

Law title and effective date

Article 1-

This Law shall be called the (Trademarks Law for the Year 1952) and shall be effective after one month from the date of its publication in the Official Gazette.

Explanation of terms

Article 2-

The following words and phrases in this Law shall have the meanings assigned to them hereinafter unless the context indicates otherwise

Ministry: Ministry of Industry and Trade

Minister: Minister of Industry and Trade

Registrar: Registrar of the Trademarks

Registry: Registry of the Trademarks

Trademark: Any visible mark used or is intended to be used by any person to distinguish his goods, products or services from goods, products or services of others.

Well-Known Trademark: A Trademark known globally, and its popularity has surpassed its original country which has been registered in, and gained fame in the relevant sector by the public in the Hashemite Kingdom of Jordan, taking into account the regulations that issued by the Minister in this regard and in accordance with obligations and commitments pursuant the agreements concerning the protection of this Popular Trademark in the Kingdom is a party, and these regulations shall be published in the Official Gazette.

Collective Trademark: A Trademark used by a legal person to certificate the source of goods, its materials, quality, production method, the accuracy of its production or other characteristics and features which are not his own making.

Madrid Protocol: The Pretoria Protocol of Madrid of the International registration of Trademarks adopted in Madrid on 27/6/1989, including the joint executive regulations between the Agreement and the Protocol of Madrid.

International Office: The International Office of World Intellectual Property Organization.

Initial Registration: The registration of the Trademark in the registry which is deemed as a base for its International application.

Office of origin: The registrar as a contracting party of the Madrid Protocol.

Initial Registration application: The application submitted to the Registrar to register the Trademark and shall be deemed as a base of its International application.

International Registry: the official registry of the International office which includes the data related to the International registration of the Trademark.

Contracting Parties: The Protocol Parties of countries and International Governmental Organizations.

International registration application: The application to be submitted to the Office of origin to provide the protection for a Trademark that is internationally registered.

Application of International Protection Extension: The application to be submitted to the Office of origin to extend the international protection of a Trademark that is internationally registered.

International application to extend the international protection to the Kingdom: The request to register the Trademark to the Registrar from the international office to request an extension of the Trademark to the Kingdom.

#### Trademarks register

##### Article 3-

- 1- A register named the (Trademarks Register) shall be organized in the Ministry under the supervision of the Registrar, and all trademarks, their owners' names and addresses and the following matters shall be recorded in the Register:-
  - a- Any conversion, assignment, transfers of ownership or license by the owner to others to use it, except for the confidential contents of the license contract.
  - b- Any pledge or security interest made to a trademark or any restriction to its use.
- 2- The public shall have the right to review the Trademarks Register pursuant to the regulations issued by the Minister for this purpose and to be published in the Official Gazette.
- 3- A computer may be used for recording the Trademarks and its data, and the data and extracted documents from the registrar shall be an evidence against all.

#### Merging the current register

##### Article 4-

The trademarks register existing at the date of the coming into force of the law shall be merged, and shall form a complementary part of the register provided for in the preceding Article and subject to the provisions of Article (29) of this Law, the validity of the original entry of any entry, and such trademark shall retain its original date, but for all other purposes it shall be deemed to be a trademark registered under this Law.

## Viewing the registry and obtaining extracts

### Article 5-

The public have the right to view the registry kept under this Law at all appropriate times, subject to such regulations as may be prescribed, and a certified copy of any entry in such register shall be given to any person requesting the same after payment of the prescribed fee.

## Trademarks registration application

### Article 6-

Any person desires to have the exclusive use of a trademark for distinguishing goods of his own production, manufacture, selection, or in respect of which the person issued a certificate, or goods in which person trades or intends to trade, may request for the registration of such trademark pursuant to the provisions of this Law.

## Registrable Trademarks

### Article 7-

- 1- The Trademark to be registered must have a distinctive characteristic consist of names, characters, numbers, figures, colors or other signs or any combination and visually recognizable.
- 2- For the purposes of this Article, (distinctive) shall mean applied in a manner which secures distinguishing the goods of the owner of the trademark from those of other persons.
- 3- In determining whether a trademark has a distinctive character as mentioned herein before, the registrar or the court may, in the case of a trademark in actual use, take into consideration the extent to which such use has rendered the trademark in fact distinctive for the goods in respect of which it is registered or is intended to be registered.
- 4- A trademark may be limited in whole or in part to one or more particular colors. In such case, the fact that the trademark is limited to such colors shall be taken into consideration by the registrar or the court when deciding on the distinctiveness character of such trademark, if and so far as a trademark is registered without limitation to color, it shall be considered to be registered for all colors.
- 5- The trademark may be registered to particular goods or specified types of goods.
- 6- Any disagreement arising as to the type to which any goods belong shall be determined by the registrar, whose decision shall be final.

Marks which may not be registered as Trademarks

Article 8-

The following may not be registered:

- 1- Marks which resemble the emblem of His Majesty the King or royal crests or the word royal or any other words, characters or representations which may lead to the belief that the applicant enjoys royal patronage.
- 2- The emblem or decorations of the government of the Hashemite Kingdom of Jordan or foreign states or countries unless with the authorization of the competent authorities.
- 3- Marks indicating any official designation unless otherwise the application of which is demanded by the competent authorities to whom such mark belongs or its under their supervision.
- 4- Mark which resemble the national flag or the military or naval banners of the Hashemite Kingdom of Jordan or its honorary decorations or insignia or the national, military or naval banners.
- 5- Marks which include the following words and expressions: "patently" "patented" - "by royal patent" - "registered design" - "copyright", "counterfeiting is forgery", or similar words or expressions.
- 6- Marks which are contrary to the public order or morality or which lead to deceiving the public, or marks which encourage unfair trading competition or contain false indications as to their real origin.
- 7- Marks consisting of figures, characters or words which are commonly used in trade to distinguish or describe kinds of goods or their types or describe the type or class or goods, or words whose ordinary signification is geographical or a surname, unless represented in a special manner, provided that nothing contained in this paragraph shall be deemed to prohibit the registration of marks of the nature described herein which have a distinctive character within the determined meaning in paragraphs 2 and 3 of Article (7).
- 8- Marks identical with or similar to emblems of exclusively religious signification.
- 9- Marks which contain the picture, name of the trade name of a person, or the name of a body corporate or of an association, unless the consent of the person or body corporate concerned has been obtained. In the case of persons recently dead, the registrar may ask for consents of their legal representatives.
- 10- A mark identical with one belongs to a different person which is already entered in the register in respect of the same goods or class of goods for which the mark is intended to be

registered, or so closely resembling such trademark to the extent that it may lead to deceiving others.

11- Marks which are similar to or identical with the Red Crescent or the Red Cross emblems on a white background or the Red Cross or the Cross of Geneva.

12- The trademark which is similar to or identical with, or constitutes a translation of, a well-known trademark for use on similar or identical goods to those for which that one is well-known for and whose use would cause confusion with the well-known mark, or for use of different goods in such a way as to prejudice the interests of the owner of the well-known mark and leads to believing that there is a connection between its owner and those goods as well as the marks which are similar to or identical with the honorary badges, flags, and other emblem as well as the names and abbreviations relating to international or regional organizations or those that offend our Arab and Islamic historical values.

#### Name or description of goods

##### Article 9-

If the name or description of any goods is incorporated in any trademark, the registrar may refuse to register such mark in respect of any goods other than the goods so named or described. If the trademark incorporates the name or description of any goods which varies in use, the registrar may permit the registration of the mark incorporating the name or description in respect of goods other than those named or described and if the applicant points out in his application that a difference in the name or description exists.

#### Collective marks

##### Article 10-

- 1- The Registrar may register a collective trademark if it meets the requirements in Article (7) Paragraph (1) of this Law. The collective mark shall be regarded, in all respects, as a special trademark for the legal person registered in its name.
- 2- The ownership of a collective trademark shall not be assigned, be reregistered after cancellation, or be abandoned except in the name of the legal person which is registered originally in its name or in the name of his legal successor.
- 3- It shall be permissible to register a mark for non-commercial purposes like the emblem adopted by public-good bodies or professional bodies to distinguish their correspondence stationery or to be a sign for its membership and shall be treated as a collective mark.

- 4- The conditions for registering collective marks and all regulatory matters thereof shall be governed by the implementing regulations to be issued by the Minister for this purpose and to be published in the Official Gazette.

#### Trademark registration application

##### Article 11-

- 1- Any person claiming to be the owner of a used or proposed to be used trademark who is desirous of registering such trademark shall apply in writing to the registrar in the prescribed manner.
- 2- Subject to the provisions of this Law, the registrar may refuse such application or may accept it absolutely or subject to conditions limitations, amendments or modifications as to the mode or place of use of the trademark or as to other aspects.
- 3- A rejection by the register to register a trademark shall be subject to appeal to the high court of justice.
- 4- The register or the high court of justice, as the case may be, may at any time, whether before or after acceptance, correct any error in connection with any application, or may ask the applicant to amend his application upon such terms as the registrar or the high court of justice may deem fit to impose.

#### Disclaimers

##### Article 12-

If a trademark incorporates matters in common use in the trade or otherwise is neither in such common use nor has an obvious feature, the registrar or the high court of justice may require, in deciding whether such trademark shall be registered or shall remain registered in the register, as a condition for maintaining its entry in the register, that the owner shall disclaim any right to the exclusive use of any part or parts of such trademark, or of all or any portion of such matters, to the exclusive use of which the registrar or the court holds him not to be entitled, or that he shall make such other disclaimer as the registrar or the court may consider needful for the purpose of defining the rights of the trademark owner under such registration, provided always that no disclaimer by the trademark owner entered in the register shall affect any of his rights except to the extent resulting from the registration of the trademark in respect of which the disclaimer is made.

## Publication of an application

### Article 13-

When accepting an application for the registration of a trademark, whether such acceptance be absolute or subject to conditions or limitations, the registrar shall, as soon as possible after such acceptance, cause the application in the manner in which it has been accepted to be published in the prescribed manner, such publication shall include all the conditions and limitations subject to which the application has been accepted.

### Article 14-

- 1- Any person may within three months as from the date of the publication of an application for the registration of a trademark, or within such other time as may be prescribed, file with the registrar an objection to the registration of such trademark. In the case of applications published before the coming into force of this Law, the period within which and the manner in which the objection thereto may be filed, shall be governed by the provisions of the trademarks law in force on the date of publication.
- 2- An objection shall be given in writing in the prescribed manner and shall include a statement of the grounds for the opposition.
- 3- The registrar shall send a copy of such objection to the applicant who shall, within the prescribed time after the receipt of such notice, send to the registrar in the prescribed manner a counter statement including the grounds on which his application for the registration of the trademark is based. If he fails to do so, he shall be deemed to have abandoned his application.
- 4- If the applicant sends a counter-statement, the registrar shall provide a copy thereof to the person or persons opposing the registration, and shall after hearing the parties, if necessary, and considering the evidence, decide whether, and subject to what conditions, registration is to be permitted.
- 5- The decision of the registrar may be appealed to the high court of justice.
- 6- An appeal made under this Article shall be submitted within (20) days as from the date of the decision of the registrar. When debating such appeal, the high court of justice shall hear the parties and the registrar, if necessary, and shall issue a decision determining whether, and subject to what conditions, registration is to be permitted.

- 7- When debating any such appeal, any party may, either in the manner prescribed or with a special permission by the high court of justice, bring forward further evidence for the consideration of the high court of justice.
- 8- In the course of an appeal under this Article, no further grounds for the objection to the registration of a trademark shall be demonstrated by the opponent or the registrar other than those stated by the opponent as here in above provided, except by leave of the high court of justice hearing the appeal. Where any further grounds of opposition are taken, the applicant shall be entitled, after having been notified of such action in the prescribed manner, to withdraw his application without payment of the costs incurred by the opponent.
- 9- When examining any appeal made under this Article, the high court of justice may, after hearing the registrar, permit the trademark to be modified in any manner not substantially affecting the identity of such trademark. In such a case, the trademark so modified shall be published in the prescribed manner before being registered.

#### Registration Date

##### Article 15-

- 1- If the application for the registration of a trademark was accepted and has not been opposed, and the prescribed time for opposition expires, or having been opposed and the objection has been decided in favor of the applicant, the registrar shall register the said trademark, on receiving payment of the prescribed fee, and unless the application has been accepted in error or unless the court otherwise directs. The trademark shall then be registered as from the date of the application for registration. In the case of an application filed in compliance with the provisions of Article (40) of this Law, the trademark shall be registered as from the date of application for registration in the foreign country, and such date shall be deemed for the purposes of this Law to be the date of registration.
- 2- On the registration of a trademark the registrar shall issue to the applicant a certificate of the registration of such trademark in the prescribed form.

#### Non-Completion of registration

##### Article 16-

Where the registration of a trademark is not completed within 13 months as from the date of application by reason of default on the part of the applicant, the registrar may, after giving notice of



the non-completion to the applicant in writing in the prescribed manner, treat the application as abandoned unless completed within the time specified by the registrar in that notice.

#### Rival claims to similar Trademarks

##### Article 17-

Where separate applications are made by different persons to be registered as owners respectively of trademarks which are identical or closely resemble each other, in respect of the same goods or description of goods, the registrar may refuse to register any of such marks under any person's name until their rights in respect of such trademarks have been established either.

- 1- By reaching between themselves an agreement which meets with the approval of the registrars, or
- 2- By the high court of justice to whom the registrars shall refer the dispute in the absence of such agreement.

#### Concurrent use of a Trademark by more than one person

##### Article 18-

- 1- In a case of honest concurrent use of a trademark or under circumstances which in the opinion of the registrar make proper the registration of the same trademark in the name of more than one person, the registrar may permit the registration of such a trademark or any trademarks which closely resemble it, for the same goods or class of goods in the names of more than one person, subject to such conditions and limitations as he may think fit to impose as to the mode or place of use or other respects.
- 2- A decision of the council under this Article may be appealed to the high court of justice, and the court shall on appeal have the same powers as are by this Article conferred upon the registrar.
- 3- An appeal under this Article shall be submitted within 30 days as from the date of the decision of the registrar.

##### Article 19-

- 1- It shall be allowed to transfer or to pledge the trademark ownership without the ownership transfer of the business concern using the Trademark in distinguishing its products or to assign or pledge the business concern itself. The trademark may also be subject to a security interest independently from the business concern.
- 2- The ownership of the trademark shall be transferred with the ownership transfer of the business concern if it closely relates to it unless otherwise is agreed upon.

- 3- If the business concern ownership is transferred without transferring the trademark ownership, the transferor of the ownership may continue using the trademark for the goods registered for.
- 4- The assignment or pledge of a Trademark ownership shall not be invoked against third parties except as of the recording date of transferring or by putting the pledge sign thereof in the register and shall be published in the Official Gazette.
- 5- The Implementing Regulations to be issued by the Minister for this purpose and to be published in the Official Gazette shall determine the procedures for trademark assignment, pledge, security interest and all legal disposals of the trademark.

#### Duration of registration

##### Article 20-

- 1- The duration of ownership right of a trademark shall be for 10 years as of its registration date and may be renewed for 10-year periods under the provisions of this Law.
- 2- The trademarks registered or renewed before the enforceability of this Law shall be renewed for ten years when their validity periods expire.

#### Renewal of a registration

##### Article 21-

- 1- The Registrar shall renew the trademark registration upon a request from its owner pursuant to the provisions of this Law.
- 2- Should the trademark owner fail to renew the trademark registration, then it shall be regarded as canceled from the registry under the law after the elapse of one year of its renewal due date. A third party may apply for its registration in his name after the elapse of another year.
- 3- The owner of the trademark registration which is regarded as canceled may apply for its re-registration at any time unless it has been registered in the name of a third party.

#### Cancellation of a Trademark for non-use

##### Article 22-

- 1- Without prejudice to the provisions of Article 25 of this Law, whoever is interested may apply to the registrar for the cancellation of any trademark registered in the name of a third party if its registrant has not actually used it continuously for a period of three years preceding the application unless the owner of the Trademark proves that nonuse has been due to special circumstances in the trade or to justifiable reasons which prevented use.

- 2- Use of the registered trademark by third parties under the authorization of its owner shall be regarded as use for the purposes of continued registration under the provision of Paragraph (1) of this Article.
- 3- The Registrar shall permit, before he issues his decision on the cancellation application, the two parties to present their pleadings. The Registrar's decision shall be subject to appeal before the High Court of Justice.

#### Registration of the assignment of Trademarks

##### Article 23-

- 1- Where a person becomes the owner of a registered trademark by assignment, transfer or other legal action, he shall apply to the registrar to enter his title to the trademark in the register, and the registrar shall, upon receipt of such application and conviction of the title, register such trademark in the name of that person, and shall write down in the registry an entry for transferring or conversion or any other documents concerning the property of the Trademark, any decision of the registrar made under this Article shall be subject to appeal to the high court of justice.
- 2- Except in cases of appeals under this Article, and unless the court otherwise directs, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of the preceding paragraph shall not be admitted as evidence supporting title to a trademark.

#### Rights of the owner of a trademark

##### Article 25-

- 1- a- The right to use the duly registered trademark shall be limited to its owner and he shall have the right to prevent third parties from using confusingly identical or similar marks without his prior consent. Confusion shall be assumed if an identical trademark is used for identical goods.  
b- If a trademark is well-known and if it is not registered, then its owner may demand the competent court to prevent third parties from using it on identical or unidentical goods or services provided that such use indicates a relevance between those goods or services and the well-known mark and provided that there is a likelihood of prejudice to the interests of the trademark owner because of such use. A likelihood of confusion shall be assumed if an identical well-known mark is used on identical goods.

- c- If two or more registered persons of one trademark or a mark confusingly similar cover the same goods, none of them shall alone have the right to use it under the registration except to the extent determined by the Registrar or the High Court of Justice. Otherwise, each of them shall have the self-same rights as if he were the only registered owner of the trademark.
- 2- The trademark owner may license one or more persons, under a written contract of using the Trademark of any of his goods, and trademark owner has the right to continue using the Trademark unless otherwise agreed, and the period of license of using the Trademark shall not exceed the period prescribed by the law to protect it and the contract may filed at the Registrar.

#### Correction of the register

##### Article 26-

The registrar may on the strength of a request made in the prescribed manner by the registrant:-

- 1- Correct any error in the name or address of the owner of the registered mark or,
- 2- Enter any change in the name or address of the person registered as the owner of the Trademark or,
- 3- Strike off any goods or classes of goods from those for which a trademark is registered or,
- 4- Enter a disclaimer or memorandum relating to a trademark, if that disclaimer or memorandum does not in any way extend the rights given by the existing registration of such trademark, or
- 5- Cancel the entry of a trademark in the register. Any decision of the registrar made under the provisions of this Article shall be subject to appeal before the high court of justice.

Applications for the insertion in the register of entries relating to amendment or substitution of the types of goods

##### Article 27-

- 1- The Minister of Commerce and Trade may, from time to time, on the strength of a proposal by the registrar and approval of the council of ministers, set down regulations, prescribe such forms and generally do such things as he thinks expedient for empowering the registrar to amend the register, whether by making new entries or expunging or varying entries therein, to the extent which may be requisite for the purpose of securing conformity between the designation therein of the goods or classes of goods, in respect of which the trademark is registered, with any amended or substituted classification that he may order to be entered.

- 2- In exercising any power of those conferred on him in accordance with the aforesaid, the registrar may not make any amendment of the register that may result in adding any goods or any other class of goods to those goods or classes of goods in respect of which a trademark is registered immediately prior to the date the amendment is to be made. He may not also antedate the registration of a trademark in respect of goods with a date previous to the registration, provided that the provisions of this paragraph shall not affect any aspect in relation to the goods which the registrar believes the application of the provisions of this paragraph to which shall involve undue complexity and that the addition or antedating, as the case may be, shall not tackle a substantial portion of the goods and shall not prejudice the rights of any person.
- 3- A proposal for the amendment of the register shall, for the purposes, of the aforesaid, be notified to the registered owner of the trademark affected. The said owner of the Trademark may appeal to the high court of justice, provided that the proposal shall be published along with any modification thereto. Likewise, any person aggrieved by the proposal may oppose the amendment before the registrar on the grounds that the proposed amendment contravenes the provisions of the last preceding paragraph. The decision of the registrar on any such opposition shall be subject to appeal to the high court of justice.

Registration is a principal evidence

Article 28-

The registration of a person as the owner of a trademark shall in all legal proceedings relating to the registration constitute evidence of the validity of the original registration of such trademark and all subsequent assignments and transfers of the trademark.

Trademarks registered under previous laws and other provisions relating to the transitional period

Article 29-

No trademark which is entered in the register at the commencement of this Law and which under the present law is a registrable trademark, shall be removed or struck off the register on the mere grounds that it was not registrable under the laws in force at the date of its registration. But there is no provision in this Article which shall subject any person to any liability as a result of any act or thing done before the enforcement of this Law to which he would not have been subject under the law then in force.

The registrar's right to deliver a notice of the procedures for the rectification thereof

Article 30-

In any legal proceedings for the purpose of alteration or rectification of the register, the registrar may appear before the court and express his point of view, and shall appear before the court if so directed. Unless the court sees otherwise, the registrar may in lieu of appearing in person submit to the court a statement in writing signed by him and including what he considers relevant details of the proceedings effected before him in relation to the disputed matter or of the grounds on the basis of which he issued his decision in respect of such case, or of the practice followed by the office in similar cases, or such other matters affecting the case which are within his knowledge in his capacity as the registrar. Such a statement shall be deemed to form part of the evidence in the proceedings.

Certificates of the register constitute evidence

Article 31-

A certificate purporting to be under the hand of the registrar as to any entry, the matter or thing which he is authorized by the provisions of this Law or any regulations made thereunder to make or do, shall be prima facie evidence of the entry having been made and of the contents thereof, and of the matter or thing having been done or not done.

Penalty for falsely claiming registration of a Trademark

Article 32-

- 1- Any person, who presents a trademark as registered while it is not, shall be liable to a fine not exceeding fifty Dinars on conviction for every offence.
- 2- A person shall, for the purposes of this Article, be deemed to have presented a trademark as registered if he uses in connection with the trademark the word (registered) or any words which expressly or implicitly indicate that such a trademark has been registered.

Unregistered Trademarks

Article 33-

- 1- No person may institute any proceedings to claim damages for infringement and seek compensation of a trademark not registered in the Kingdom; but a person may institute proceedings to annul the registration of a trademark registered in the Hashemite Kingdom of Jordan by a person who is not the owner thereof, after such a trademark has been registered abroad, if the grounds of his claim are those stated in paragraphs 6, 7, 10 and 12 of Article (8) of this Law.

- 2- The decision issued by the Registrar under the provisions of this Article may be appealed to the High Court of Justice within sixty days of its notification date.

#### Infringement Cases

##### Article 34-

The court examining cases of infringement of trademarks shall accept certificates on current commercial transactions in respect to the process of manufacturing the goods for which the trademark is registered, and any trademark or manufacturing process legitimately used in connection with such goods by other persons.

#### Use of the name, place of business or description of goods

##### Article 35-

A registration affected under the provisions of this Law shall not prevent any genuine use by a person of his own name or place of business, or that of any of his predecessors in business, or the use of any genuine description of the type and class of his goods.

#### Passing-off actions

##### Article 36-

The provisions of this Law include nothing which may affect the right to initiate a legal action against any person for the distribution of goods considering them to be as those of another person, or in safeguarding the rights of the wonder of the goods.

#### Offences

##### Article 37-

- 1- Any person who with the intention to deceive, commits any of the following acts shall be liable upon conviction to imprisonment for a period not less than three months and not exceeding one year or to a fine not less than one hundred Dinars and not exceeding six thousand Dinars, or to both such penalties:
  - a- Whoever counterfeited a trademark registered under the provisions of this Law, imitated it in any other way that misleads the public, or affixed a counterfeit or imitation Trademark on the same class of goods for which the trademark has been registered.
  - b- Whoever illegally used a trademark owned by another on the same class of goods or services for which that trademark is registered inside the Kingdom.

- c- Whoever sold or possessed for the purpose of selling or offered for sale goods bearing a trademark whose use is regarded as an offense under paragraphs (A) and (B) of this Article if he was cognizant of that beforehand.
- 2- Notwithstanding what is mentioned in paragraph (1) of this Article, whoever sells, or offers for sale, or possesses for the purpose of selling goods bearing a trademark whose use is regarded as a contravention under the clause (A) and (B) of paragraph (1) of this Article shall be penalized by a fine of no less than 50 Jordanian Dinars and no more than 500 Jordanian Dinars.
- 3- The provisions of paragraph (1) of this Article shall apply to whoever started to commit any of those acts provided for in this Article or aided or abetted another to commit it.

#### Confiscation or destruction of goods by court decision

##### Article 38-

- 1- When filing a civil or criminal lawsuit, the owner of a registered trademark in the Kingdom may, while reviewing the case, ask the court, provided that he submits a bank or monetary guarantee which the court accepts, for the following:-
  - a- To stop the infringement.
  - b- To make a precautionary seizure of the goods in regard of which the infringement has been committed whenever they were.
  - c- To preserve the evidence relating to the infringement.
- 2- a- Before filing a civil or criminal lawsuit, the owner of the trademark claiming infringement may request the court to take any of the measures provided for in paragraph (1) in this Article without notifying the defendant if it is proven that he is the owner of the trademark and that his rights were infringed or that the infringement is imminent or that it is likely he will sustain irreparable damage or if it is feared that the evidence will be hidden or destroyed provided that the application is accompanied by a bank or monetary guarantee accepted by the court. The defendant may appeal this decision within eight days of the date of its notification or understanding of it.
  - b- If the trademark owner doesn't file his lawsuit within eight days of from the date that court responds to his request, all the measures taken in this regard shall be null and void.
- 3- The defendant may claim damages if it is proven as a result of the lawsuit that the plaintiff is not rightful in his lawsuit or he hasn't filed a lawsuit during the prescribed period.
- 4- The court may decide to seize the goods, materials for packaging, wrapping and advertising, plates, seals, and other tools and materials predominantly used in affixing the trademark on



the goods or which the infringement was made with or stemmed from. The court may order to destroy them or to dispose of them for noncommercial purposes.

#### Exercise of discretionary powers by the registrar

##### Article 39-

Where any discretionary or other power is given to the registrar in accordance with this Law or the regulations made hereunder, he shall not exercise that power adversely to the interests of the applicant for registration or the registered owner of the trademark in question, without giving such applicant or registered owner an opportunity of being heard, (if the registrar is duly required to do so and within the prescribed time).

##### Article 40-

- 1- If the Kingdom is bound by a bilateral international agreement or is a member to an international convention which grants a reciprocal protection to the trademarks registered with any of them, then any national of the state member to the agreement or convention may file an application to the registrar to protect his trademark. Also, he shall have the priority right to those who filed prior applications in the Kingdom for that trademark provided that he files his trademark application in the Kingdom within six months of the following day to his application in his home country. In this case the registration date shall be regarded as the date of filing the actual trademark application in that country. He shall not have the right to file any civil or criminal lawsuit before the actual date on which his trademark has been registered in the Kingdom.
- 2- The provisions which provide temporary protection for the trademarks on the goods displayed in national or international exhibitions which are held in the Kingdom shall be governed by the regulations to be issued for this purpose. That shall not extend the priority deadlines referred to in the previous paragraph.

#### International registration of Trademarks

##### Article 42-

- 1- The registrar acting as the office of origin with respect to receive International registration application and the international protection extension application in accordance with the provisions and obligations prescribed in the regulations issued under this Law.

- 2- For each one who requested an initial registration from the registrar or owns an initial registration and which considered as the office of origin may request for international protection extension in accordance with the approved form from the international office provided that availability of the following:
  - a- To have Jordanian citizenship.
  - b- To be a resident of the Kingdom.
  - c- Be a company or commercially or industrial institution with a real physical presence in the Kingdom.
- 3- The registrar shall audit the application, after receiving the international registration application or the application of international protection extension, to confirm that the data matches the initial application or the data of the initial registration.
- 4- The registrar shall send the international registration application or the international protection extension, after completing the audit, to the international office within sixty days from the date of receiving the application, and the date of international protection shall be deemed the date of submitting the application to the registrar if the application has been sent within sixty days, otherwise the filing date of the application shall be deemed the date of receiving by the international office.
- 5- The registrar shall inform the international office with any entry, disclaimer, cancelation or rejection of initial application or the initial registration which international registration application has been submitted thereon for any of types of goods or the services recorded thereof as follows:-
  - a- Within five years follow the date of international registration.
  - b- After the following five years have elapsed of the international registration date, provided that the procedures of entry, disclaimer, cancelation or rejection have started before this period ends.
- 6- The owner of the Trademark that registered in the international registry under the international registration application or the international protection extension application submitted in the Kingdom, has the right to request from the registrar or to the international office an application whereby the renewal of the international protection period for the Trademark in accordance with the procedures set forth in the regulations issued for this purpose.

Article 43-

registration of international Trademarks in the Kingdom

- 1- Notwithstanding the provisions of Paragraph (1) of Article (11) of this Law, the registrar shall examine, once he receives an international application for the extension of the protection to the Kingdom, the legality of the registration of the Trademark described in the application in accordance with the provisions of this Law, and to take into account the following:
  - A- Exemption the application from the formal examination.
  - B- The provisions of Paragraph (3) of Article (11) of this Law on the application.
- 2- Notwithstanding the provisions of Article (15) of this Law, the date of Trademark registration resulting from an international application of the international protection extension application to the Kingdom shall be deemed the date of registration of this Trademark in the international registry.
- 3- The registrar shall publish the data of that application after his approval on the registration application received from the international office, in accordance with Article (13) of this Law, and the objections provisions set forth in Article (14) of this Law, after the registrar had published them, shall be applied on the application .

Article 44-

- 1- The registrar, within 18 months of receiving the international protection extension application to the Kingdom, shall inform the international office with any of the following:
  - A- With the decision rendered by him regarding the application in accordance with the provisions of Paragraph (2) of Article (11) of this Law.
  - B- With the objection submitted to him regarding the registration of this Trademark in the Kingdom, and the registrar in this case should notify the international office with all the objections that submitted to register the Trademark after a month has elapsed of the objection period prescribed in this Law.
  - C- With the possibility of submitting an objection to the registrar after the 18 months have elapsed.
- 2- If the period prescribed in Paragraph (1) on this Article has elapsed, without the registrar feels any action by the international office in regard of application, the Trademark of the application shall be deemed registered in accordance with the provisions of this Law.
- 3- If the registrar has notified the international office of the possibility of submitting an objection on the registration of the Trademark in the application in accordance with the provisions of Clauses (B) and (C) of Paragraph (1) of this Article, he may has the right to

reject the registration of the Trademark in the application despite the period referred in Paragraph (1) of this Article has been elapsed, and in this case the international office shall be informed with the rejection within a period doesn't exceed seven months from the date of objection period entry into force on the Trademark in the application. And in case of an appeal of the registrar decision to the High Court of Justice, the registrar shall notify the international office with the decision rendered from the court with outcome of the appeal.

Article 45-

- 1- Notwithstanding the provisions in Article (21) of this Law, the registrar shall, upon a request given to him by the international office, renew the protection period of the registered Trademark which was granted protection under an international application for the extension of the protection in the Kingdom.
- 2- Notwithstanding the provisions in Article (19) and Paragraph (1) of Article (23) of this Law, the registrar shall make any changes may occur on the data of the owner of the Trademark based on a notification given to him by the international office.
- 3- The international office, within five years of the registration date in the international registry, has the right to notify the registrar to write off any international Trademark registered in the international registry or application of the extension of the protection in the Kingdom, and the registrar shall write off the Trademark or to cancel the procedures regarding types, goods, the services prescribed or to stop all the registration procedures of that Trademark, and in case of writing off or cancelation of that Trademark off the registry shall be deemed the date confirmed of the Trademark writing off from the international registry.
- 4- If the registrar writes off the Trademark or stop the registration procedures in accordance with Paragraph (3) of this Article, the applicant of the international registration has the right to, within three months of the date of the writing off or stop the procedures, submit a direct application to the registrar including the registration of an identical Trademark which has been written off or stopped the registration procedures, and in this case the date of submitting the application shall be deemed the date of submitting the application to the international office.
- 5- If the registrar writes off a Trademark registered in accordance with the provisions of Articles (22) and (24) of this Law, and it has been submitted an international application to extend the protection in the Kingdom thereon, the registrar shall inform the international office with his decision or the High Court of Justice decision.

- 6- The applicant of the international registration or the applicant of the extension of the protection in the Kingdom may inform the registrar duly of the name of the agent or his representative in the Kingdom.

Article 46-

The Articles (42), (43), (44) and (45) of this Law shall come into force after three months after the Kingdom's accession to Madrid Protocol.

Article 47-

The registrar may delegate any of his powers prescribed in this Law to any of the Industrial Property Protection Directorate staff in the Ministry provided that the delegation in writing and specified.

Article 48-

All the conditions and provisions mentioned in this Law relating to Trademarks which distinguish goods and products shall apply to the marks which distinguish services.

Announcement of the states adhering to international conventions

Article 49-

The provisions of Articles (40) and (41) of this Law shall apply in the case of those foreign states to which the government of Jordan by a decision of the council of ministers declares them to be applicable.

Power of the registrar to set down regulations

Article 50-

The council of ministers may from time to time and with the approval of His Majesty the King set down the regulations which are necessary for the carrying into effect of this Law in general and the following objectives in particular:-

- 1- Fixing the fees payable under this Law.
- 2- Classifying goods for the purpose of registration of Trademarks or for requiring the submission of copies such as these.
- 3- Regulating the performance of the office in general in relation to Trademarks and all things by this Law placed under the direction and control of the registrar.

## Fees

### Article 51-

- 1- Fees shall be paid in respect of applications and registrations and other current matters under the provisions of this Law, such fees as may be prescribed by regulations.
- 2- All fees collected in accordance with such regulations shall be paid to the registrar, who shall in turn pay them into the Ministry of Finance.

## Abrogation

### Article 52-

- 1- The Jordanian Trademarks Law of 1930 and all its amendments are hereby abrogated.
- 2- The Palestinian Trademarks Law No. (35) for the year 1938 and all its amendments are hereby abrogated.
- 3- All Jordanian and Palestinian legislations promulgated before the enactment of this Law shall be abrogated to the extent to which these legislations are repugnant to the provisions of this Law.

### Article 53-

The Prime Minister and Ministers shall be entrusted with the implementation of the provisions of this Law.

ジェトロ仮訳

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