

The Temporary Jordanian Patent law no. 71 of 2001

by Odai Mismar - o.mismar@tamimi.com - Sharjah
Saleem Kharraz - s.kharraz@tamimi.com -

December 2013 – January 2014

As part of the process of acceding to the WTO, Jordan has enacted its new Patent Law No. 71 of 2001 (the "Patent Law"), in accordance with the international standards which Jordan has been committed to through joining the TRIPs Agreement. This law also came to remedy the previous law (Patent Law No. 23 of 1999), which suffered ambiguity in several respects.

Introduction

As part of the process of acceding to the WTO, Jordan has enacted its new Patent Law No. 71 of 2001 (the "Patent Law"), in accordance with the international standards which Jordan has been committed to through joining the TRIPs Agreement. This law also came to remedy the previous law (Patent Law No. 23 of 1999), which suffered ambiguity in several respects.

In general, the rules of the new Patent Law enjoy clarity and simplicity, and are well divided under various main subjects of the Patent Law. The main subjects are gradually headlined in the Patent Law as follows: Registration of the patent, Rights of the patentee, Licensing of inventions, Expiry and nullification of patents, Industrial property registration agents, Crimes and penalties, the Precautionary measures, and Closing rules.

The major amendments:

In substance, the amended Patent Law contains new established rules and modified rules. The major amendments can be summarized as follows:

- The Patent Law establishes the rule of priority claim when filing a patent application.
- The Patent Law identifies the duration of temporary protection for the patent applicant to be the period between the acceptance date of the application and the granting date of the patent, giving the applicant the right to exploit the invention and legally act against any infringement on the invention.
- The Patent Law grants the patentee the right to act against any infringement on the patent and to claim compensation if the infringement is repeated.
- The Patent Law extends the duration for any person to oppose a patent at the Registrar's office to three months from the date of publication in the Official Gazette.
- The Patent Law modifies the duration of the patent protection to be twenty years from the date of filing the application for registration.
- Regarding criminal protection, the Patent Law unifies the penalties of patent crimes to imprisonment for a period not less than three months and not more than one year and/or a fine not less than one hundred Jordanian Dinars and not more than three thousand Jordanian Dinars.
- The Patent Law awards the patentee the right to claim damages on all types of crimes underlined by the Patent Law which may occur to the patent.
- The Patent Law grants the patentee, even prior to filing criminal and/or civil case, the right to request the court to issue an order to take any of the specified following precautionary measures :
 1. Obtain a Court order to stop the infringement by freezing products being manufactured, imported, exported or distributed.

2. Obtain an injunction against the infringing products.
3. Obtain a Court order to seize all evidence relating to the infringement.

The procedures

Once the application is filed, it is queued to be examined by Jordanian patent office with respect to compliance with formalities. If accepted the applicant is notified to settle the substantive examination fees. Upon settlement, the application is forwarded to substantive examination. The examiner may request amendments to the application. When the application meets all the requirements stipulated in the Patent Law and the terms of granting the patent, and upon settlement the publication fees, a decision of preliminary is issued and published in the official Gazette. In absence of any opposition within 3 months as of the publication date, the register shall issue his decision granting the patent after the payment of the due fees.