shall have the right to contest the Committee's decision before the State Council in 60 days as of the date of receiving the decision.

**Article 150:**

The Ministry shall issue an annual table of registration agents' names. The table and the subsidiaries thereof shall be published in the Property Protection Newspaper and the Directorate Bulletin Board.

**Article 151:**

Registration agent, whose name is registered in the Table, shall have to inform the Directorate of any change in his legal status during the practice of the actions he is charged with, such as the change of his office address or losing any of

registration terms. He shall have to mention his number in the Table with his name in all correspondences and papers he issues.

**Article 152:**

A Dead registration agent shall definitely be cancelled from the Table pursuant to the death instrument. Cancellation decision shall be made by the Committee and sent to the inheritors to take the necessary procedures to dissolve the office businesses properly. If an inheritor requested using the office and he fulfills the terms of agency, he shall have to register his name in the Table submitting a new application with all the required documents to the Directorate. The stipulated procedures shall be followed to approve his application.

**Article 153:**

If the agent makes any breach to the provisions of the law or the Executive Regulation thereof, the Committee, or one of its members commissioned by the Director, shall verify the event and make a report with his conclusions and recommendations.

If the breach is confirmed, the Committee shall decide preventing the agent from work for no more than one year during which he shall not have the right to submit any new application, but that shall not affect the applications submitted before the date of imposing the punishment or the cancellation of his name from the Agent Table. The decision shall be sent to the agent in writing and properly.

The one, against whom a decision has been made, shall have the right to contest the Committee's decision before the State Council in 60 days as of the date of receiving the decision.

**Article 154:**

Registration agents shall not have the right to register any industrial and commercial property rights under their own names, unless it is related to their business as agents. The Directorate shall have the right to cancel the registration made against the provisions of this Article in return of a defined duty paid by the agent.

**Article 155:**

Applications, certificates, transactions and disposals shall be subject to the duties shown next to each:

Duty Description	Amount (SYL)
Trademark registration application duty	,
Trademark registration duty	,
Trademark renewal application duty	,
Trademark renewal duty	, for each group
Trademark renewal delay duty	,
Cession of trademark registration application duty	,

Objection of trademark registration application duty	,000
Objection of the Directorate (Committee) decisions duty	,
Trademark property transfer or cession duty	,000
Remove seizure, mortgage, litigation sign or execution suspension of a trademark	,
Recording the authorisation of a trademark use or trademark authorisation amendment duty	,
Duty on any other action (cancellation; change the name, address, or agent; correcting, repealing or deleting a trademark products)	,000
Duty of license, statement application, ratified copy of a license or a document, or any other action	
Duty of registration delay for any other action of any kind	per mark per 2 months
Industrial model registration application duty	, per model
Industrial model registration duty	,
Industrial Drawing registration application duty	, per drawing
Industrial Drawing registration duty	, per drawing
Industrial model or drawing renewal application duty	, per drawing or model
Industrial model renewal duty	,
Industrial drawing renewal duty	,
Industrial model or drawing renewal delay duty	, per drawing or model
Industrial model or drawing application cession duty	, per drawing or model
Industrial model or drawing application objection duty	, per drawing or model
Industrial model or drawing property transfer or cession duty	, per drawing or model
Remove seizure, mortgage, litigation sign or execution suspension of a model or drawing	,
Recording the authorisation of a model or drawing use or authorisation amendment duty	, per drawing or model
Duty on any other action on models or drawings	,
Duty of registration delay for any other action of any kind	per drawing or model per 2 months
Duty of license, statement application, ratified copy of a license or a document, or any other action	
Delay duty for the completion of terms and documents for the registration of a trademark, drawing or model	per month for 6 months
Provisional protection for a trademark, drawing or model application duty	, per month
Priority right duty	,
Duty of identifying criminal things or model detection by the Directorate	,
Application of seizing or confiscating criminal things by the	,

Directorate	
Duty of international registration or renewal of a national trademark and all actions	,
Agent authorisation duty	,
Agent's annual duty	,
Duty of getting a copy of an agent's agency	

## **Section 7: Final Provisions**

**Article 156:**

International applications' duties shall be defined pursuant to Madrid Accord and Protocol and the relevant international conventions by virtue of a decision from the Minister.

**Article 157:**

All laws and regulations contradicting the provisions of this law shall be repealed as of the date of its validity.

**Article 158:**

The Minister shall issue this law's Executive Regulation as well as any necessary decisions to implement the provisions of this Law and the Executive Regulation thereof.

**Article 159:**

This Law shall be published in the Official Gazette and considered valid in 30 days as of the date of issuance.

Damascus, 12/03/2007

Republic's President  
Basher Al-Asad