

COOPERATION COUNCIL FOR THE
ARAB STATES OF THE GULF
SECRETARIAT GENERAL

GCC Patent Office



**Patent Regulation of
the Cooperation Council
for the Arab States of the Gulf
and its Implementing Bylaws**

2006

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ARAB STATES OF THE GULF
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**Patent Regulation of
the Cooperation Council for the Arab
States of the Gulf**

**The Superme Council Decision
in its 20th Session
27 – 29 November 1999, held in Riyadh, Saudi Arabia**

The Supreme Council, having

Reviewed recommendations by the Ministerial Council on amending the Patent Regulation for the Cooperation Council, and based on stipulations of Article 32 of the GCC Patent Regulation approved by the Supreme Council in its 13th session held in Abu Dhabi 21-23 December 1992, and

Having reviewed recommendations by the Committee on Industrial Cooperation in its 18th meeting on 8th September 1999 on amendment of this Regulation and recommendations by the Committee on Scientific and Technical Cooperation in its 9th meeting 14 - 15 September 1999, as well as recommendations by the Committee on Financial and Economic Cooperation in its 51st meeting 15-16 October 1999 on the proposed amendment to the GCC Patent Regulation, decides.

Approval of the amendment of the GCC Patent Regulation as follows:

Patent Regulation of the Cooperation Council for the Arab States of the Gulf

In fulfillment of the objectives of the Cooperation Council for the Arab States of the Gulf stipulated in Article 4 of the Charter, and

In support of the joint scientific and technical cooperation between Member States cited in chapter 4 of the Unified Economic Agreement, particularly the resolve to acquire an indigenous base founded on encouraging and supporting research, applied sciences, and technology, and

In an endeavor to achieve the objectives of the transfer and adoption of transferred technology and to encourage and develop local technologies to meet the needs of the region and the objectives of progress and development.

The Supreme Council of the Cooperation Council for the Arab States of the Gulf in its 20th session held in November 1999, having reviewed the GCC Patent Regulation approved by the Council in the 13th session held in December 1992, approves the amendment of the Regulation as follows:

Article 1

In the implementation of the provisions of the Regulation, expressions shall have the meanings assigned to them below except where the context otherwise requires:

- 1/1 Cooperation Council: The Cooperation Council for the Arab States of the Gulf which comprises (the State of the United Arab Emirates, the State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar, and the State of Kuwait).
- 1/2 The Ministerial Council: The Ministerial Council of the Cooperation Council for the Arab States of the Gulf.
- 1/3 The Committee: The Grievances Committee appointed by the Ministerial Council to carry out its jurisdictions stipulated in this Regulation and its Bylaws.
- 1/4 Board of Directors: The Board of Directors of the Patent Office of the Cooperation Council for the Arab States of the Gulf stipulated in the Patent Office Statute.
- 1/5 The Office: The Patent Office of the Cooperation Council for the Arab States of the Gulf, which consists of the Board of Directors and the Office staff.
- 1/6 The Regulation: Patent Regulation of the Cooperation Council for the Arab States of the Gulf.
- 1/7 The Patent: The document granted by the Patent Office to the owner of the invention so that his invention shall enjoy legal protection within all the Cooperation Council States according to the provisions of this Regulation and its Bylaws.

Article 2

- 2/1 An invention shall be patentable according to the provisions of this Regulation and its Bylaws if it is new, involves an inventive step, industrially applicable and is not contrary to the laws of Islamic Shariya, or

public order or to morality observed in the Cooperation Council States, whether that was pertaining to new products, industrial processes, or to manufacturing methods.

- 2/2 An Invention is new if it is not anticipated by prior art. Prior art being constituted by everything disclosed to the public anywhere by means of written or oral disclosure, by use, or by any other way by which the invention is realized before the relevant filing date of the patent application or priority date validly claimed in respect thereof. For the purposes of this paragraph, disclosure of the invention to the public shall not be considered if it took place within one year, either before the application filing date, or before its priority date and it occurred due to abusive actions of others against the applicant or his predecessor or as a result thereof. The disclosure of the invention to the public shall no be taken into consideration if it took place in an officially recognized exhibition within the six months preceding the filing of the application, such being the case, the Implementing Bylaws shall determine the protection provisions for the subject invention.
- 2/3 An invention is deemed to involve an inventive step if, having regard to the relevant prior art , it would not have been obvious to a person having ordinary skill in the art.
- 2/4 An invention shall be considered industrially applicable if it can be produced or used in any type of industry, agriculture, fishing, or services. Industry in

this connection should be interpreted in the broadest sense so as to include handicraft.

2/5 In the event of filing of applications pertaining to inventions having connection with the security of any of the Cooperation Council States, procedures stipulated in the Implementing Bylaws shall apply.

2/6 Should there be more than one application for a particular invention, the patent shall be granted to the owner of the first application that has the earliest priority date.

2/7/1 If the invention is a result of joint efforts of several individuals, the ownership of the patent shall belong to them equally, unless otherwise multilaterally agreed upon. A person will not be considered an inventor if his activities were limited to executing the ideas.

2/7/2 The right to a patent shall be assigned to the employer if the invention was the result of execution of a contract or an obligation providing for carrying out inventive activities. The right shall also be assigned to the employer if he proves that the inventor would not have achieved such an invention had he not used the facilities, means, or information made available through his employment.

This may not prejudice the employee's right to receive special remuneration to be determined by a competent authority in the country where the invention is made and in the light of the circumstances of the contract or the obligation, and the economic significance of the invention. Any

agreement depriving an employee from such rights shall be void. The above mentioned provisions shall also be applicable to employees of government agencies. A patent application filed by an employee inventor within the two years after the termination of his services shall be considered as having been filed during his employment.

Article 3

- 3/1 For the purposes of this Regulation, the following shall not be regarded as inventions:
- 3/1/1 Discoveries, scientific theories, mathematical methods, and computer programs.
 - 3/1/2 Schemes, rules, and methods for doing business, performing purely mental acts, or playing games.
 - 3/1/3 Plant varieties and species of animals, and biological processes for the production of plants or animals with the exception of microbiological processes and the products thereof.
 - 3/1/4 Methods of surgical or therapeutic treatment of the human or animal body and methods of diagnosis applied to the human or animal body with the exception of products used in any of these methods.
- 3/2 This Regulation shall not protect varieties of plants or species of animals.

Article 4

The Ministerial Council may exclude from patentability some inventions whenever necessary to safeguard public order or morality, including the protection of human or

animal or plantation life and health, or to avoid serious damage to the environment.

Article 5

- 5/1/1 The patent application shall be submitted to the Office by the inventor, his registered agent, or his successor in title. The application shall request the grant of a patent, and shall be accompanied by the prescribed fee.
- 5/1/2 The application shall include the names of the applicant, the inventor, and the registered agent (if any) and, where the applicant is other than the inventor, a statement justifying the applicant's right to the invention.
- 5/1/3 The application for a patent shall relate only to one invention, or to aspects that are so related as to constitute a single general inventive concept.
- 5/2/1 The application shall contain the title of the invention, a specification, one or more claims, one or more drawings (if any), and an abstract.
- 5/2/2 The specification shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person having ordinary skill in the art.
- 5/2/3 The claim or claims shall determine the scope of the protection sought. The specification and the drawings may be used to interpret the claims.
- 5/2/4 The claims shall be clear and concise and shall be fully supported by the specification.
- 5/2/5 The abstract shall merely serve the purpose of

technical information; in particular, it shall not be taken into account for interpreting the application.

5/3 The applicant shall provide the Office with the required additional information and data related to his application.

5/4 The applicant may introduce the amendments he deems fit to his application provided that such amendments shall not constitute a substantive modification to the contents of the original application.

Article 6

If the applicant is a none GCC resident, he shall appoint a registered agent who is a GCC resident to represent him in carrying out activities entrusted to him by the patent owner before the Office.

Article 7

7/1 The application may contain claim of priority of previous application filed in any State or regional office. Such being the case, as provided for in the Bylaws, the application shall indicate the date and filing number of the previous application, and the country of filing. The applicant shall produce proof thereof; otherwise priority claim shall be denied.

7/2 The duration of the priority shall be twelve Gregorian months.

Article 8

The applicant may, at any time, withdraw his application

unless a final decision has been taken thereof. Withdrawal of application shall not entail the right to reclaim its documents, or the right to refund of fees or expenses incurred.

Article 9

Once the application has satisfied the terms stipulated in the Regulation and the Bylaws, the Office shall register the application filing date and formally examine it. As for the Substantive Examination, it shall either be carried out by the Office, or referred to one of the approved examination authorities after payment of the Substantive Examination fee.

Article 10

Should it be found by the Formal Examination that some of the terms prescribed by the Regulation, the Office may request that the applicant completes the application requirements within three months at most from the date he was so notified. If he fails to do so within the indicated date, his application shall lapse.

Article 11

Should it be found by the Substantive Examination that the application has satisfied the terms prescribed in this Regulation and its Bylaws, the Office shall make a decision granting the patent, enter it in the register, and publish it. The patent document shall be delivered to the owner of the invention three months from the publication date should any concerned party submit no objection to the Committee.

Yet, should it be found by the Substantive Examination that the applicant is not eligible for a patent, the Office shall make a decision rejecting the application with indication of reasons for such rejection, and a copy thereof shall inform the applicant. The decision shall then be published.

Article 12

12/1 The patent entitles its owner to exploit the invention.

The invention pertaining to a product shall be considered as exploited by manufacturing, use, import, sale, or offering for sale. As for industrial processes or manufacturing methods of a certain product, the patent owner shall have the same right to direct products of the said process or method, in addition to his right to use the processes or methods thereof.

12/2 Where the patent subject is a product, the patent owner shall have the right to prevent others from manufacturing, use, sale, offering for sale, or import of the product for such purposes, without his prior consent.

But where the patent subject is an industrial process, he shall have the right to prevent others from actual use of the process. He shall also have the right to prevent others from use, and offering for sale, sale or import of at least the products directly obtained by using such process, for such purposes, without his prior consent.

12/3 Despite the grant of the patent, an establishment that, in good faith, manufactures, uses an industrial manufacturing process of a product, or makes serious preparations therefor, before the filing date of an application by another person, or before the priority date of the application pertaining to the same product or process, shall have the right to continue such acts. The assignment or transfer of the said right to a third party can only be made in conjunction with all elements of the business.

Article 13

The patent owner shall make sufficient exploitation of the patented invention in the Member States within three years from the date of grant. Should the prescribed grace period expire without sufficient exploitation, the provisions of Article (19) shall apply.

Article 14

The rights under the patent shall not extend to:

- 14/1 Acts carried particularly for scientific research purposes.
- 14/2 The use of patent articles on means of transportation temporarily or accidentally entering the territories of the Council States, whether such articles were used in the body, apparatus, devices, equipment, or any other accessories of the said means, provided use of such articles is limited to their necessities.

Article 15

The term of a patent shall be twenty years counted from the date of filing the patent application.

Article 16

The patent shall be subject to an annual fee paid in advance at the beginning of each year starting from the year following the application filing date. Should the patent owner fail to pay such fee within a maximum of three months from the beginning of the year, he may do so within another three months period starting upon expiry of the previous one. In such case, an additional fee shall accrue.

However, annual fees may be paid in advance to entirely or partially cover the validity term of the patent. If the owner of the patent fails to pay the annual fee within the aforementioned legal grace period (six months from due date), the patent shall lapse. For the purposes of this Article, the same provisions governing the patent shall apply to the application. Should three years expire without the Office making a decision on the merits of the application, the applicant may abstain from payment of fees until the Office makes a decision granting the patent, and shall, in such case, pay all unpaid annual fees.

Article 17

17/1 The owner of a patent that enjoys the protection prescribed herein may license others to perform all or some of the acts of exploitation referred to in Article 12/1 of this Regulation. Such license shall

be expressed in writing, signed by both parties, and authenticated by an official authority in one of the Cooperation Council States. The licensing contract shall not be effective vis-à-vis third parties inconsiderable if not entered in the Office records, and the registration request fee, and the registration of licensing contract fee have been paid.

17/2 The grant of a contractual license shall not deprive the patent owner from exploiting the patent himself, or from granting another license under the same patent unless otherwise stated in the first licensing contract.

17/3 The contractual licenses shall entitle the licensee to perform all exploitation acts stipulated in the contract. However, the licensee shall not assign the rights and privileges licensed to him by the patent owner unless it is expressly stipulated in the licensing contract.

Article 18

The licensing contract to exploit or dispose of the patent shall be subject to control by the Patent Office. The Office may request that the contracting parties amend it to rule out abuse of the patent rights, and whatever negative influence the contract may have on competition in the Council States, or the possession and propagation of technology.

If the parties fail to respond, the Office shall have the right to deny approval of the contract and to refuse its registration.

Article 19

19/1 Where the owner has never exploited the patented invention, or has insufficiently exploited it according to Article (13), the Board of Directors may grant a compulsory license, with observation of the following:

19/1/1 At least three years have elapsed after the grant of the patent.

19/1/2 The applicant proves that he exerted, over a reasonable period of time, efforts to obtain license from the patent owner for an adequate compensation, under fair terms.

19/1/3 That the license is not exclusive.

19/1/4 That the license is essentially granted to meet the demands of the local market.

19/1/5 That the license decision defines the scope and terms of the license, according to the purposes for which it was granted.

19/1/6 That the patent owner shall be paid an adequate compensation.

19/1/7 That the exploitation of the patent shall be limited to the licensee. The license shall not be transferable to others except in case of change of ownership of the licensee's establishment, or the section, which exploits the patent, provided the Board of Directors, approves such transfer.

- 19/2 Should the invention relate to a semi-conductor's technologies, licensing shall only be permitted for public, general, and none commercial purposes, or to rectify practices that proved none competitive by judiciary or administrative decisions.

Article 20

- 20/1 The decision granting the compulsory license shall not prevent granting of other compulsory licenses or deprive the patent owner from exploiting the same invention himself, or granting other exploitation licenses.
- 20/2 The Board of Directors may disregard clauses (19/1/1 and 19/1/2) of this Regulation if the request of compulsory license was due to a state of emergency, or due to a dire public necessity, or for non commercial use, in one or more Council States.
- 20/3 If a government agency in a Council Member State requests a compulsory license to exploit a certain invention, based on the public interest, the Board of Directors may approve the grant of the license according to the terms of Article (19), with observation of clauses 20/1, 20/2.

Article 21

Should the exploitation of an invention be of a significant technical advance and a considerable economic importance which require use of another invention, the Board of Directors may grant one or both parties a compulsory

license to exploit the other invention unless they mutually agree on exploitation in an amicable manner. In such case, provisions of Articles (19 and 20), shall be observed.

Article 22

The compulsory license shall be cancelled in the following cases:

- 22/1 If the beneficiary of this license fails to exploit it sufficiently in the Cooperation Council States within two years from the date of the grant of the license, renewable for another two years should the delay be found to be due to a legitimate reason.
- 22/2 If the beneficiary of the compulsory license fails to pay the due amounts, and the amounts stipulated in the Bylaws within three months from the date of maturity.
- 22/3 If the beneficiary of the compulsory license fails to satisfy any other term that is stipulated in the decision granting the license.
- 22/4 If the circumstances due to which the license was granted end, and are unlikely to reoccur, provided that the legitimate rights of the licensee shall be observed.

Article 23

- 23/1 The ownership of the patent and all the rights originated therefrom shall be transferable by inheritance. The ownership of a patent shall also be transferable wholly or partially with or without compensation.
- 23/2 Any person concerned with the patent ownership may

submit a request to the Office for modification of any of the particulars of the patent ownership or the application, supported with the necessary evidential means. Transfer of the patent ownership shall not be affected and changes shall not be invoked against others until the registration and publication date of such modifications.

Article 24

Any decision issued by the Office may be appealed within three months from the date it was known to be delivered, or from the date of its publication whatever the case may be. The Implementing Bylaws shall provide for the proceedings before the Committee and the fees for the appeal and for its renewal.

Article 25

The decisions of the Committee may be appealed before the competent authority according to the regulation complied with in the host country. Settlement of such appeal shall be made in conformity with the provisions of this Regulation and requirements of the laws of the said State respectively; otherwise, settlement shall be made according to general rules.

Article 26

The competent authorities of each Member State shall examine all disputes pertaining to infringement, or imminent infringement of the patent. Such authority shall settle the said disputes in pursuance of the provisions of

this Regulation, and of its own regulations governing national patents, if any, respectively, otherwise according to the general rules.

Article 27

- 27/1 The Office shall establish a register to enter patents and their particulars in conformity with the provisions of this Regulation and its Bylaws.
- 27/2 The Office shall publish an official gazette for all the publications stipulated in this Regulation and its Bylaws.

Article 28

The Ministerial Council shall make a decision to form a Grievance Committee according to the following:

- 28/1 The Committee shall consist of twelve members from the nationals of the Member States selected for their personal capacity rather than their official capacity.
- 28/2 Each Member State shall make two nominations for membership of the Committee: one with a legal qualification, and the other being a technical specialist.
- 28/3 Other members shall elect two legally qualified persons as a chairman and a vice-chairman of the Committee for a three years session.
- 28/4 The Committee shall take its decisions by a two-thirds majority vote of attendant members.

- 28/5 The Committee meetings shall be held when at least one member from each State is present.
- 28/6 The Committee meeting shall be postponed for two weeks if the presence of both members of any of the States is infeasible. Should the unfeasibility persist for the following meeting, the meeting shall be valid.
- 28/7 The Committee members shall neutrally perform their tasks, independent from the directives of any authority.

Article 29

Members of the Committee, members of the Board of Directors, and Patent Office staff may not, during their employment, or in the two years following termination of their services, submit applications on their behalf. The information in their possession shall be regarded highly confidential.

Article 30

The Office shall collect fees from the beneficiaries in the following instances:

1. Filing a patent application.
2. Fees of granting and publication of the patent.
3. Annual fees.
4. Amendment or addition to the patent application.
5. Additional fee for delay of payment of annual patent fee.
6. Assignment of patent application or granted patent.

7. Obtaining a copy of the application, of its record, or of the patent.
8. Requesting the grant of a compulsory license.
9. Grant of a compulsory license.
10. Requesting registration of the license contract.
11. Registration of the license contract.
12. Registration of appeal before the Committee.
13. Renewal of appeal before the Committee.
14. Requesting sample of microorganism.
15. Request for a certificate of temporary protection during an exhibition.
16. Conducting a patent search.
17. Substantive Examination.

Such fees shall be prescribed by the Bylaws.

Article 31

During the exclusion term, protection of products granted a patent by the Office shall not be valid in any Member State that is excluded in conformity with clause (4) of Article (65) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) annexed to the Agreement Establishing the World Trade Organization.

Article 32

The Ministerial Council shall issue the Bylaws of this Regulation.

Article 33

Interpretation and proposals of modification of this Regulation shall be the competency of the Committee on Financial and Economic Cooperation following coordination with the Committee on Scientific and

Technical Cooperation and Committee on Industrial Cooperation .

Article 34

This Regulation shall come into force three months from its publication and the publication of the Implementing Bylaws.

**The Implementing Bylaws
of the GCC
Patent Regulation**

The Ministerial Council Decision in its 74th Session 8 April 2000, Jeddah, Saudi Arabia

The Ministerial Council, having

Recalled decision by the Supreme Council in its 20th session held in Riyadh 27-29 November 1999, approving the amended Patent Regulation for the Cooperation Council, and having reviewed Article 32 thereof, which stipulates that "The Ministerial Council shall issue the Bylaws of this Regulation" and Article 34 thereof, which stipulates that "This Regulation shall come into force three months from its publication and the publication of the Implementing Bylaws".

and having reviewed recommendations by the Board of Directors of the GCC Patent Office, in its 8th meeting on 12th September 1999 held in Riyadh, to The Ministerial Council to endorse the amendment of this Regulation approved by the Board of Directors in the said meeting, decides.

Endorsement of the Implementing Bylaws of the GCC Patent Regulation as follows:

The Implementing Bylaws of the GCC Patent Regulation

In fulfillment of decision of the Supreme Council of the Cooperation Council for the Arab States of the Gulf in its 20th session held in November 1999, in which it granted approval to the amendment of the Patent Regulation of the Cooperation Council States. And in conformity with Article (32) of the said Regulation, which states that "The Ministerial Council shall issue the Bylaws of this Regulation" and Article (34) thereof, which states that "This Regulation shall come into force three months from its publication and the publication of the Implementing Bylaws."

The Ministerial Council approved in its 74th session held on 03-04 Muharram 1421H (08-09 April, 2000) the amendment of the Implementing Bylaws of the GCC Patent Regulation as follows:

Article (1):

Definitions:

In implementing the provisions of these Bylaws, expressions shall have the meanings assigned to them below except where the context otherwise requires:

- 1/1 Cooperation Council: The Cooperation Council for the Arab States of the Gulf, which comprises of the State of the United Arab Emirates, the

State of Bahrain, the Kingdom of Saudi Arabia, the Sultanate of Oman, the State of Qatar, and the State of Kuwait.

- 1/2 Ministerial Council: The Ministerial Council of the Cooperation Council.
- 1/3 The Committee: The Grievances Committee appointed by the Ministerial Council to carry out its jurisdictions stipulated in the Patent Regulation of the Cooperation Council for the Arab States of the Gulf. and its Bylaws.
- 1/4 Board of Directors: The Board of Directors of the Patent Office stipulated in the Patent Office Statute.
- 1/5 The Office: The Patent Office of the Cooperation Council, which consists of the Board of Directors and the Office staff.
- 1/6 The Regulation: Patent Regulation of the Cooperation Council States.
- 1/7 The Patent: The document granted by the Patent Office to the owner of the invention so that his invention enjoys legal protection within all the Cooperation Council States according to the provisions of this Regulation and its Bylaws.

Article (2):

The application shall be filed with the Patent Office on the form prepared for that purpose.

Article (3):

First: The application shall include the following:

- 3/1 A detailed description of the invention, first stating the title of the invention, and observing the following:
 - 3/1/1 A specification of the technical field to which the invention relates.
 - 3/1/2 An indication of the background art (prior art) which is known to the applicant and can be regarded useful for the understanding, searching, and examination of the invention.
 - 3/1/3 The disclosure of the invention in a terminology that permits clear and comprehensive understanding of the invention; to enable an individual of average skills in the art to evaluate the invention and put it in hand. Advantages of the invention, if any, should also be indicated.
 - 3/1/4 A brief description of the figures used in the drawings, if any.
 - 3/1/5 An explanation of the best approaches reached by the inventor to put the invention in hand; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any.
 - 3/1/6 An explicit indication of industrial application of the invention, manufacturing method, and usage, or usage only, as the case may be, and the results

reached, supported by illustrative examples and statistics whenever possible.

3/2 The claims, in which drafting the following shall be observed:

3/2/1 Specification of the claims, whether that was one or more claims. The description and the drawings may be used to explain such claims if necessary.

3/2/2 The claims shall be clear, brief, and shall be in conformity with particulars mentioned in the description.

3/2/3 The number of claims shall be adequate for the nature of the invention, and shall have sequence numbers.

3/2/4 The claims shall clarify the technical characteristics of the invention.

3/2/5 The claims shall include the following:

3/2/5/1 The technical characteristics that are part of previous art and are necessary to define the invention.

3/2/5/2 The new technical characteristics protection of which is required in relation to the characteristics indicated in the previous clause, preceded by words or phrases such as (distinguished by) or (distinct for) or (comprising its improvement) or any phrases that so imply.

3/2/6 In respect to the technical characteristics of the invention, the claims shall make no reference to the description or to the drawings, unless absolutely necessary. Particularly, they shall not be based on references like (as indicated in part...

of the description) or (as indicated in figure...in the drawings)

3/2/7 If the application contains drawings, technical characteristics provided in the claims shall be followed by relevant reference. Such reference shall be in parenthesis and shall not be used if it would not facilitate quick understanding of the claims.

3/3 The drawings relevant to the invention, which must be submitted when necessary to understand the invention, if the nature of the invention permits its clarification by a drawing, even if such a drawing was not necessary to understand the invention.

3/4 An abstract of the invention, not less than (50) or more than (200) words, such abstract shall only be used for technical information purposes and shall include the following:

3/4/1 A summary of the disclosure made in the description, the claims and the drawings indicating the technical field to which the invention relates. It shall be drafted so as to allow having a clear idea of the technical problem, and the essence of the solution provided by the invention, as well as the main usage of the invention.

3/4/2 Where applicable, the chemical formula that, compared to all formulae in the application, best characterizes the invention shall be indicated. The abstract shall be accompanied by the best explanatory drawing furnished by the applicant.

3/4/3 The numbers and letters used to clarify each main technical characteristic mentioned in the abstract

and clarified by means of drawing. Such numbers and letters shall be in parenthesis and identical with those of the drawing.

- 3/4/4 No mention of the advantages or value or the theoretical application of the invention pretended by the inventor shall be made in the abstract.

Second: The application shall be accompanied by the following:

- 3/1 Where the applicant is a legal entity, an extract of the commercial register or an official extract from the articles of incorporation, as the case may be.
- 3/2 Where the applicant is other than the inventor, proof of the applicant's right to the invention, if any.
- 3/3 Where the essential elements of the invention have been obtained from a third person's invention, the consent of the concerned person.
- 3/4 Where the application is filed through an agent, the document appointing the agent.
- 3/5 Where a priority of an earlier application filed with another country is claimed in the application, a copy of the earlier application together with the documents attached thereto, and a certificate indicating the filing date and number, and the country with which the application was filed.

The above documents referred to under Second, (except clause 3/5) shall be duly certified.

All documents shall be enclosed with a translation into Arabic if drafted in English, or with translations into both Arabic and English if drafted in any other language.

An original and a copy of each of the documents indicated in (First) shall be enclosed with the application; such documents and the application must comply with the requirements listed in Articles (4, 5) of the Bylaws.

If other documents are not enclosed with the application, the applicant may submit, on the form prepared to that effect, a written engagement to submit the required documents within three months from the filing date of the application. If such documents are not submitted within the said period, the application shall be considered as void. However, if the document specified in clause (3/5) of (Second), is not submitted -when necessary- within the said period, the applicant's right to claim priority shall lapse. Upon a decision of the Director General of the Patent Office, it shall be stated in the application register that the application is considered as void or that the applicant's right to claim priority has lapsed, as the case may be.

Article (4):

- 4/1 The application shall be presented on white, smooth, and non-shiny paper. The size of the sheets shall be A4 (29.7X21 cm). The Patent Office may accept sketch papers of a different size for drawings.
- 4/2 All sheets shall be so furnished as to admit direct reproduction by photography.
- 4/3 All sheets shall be numbered in consecutive numerals and the numbers shall be centered at the top of the page.
- 4/4 The minimum margins of the sheets shall be two centimeters.
- 4/5 The application particulars shall be typewritten.

Symbols and characters, chemical or mathematical formulae and some letters may, when necessary, be handwritten or sketched.

Article (5):

The drawings shall fulfill the following requirements:

- 5/1 They shall be executed in durable, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without having to use colors.
- 5/2 The figures shall be sketched in an upright position, whenever possible.
- 5/3 The letters and numbers used to define parts of the drawings shall be clear, and the same numbers shall be used throughout the different parts of the drawing. Where a letter or a number appears outside the figure, a fine line shall be drawn from the said letter or number to the relevant part of the figure.
- 5/4 Where the same sheet contains several figures, sufficient space must be left between one figure and the other, and all figures shall be numbered in consecutive numerals.
- 5/5 The drawing papers shall not contain any written indication as to the title or the description of the invention.

Article (6):

- 6/1 Any previous filing of an application with a national or regional office in any other country, shall be

deemed as establishing of the right of priority, provided such application is accurately filed with the said country or office.

Filing shall be deemed accurate if it is sufficient to determine the date of filing with the country or with the regional office, regardless of the subsequent outcome of the application.

- 6/2 Priority dates shall be twelve Gregorian months, starting from the filing date of the first application, however, the actual day of filing shall not be considered.
- 6/3 If the last day of the grace period falls on an official holiday, or a none working day for the Office to receive applications, the period shall be extended to the first working day that follows.
- 6/4 Upon claiming priority, the applicant shall indicate the following:
 - 6/4/1 The date of previous application.
 - 6/4/2 The number of the previous application, which may be submitted within a period of no more than three months from the filing date of the application.
 - 6/4/3 The IPC number designated for the previous application. Where no IPC number was designated upon filing, as soon as a number is designated, the Office shall be notified accordingly.
 - 6/4/4 Where the application is regional or international, the country or the office of filing of the previous application.

Article (7):

According to Article 2, clause (2) of the Regulation, if the interested individual requests temporary protection

of a patentable invention relating to products that he wishes to exhibit in any GCC official exhibition, he shall submit such request on the designated form to the Office before the exhibition takes place. A brief description of the invention, its drawing, and an inventory of pertaining products shall accompany the request. The Office may request that the applicant provide any other particulars it deems necessary.

Article (8):

The Office shall establish a register for certificates of temporary protection of the invention. The requests shall be entered in the said register with serial numbers, and the register shall comprise the following particulars:

8/1 The application number.

8/2 The application filing date.

8/3 Where the applicant is a legal entity, the name, nationality, elected domicile and residence or headquarters.

8/4 The name and address of the agent.

8/5 The elected domicile at the concerned country to which correspondence shall be addressed.

8/6 The exhibition, location and opening date.

8/7 The title of the invention.

8/8 An inventory of relevant products.

8/9 The date of products entry to the exhibition.

8/10 The date, number, and term of the temporary protection certificate.

Article (9):

Once entry of the products to the exhibition has been verified, the Office shall deliver to the applicant the

certificate of temporary protection on the designated form. Such certificate shall be valid for a period of time not exceeding six months from the official opening date of the exhibition.

Article (10):

The applications shall be given serial numbers according to their filing date and time. The serial number, the filing date and time of the application, and the number and date of receipt of the prescribed fee shall be marked on the application. The documents attached to the application shall be marked with its serial number, and the application with its attached documents shall be sealed with the Patent Office seal.

The applicant shall be furnished with a receipt on the proper form, inclusive of the serial number of the application, its filing date and time, a list of the attached documents, and the number and date of the receipt of the prescribed fee.

Article (11):

The Patent Office shall establish a register for patent applications containing the following particulars:

11/1 The application serial number.

11/2 The application filing date.

11/3 The title of the invention.

11/4 Where the applicant is a legal entity, the name, nationality, elected domicile and residence or headquarters.

11/5 The name and address of the agent, if any.

11/6 If priority of an earlier registration is claimed in the application, the name of the country with which the earlier application was filed, and the date and

number of the said application.

- 11/7 The date and number of the decision accepting or refusing the application, and the date of its publication.
- 11/8 The patent number.

Article (12):

- 12/1 If the application relates to an invention that requires use of a micro-organism that is not available to the public before the application filing date, the disclosures made by the application shall be considered sufficient and complete in such a way that enables the average skilled person to put the invention in hand, should the following terms be satisfied:
 - 12/1/1 Lodging a plantation of the microorganism with one of the approved authorities before the filing date of the application.
 - 12/1/2 That the application indicates, upon filing, the characteristics of the microorganism.
 - 12/1/3 That the application provides the name of the authority where the microorganism is lodged, and the date and number of lodging.
- 12/2 Providing the particulars indicated in (12/1/3) shall be deemed as a final approval on the part of the applicant, with no reservation as to making the lodged plantation available to any individual that, on the proclamation date of the decision granting the patent, or at a later date, files an accurate request to the authority of lodging to render a sample of the micro-organism.

A request shall not be considered as accurate unless it is accompanied with the consent of the Director General of the Office to deliver the sample to the individual, once the prescribed fee has been paid. The individual requesting the plantation shall submit a promissory note to the Office that he shall not make the plantation available to any other person until the patent has prescribed or ended .

Article (13):

- 13/1 Upon request, the applicant shall advise the Director General of the Office the dates and numbers of any patent application he has filed with another office for the same invention, or for an invention that is identical to that applied for in the application submitted to the Director General of the Office.
- 13/2 Upon request, the applicant shall submit to the Director General of the Office the following documents pertaining to one of the applications referred to in the previous paragraph (13/1):
 - 13/2/1 A copy of each notification received by the applicant in respect to any search report or examination made to the previous application.
 - 13/2/2 A copy of the patent granted after filing a previous application.
 - 13/2/3 A copy of any final decisions rejecting the previous application, or denial of granting the patent subject of the previous application.
- 13/3 The applicant shall submit to the Director General of the Office upon request, a copy of any final decisions revoke the patent granted on the basis of the previous application referred to in the paragraph (13/2/1).

Article (14):

In cases other than those previously stated, the Patent Office may request that the applicant provide samples or specimens, as necessary, according to special requirements it may prescribe. In all cases where the samples contain toxic, caustic inflammable, or explosive substances, an indication to that effect must be made on the label.

Article (15):

Should the Patent Office find that the invention relates to the security of any of the GCC States, where the invention has passed the formal and substantive examinations, it shall be exempted from the publication fee. The patent shall be granted and delivered to the applicant, and the Office shall advise the concerned State or States accordingly. Member States shall provide the Office with the fields deemed relevant to security.

Article (16):

The Patent Office shall formally examine the application and its enclosures to verify completion of the terms stipulated in the Regulation and in the Implementing Bylaws.

Should it be found from the examination that the requirements prescribed in the Regulation have not been fulfilled, the Patent Office shall notify the applicant, by registered mail to complete such requirements within at most three months from reception of the notification. Otherwise, the application shall be considered as void, and the application register shall be marked accordingly by decision of the Director General of the Office.

Article (17):

The applicant may request the rectification of drafting or calculation errors in the application or the description. He may also request the amendment or addition of any particulars to the application, including the description or the drawing of the invention. He shall indicate the essence and reasons for such an amendment or addition, provided that no substantial change, as a result thereof, is made to the description or drawing upon filing. No amendment or addition shall be made before payment of the prescribed fee, and the consent of the Patent Office.

Article (18):

Should it be found from the formal examination that the application satisfies the formal requirements, the Office shall estimate the expenses to be incurred by the substantive examination on the basis of an evaluation study. The Office shall then send a registered mail notification to the applicant to pay for the said expenses within at most three months from the date of receipt of the notification. If the applicant makes the said payment within the fixed date, the Office shall refer the application for the substantive examination. Otherwise, the application shall be considered as void, and the application register shall be marked accordingly, based on a decision by the Director General of the Office.

Article (19):

19/1 The Office shall notify the applicant of the result of the substantive examination, and the applicant shall submit to the Office amendments to the

application in accordance with the examination report.

- 19/2 The application shall be examined for the second time in the light of the amendments and indications made by the applicant at his expense.
- 19/3 The Office shall notify the applicant of the result of the second examination, and the applicant shall amend the application in accordance with the examination report. The application shall be examined for the third time at the applicant's expense.
- 19/4 Should it be found from the third examination that the application does not satisfy the terms of granting the patent, the application shall be rejected.
- 19/5 Each notification addressed to the applicant by the Office in respect to the amendment of the application shall be answered within three months from its date, and if no answer is received within the prescribed date, the application shall be rejected.

Article (20):

Should it be found from the substantive examination that the application meets the requirements stipulated in the Regulation and the Implementing Bylaws, the applicant shall be notified to pay the publication and grant fee, once the Office has approved the grant. Payment of the fee shall be made within three months from the date of receipt of the notification. The decision shall be published, and the patent shall be delivered to the applicant after payment of the publication and grant fees. Otherwise, he shall be notified to pay within an additional period of three

months, after which the application shall be considered void. If any concerned individual submits no objection to the Committee within three months from the proclamation date, the patent shall be entered in the register, and delivered to the applicant.

Article (21):

Should it be found from the substantive examination that the application does not meet the requirements stipulated in the Regulation, or the Implementing Bylaws, the Office shall issue a reasoned decision rejecting the application, and a registered letter shall advise the applicant accordingly. The applicant may appeal that decision to the Committee within three months following the publication date.

Article (22):

The patent first page shall include the following:

22/1 The application number.

22/2 The number and date of the decision to grant the patent.

22/3 The patent number.

22/4 The patent date of issue.

22/5 The inventor's name, unless he has expressed in writing his wish not to have his name revealed.

22/6 The name, nationality, and address of the owner.

22/7 The title of the invention.

22/8 The classification.

22/9 The term of protection and commencement and expiration dates.

- 22/10 The number and date of the priority claim, and the country of filing, if the patent refers to such priority.
- 22/11 The name of the agent for the patent owner.
- 22/12 The number and date of the publication in which the decision granting the patent is proclaimed.
- 22/13 The applications, patents, and references cited from prior art.

Enclosed with the patent shall be the detailed description, the drawings, claims, and the abstract.

Article (23):

The particulars mentioned in the previous article from 22/1 to 22/13, as well as any other amendments or actions taken shall be entered in the Patent Register.

Article (24):

- 24/1 The annual fee prescribed for the patent shall be paid on the basis of a request submitted by the concerned person. The request shall include the patent number, the date of its grant, and the year or years for which payment is due. The Office shall indicate on the payment request the number and date of receipt of the paid fee, the amount paid, and the relevant year or years.
- 24/2 Payment of fee shall be made within three months from the beginning of each year, starting from the year that follows the filing date. However, it may be paid within an additional grace period of three months, and an additional fee shall be paid.
- 24/3 The Patent Office shall establish a register for patent annual fees, in which the following particulars shall be recorded on a separate page for each patent application:

- 24/3/1 The name and address of the applicant.
- 24/3/2 The name and address of the agent, if any.
- 24/3/3 The number and filing date of the application.
- 24/3/4 The number and term of the patent.
- 24/3/5 The maturity years of the fees in sequence.
- 24/3/6 The deadline for payment without additional fees.
- 24/3/7 The deadline for payment with additional fees.
- 24/3/8 The number and date of the receipt and the amount paid.
- 24/3/9 The expiry date of the patent.

Article (25):

The patent fees shall be fixed according to the enclosed table, and for the purpose of this Article, private establishments and commercial business shall be considered companies.

Article (26):

Claims or complaints shall be submitted to the Committee in an original and copies of the documents, which shall be rendered to the Secretariat of the Committee, provided they contain the following:

- 26/1 The full name, profession or job title, residence, and the number, date and place of issue of identification card of the petitioner, and the same particulars for the representative of the petitioner, if any.
- 26/2 The statement of the merits of the claim or complaint.
- 26/3 Substantiating statements and evidence.

Article (27):

The Committee shall set a date expressed in days and hours for the claim or complaint. The Office shall be notified accordingly by virtue of a notification, provided that a period of twenty days at least, starting from the date of receipt of the notification, lapses before the date for appearing before the Committee.

Article (28):

The Secretary of the Committee shall notify the petitioner and the Office of the dates, expressed in days and hours, of the hearings fixed to examine the case, and shall provide the Office with a copy of the petition documents.

Article (29):

The party shall be deemed informed of the date of the subsequent hearing if he or his representative is present at the preceding hearing.

Article (30):

The party shall appear before the Committee in person and may appoint by virtue of a power of attorney a representative having the right to exercise as such under the applicable laws of the host country. However, where the Committee requires that the party be present, he shall act accordingly.

Article (31):

If the petitioner fails to present to the first hearing for no legitimate reason accepted to the Committee, the case

shall be dismissed. However, the case may be resumed upon a request made by the petitioner within three months from dismissal. Should the case be dismissed again, it shall be considered void, unless the petitioner produces an excuse acceptable to the Committee. In all cases, if more than three months lapse after the dismissal of the case, it shall be considered void, and the case shall be brought anew for prescribed fee.

Article (32):

If the petitioner fails to present to any of the hearings to examine the petition for no legitimate reason accepted to the Committee, the Committee may dismiss the case, unless the Office present at the hearing requests that the case be maintained and a decision on its merits be rendered. However, if the proceedings permit the rendering of a decision, they shall be decided upon in all cases.

Article (33):

If the Office fails to present to the first hearing, the case shall be adjourned for a second hearing, and the Office shall be notified of the date with a notice to the effect that the decision will be rendered against him as if he was present.

Article (34):

The failure of any party to present shall be established only after the elapsing of at least one hour from the time fixed for the hearing.

Article (35):

Failure to present shall only affect the party who has not furnished a legitimate excuse acceptable to the Committee before the date of the hearing. Where the excuse is accepted, the hearing shall be adjourned to another date of which the parties shall be notified.

Article (36):

In all cases, the Committee shall verify the capacity and validity of representation of the petitioner or his representative.

Article (37):

The parties and their agents shall have access to the file of the case, and may make copies thereof in the premises of the Committee.

Article (38):

If the parties submit a paper or a document to be used in evidence, it may only be withdrawn with the consent of the Committee after a copy thereof certified by the Committee is kept in the file of the case. However, the Committee may accept mere copies of documents to be kept in the file after verification against the original, unless the original is required otherwise.

Article (39):

The chairman of the Committee shall first hear the arguments of the petitioner or his agent, then the Office.

Article (40):

The parties shall present all their claims and defenses once. The Committee may grant the Office a period of time to answer the petition, provided that such period shall only be granted once for each subject matter to be answered, unless serious grounds existed according to the consideration of the Committee.

Article (41):

The Office shall answer the petition. If he fails to do so or to present for the second time without excuse, the Committee may consider his silence or failure to present a sufficient cause to decide in favor of the petitioner once he has furnished evidence for his petition.

Article (42):

If the Committee finds that its decision on the merits of the case requires the settlement of another issue which does not fall within its jurisdiction, it shall order the suspension of the proceedings till the settlement of the said issue by the competent authority. Once the ground for the suspension ceases to exist, any of the parties may request the continuation of the proceedings within the thirty days following the date on which the said ground ceased to exist. Otherwise, the case shall be considered void.

Article (43):

The dispute shall be discontinued if the petitioner dies or loses his capacity to sue or disqualifies, unless the proceedings allow judgement on merits. The proceedings shall be considered as allowing judgement on merits

once the parties have submitted their pleadings and final claims. The proceedings shall be resumed when a person replacing the petitioner because of whom the proceedings were discontinued presents for the date previously set. The proceedings shall also be resumed upon the request of any of the concerned parties. In such case, the other parties or their representatives shall be notified accordingly.

Article (44):

The claims of the petitioner may include the following:

- 44/1 A rectification of the original claim, or an amendment of the subject matter thereof according to circumstances appearing or emerging after filing the petition.
- 44/2 Any material complementary to, resulting from or integrally linked to the original claim.
- 44/3 Any material that includes an addition or a change in the cause of action, maintaining the subject matter of the original claim.

Article (45):

Claims and defenses shall be presented before the Committee in clearly written submissions. However, the Committee may settle for oral pleadings of the parties. It may request the parties to draft petitions, statements and defenses in such a way that elevates ignorance and ambiguity.

Article (46):

The conferences of the Committee members shall be confidential.

Article (47):

The Committee shall render its decisions by absolute majority of the opinions of its attending members. In case of tie vote, the chairman shall have the casting vote. In all cases, the decisions shall state the reasons thereof and shall be signed by the chairman and the members.

Article (48):

The Committee shall rectify any material, drafting or calculation error in the decision, by a decision issued at its own initiative, or upon a request made by any of the parties. The rectification shall be inscribed on the original copy of the decision and shall be signed by the chairman and the members.

Article (49):

The parties may request the Committee to construe any ambiguity in the text of its decision. The construction decision shall be deemed as part of the decision thereby construed.

Article (50):

Upon submission of the petition, the Committee may order the taking of preventive measures against the Office, provided that the petitioner submits the warranties considered by the Committee to secure the right of the Office if the case is dismissed.

Article (51):

If the Committee decides to resort to expert authority, it may bind any of the parties to deposit the amount

necessary to cover the estimated cost of such expertise by means of a check certified by an authorized bank on a fixed date. If the party fails to deposit the said amount within the time limit indicated by the Committee, the Committee shall render judgement on merits of the case according to the documents submitted, and the forfeiture shall shoulder the expert expenses.

Article (52):

The Office may, upon decision of its Director General, issue and amend forms, as he deems adequate for proper performance and development of the Office. The Office shall make reference to such forms in its Gazette.

Article (53):

Patents registered with the Office and any other relevant data may, in the presence of the authorized employee of the Office, be reviewed. Any individual may, after payment of the prescribed fee, obtain a copy thereof, or a copy of the relevant data, a certificate to the contents thereof, or extracts of the register.

Article (54):

54/1 License contract shall be entered in the register referred to in paragraph (54/3) of this Article, whether its subject was assignment of the license or change of its ownership, or licensing its exploitation. Such entry shall be made upon a request submitted to the Office by any of the contract parties, accompanied by a copy of the

contract where signatures of both parties shall be duly authenticated. The contract shall be translated into Arabic if it was drafted in another language, and the applicant shall pay the prescribed registration fee.

54/2 Requests of license contracts registration shall be given sequence numbers according to their filing dates, and a request shall be marked with its sequence number, filing date, and the date and number of receipt of payment of registration fee. The copy of the contract shall be marked with the sequence number of the request. The Office seal shall stamp the request and the copy of the contract. The applicant shall be furnished with a receipt indicating the request sequence number, filing date, and an inventory of the enclosed documents, and the number and date of the receipt of payment of registration fee.

54/3 The Office shall establish a register for requests of registration of license contracts. Such register shall contain the following particulars:

54/3/1 Sequence number and date of request.

54/3/2 The name, nationality, and address of licensor, and name and address of his agent, if any.

54/3/3 The name, nationality, and address of licensee, and name and address of his agent, if any.

54/3/4 Elected domicile of both parties of the contract.

54/3/5 The contract subject and term.

54/3/6 Date of the decision issued to the rejection of registration and the date of notification of the parties thereof.

54/3/7 Date of the decision issued to the approval of the contract.

54/4 The Office shall establish a register for license contracts registration of which was granted. Such register shall contain the following particulars:

54/4/1 The number and date of registration of the contract.

54/4/2 The date of the decision granting the registration.

54/4/3 The sequence number and filing date of the request.

54/4/4 The name, nationality, and address of both parties of the contract, and the agents name and address of each of them, if any.

54/4/5 The elected domicile for each of them.

54/4/6 The contract subject and term.

This register shall be marked with all amendments or renewals of the contract, following approval thereof by the Office, and payment of prescribed fee for such amendment or renewal.

Table of Fees (in SR)

Description	Individuals	Companies
Patent Application	2000	4000
Grant and Publication of Patent	2500	5000
Annual Patent Fees:		
Year 2	2000	4000
Year 3	2100	4200
Year 4	2200	4400
Year 5	2300	4600
Year 6	2400	4800
Year 7	2500	5000
Year 8	2600	5200
Year 9	2700	5400
Year 10	2800	5600
Year 11	2900	5800
Year 12	3000	6000
Year 13	3100	6200
Year 14	3200	6400
Year 15	3300	6600
Year 16	3400	6800
Year 17	3500	7000
Year 18	3600	7200
Year 19	3700	7400
Year 20	3800	7600

Amendment and addition to the patent application	500	1000
Additional fee for delayed payment of annual patent fee	500	1000
Assignment of rights to the application, or change of patent ownership	500	1000
Obtaining a copy of the application, its register, or of the patent	100	200
Request of compulsory license	15000	30000
Grant of compulsory license	5000	10000
Request of registration of compulsory license	5000	10000
Registration of compulsory license	500	1000
Registration of petition	3000	6000
Renewal of petition	1000	2000
Request of temporary protection	500	5000
Request of plantation sample	500	5000
Performance of search	100	200
Technical examination	Actual cost	