

Patent Filing in Jordan, Iran and Egypt

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This article sets out a brief overview of how patents are filed in Jordan, Iran and Egypt.

Jordan

Patent priority rights are granted to those from states that are a party to the Paris Convention for the Protection of Industrial Property. A claim for patent priority is required to be filed within twelve months of the first filing patent application. The examination results for the filed patents in Jordan are subject to European and/or USA patent regulations. Therefore, the issuance of approval will come from the relevant authorities in those states.

Once approved a notification of the patent is published in the Official Gazette in Jordan. A party wishing to oppose the patent then has the right to challenge the patent within three months. The challenge can be taken to the High Court of Justice. Law No. 32 of 1999 on Patents in Jordan states the patent shall be put into force 30 days after its publication in the official Gazette of Jordan, assuming no challenge is made.

Once the patent is put into force, it is effectively protected for a period of 20 years from the day it was filed with no option to extend protection once the time has elapsed. Within the 20 year period, annual fees are due on the day that the application for the patent was initially filed. If the fees are not paid within six months of their respective annual due date, the rights to the patent are subject to expiration or cancelation.

Jordan is not a member of the Patent Cooperation Treaty (PCT), although they are a member of the World Intellectual Property Organization (WIPO), as of June 1972. As a non-member, Jordan nationals do not have the option of filing with the PCT Receiving Office for international protection or for international publication of their patents within the 148 PCT contracting states. This is a disadvantage because patents are territorially limited unless the PCT patent application is filed and accepted. There is no telling whether or not Jordan will eventually become a member, however, becoming a member of the PCT would no doubt be a milestone

Between 2000 and 2014, Jordan's top patent filings were pharmaceuticals, making up approximately 30% of patent applications in the Top Fields of Technology category. In 2014, the overwhelming majority of patent grants were given to non-residents, reflecting the fact that the majority of patent applications received in that year came from non-residents in Jordan.

According to the WIPO Statistics Database, between 2000 and 2014, there is a visible positive correlation between economic growth in Jordan, an increase in GDP, and an increase in patent filings.

Iran

Patent filing in Iran is done through email with multiple documents required in addition to the patent application. The patent application requires a power of attorney and an Iranian Consulate approval to legalize the applicant to file, and an English and an Arabic copy of the priority document granted by the Patent Office in Iran.

A priority claim to a patent application can be made within one year of the patent application date.

Patents are officially granted within 24 months following the patent application date, with the condition that there is no opposition to the acceptance or the approval of the patent.

The owner is expected to pay an annual fee due on the patent application date every year, for the 20 year patent protection time period. The annual fee is payable within six months of the respective due date with a 100% penalty fee.

Iran became a member of the PCT on 4 October 2013. It is therefore to file patents through the PCT international application system.

Egypt

Once a patent application is filed and published in the Official Gazette there is a strict two-month period for any challenges to be brought. Any opposition to the patent is taken to the competent committee.

The fees made to the Patent office regarding the registration of the patent application are only effective and payable once the two month opposition period has elapsed and all rejections to the approval of the patent have been dismissed.

After the patent application filing date, within an approximately three year time period, the patent is officially granted. There is an annual fee that is required to be paid on the patent application filing date. The annual fee is payable within one year of the respective due date without a late payment fine or penalty.

The patent protection period is 20 years subsequent to the patent application filing date. The protection period is conditional based on the payment of the annual fee and the working of patents. The owner of the patent is expected to work the patent within four years of the application filing date or within three years of the granting of the patent.

If the annual payments are not settled by their due date, during the protection period, a compulsory license will be granted by the government for other parties to produce the invention for a two-year time period. Once the two-year compulsory license time period has elapsed, the patent may be subjected to dismissal or cancelation depending on the details of that exact case.

As of 6 September 2003, Egypt has been a member of the PCT and therefore there is the option of filing in the international application system as well.

Conclusion

Jordan, Iran and Egypt are three emerging countries when it comes to patent filings. They are some of the top countries which have shown significant development between 2000-2014. Their governments' efforts to encourage and protect the rights of intellectual property is making a difference. Infringement on patent rights, in all three countries, are subject to prosecution according to the Civil Law.