



شعبة الترجمة الرسمية
Official Translation Department

Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties, and Industrial Designs

Royal Decree No. M/27
July 17, 2004

Translation of Saudi Laws



NOTE:

The translation of Saudi laws takes the following into consideration:

- Words used in the singular form include the plural and vice versa.
- Words used in the masculine form include the feminine.
- Words used in the present tense include the present as well as the future.
- The word “person” or “persons” and their related pronouns (he, his, him, they, their, them) refer to a natural and legal person.



National Center for Archives & Records



Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties, and Industrial Designs

Chapter 1: General Provisions

Article 1

This Law aims to provide full protection - within the Kingdom - for inventions, layout designs of integrated circuits, plant varieties, and industrial designs.

Article 2

In this Law, the following terms shall have the meanings assigned thereto, unless the context requires otherwise:

Authority: Saudi Authority for Intellectual Property.

Subject matter of protection: Either an invention, a layout design of integrated circuits, a plant variety, or an industrial design.

Protection document: The document granted by the Authority for one of the subject matters of protection. It may be a patent, a layout design certificate, a plant patent, or an industrial design certificate.

Invention: An idea developed by an inventor that results in a solution for a certain problem in the field of technology.

Integrated circuit: A product in its final or intermediate form the purpose of which is to perform an electronic function, and its elements, at least one of which is active, and some or all of the interconnections are integrally formed in or on a piece of material.

Layout design: A three-dimensional disposition of the elements of an integrated circuit – at least one of which is active - and of some or all of the interconnections, or such a three-dimensional disposition prepared for an integrated circuit for the purpose of manufacturing.

Plant variety: A plant grouping within a single botanical taxon of the lowest known rank which, irrespective of whether the conditions for the grant are fully met, can be defined by the expression of the characteristics resulting from a certain genotype or combination of genotypes distinguished from any other plant grouping by the expression of at least one of said characteristics, and considered a unit with regard to its suitability for being propagated without change.

Plant breeder: The person who breeds, discovers, or develops a new plant variety.

Industrial design: A composition of two-dimensional lines or colors, or any three dimensional shape that gives an industrial product, or a product of traditional crafts, a special appearance provided that this is not only for a functional or technical purpose including textile designs.



Compulsory license: The permission given to others to exploit the subject matter of protection without the consent of the owner of the protection document, in accordance with the provisions of this Law.

Contractual license: A contract under which the owner of the protection document grants a third party some or all of his rights to exploit the protection document for a specific period against a specific fee.

Gazette: The Gazette issued by the Authority concerning all that relates to the subject matters of protection in accordance with the provisions of this Law and its Implementing Regulations.

Committee: The committee stipulated in Article 35 of this Law.

Table: The table annexed to this Law which specifies the fees for the work carried out by the Authority in accordance with the provisions of this Law.

Applicant: The person requesting the protection document, as registered in the Authority's records.

Regulations: The Implementing Regulations of this Law.

Article 3

The Authority shall have the power to apply the provisions of this Law and its Implementing Regulations.

Article 4

- A. The protection document shall not be granted if its commercial exploitation violates Sharia.
- B. The protection document shall not be granted if its commercial exploitation is harmful to life or harmful to the health of humans, animals, or plants, or is substantially harmful to the environment.

Article 5

- A. The protection document shall be the personal right of the person in whose name it was issued. This right shall be transferred by inheritance, as well as with or without consideration.
- B. If the subject matter of protection is a joint work of several persons, they shall be equally entitled to the right, unless they have agreed otherwise.
- C. No one shall be deemed a partner unless he contributes to the subject matter of protection, and his efforts are only confined to assistance in its execution.
- D. If more than one person independently develops the same subject matter of protection, the protection document shall be granted to the first applicant.
- E. The person who develops the subject matter of protection shall have the right to state his name in that capacity in the protection document.



Article 6

- A. The employer shall be the owner of the protection document, unless the work contract stipulates otherwise, where its subject matter results from the execution of a contract, or an obligation providing for exerting efforts to develop it, or if the employer proves that the employee would not have developed the subject matter of the protection had he not used the facilities, means, or data made available through his employment.
- B. The previous provision shall be without prejudice to the employee's right to receive a special award to be agreed upon with the consent of both parties, or assessed by the Committee in light of the different circumstances of the employment contract, and the economic importance of the subject matter of the protection. Any special agreement depriving the employee of this right shall be null and void.
- C. An application for a protection document filed by an employee within two years from the date of termination of employment shall be deemed as if submitted during employment.
- D. The previous provisions shall apply to government employees.
- E. If the subject matter of protection relates to national security, it shall be governed by the provisions stipulated in the Implementing Regulations.

Article 7

If the subject matter claimed in the application or in the protection document is derived from a subject matter owned by a person other than the applicant or the owner of the protection document, then this person may request the Committee to transfer the ownership of the application or protection document to him. The case for the transfer application shall not be heard after the lapse of five years of granting the protection unless bad faith on the part of the applicant is established.

Article 8

The application for granting a protection document shall be submitted to the Authority in the prescribed form. The Regulations shall specify the information and documents required to be enclosed with the application. If the applicant is not the party which developed the subject matter of protection, his name must be stated and the document proving the transfer of title of the patented subject matter to him must be enclosed, and the Authority may, in this case, send a copy of these documents to the party which developed the subject matter of protection. After satisfying the requirements and paying the specified fee, the application shall be registered.

Article 9

The applicant may introduce the amendments he deems fit in the application, provided that these amendments shall not introduce any change to what was disclosed in the original application.



Article 10

- A. The applicant may benefit from the priority given to a previous application filed during the priority period specified for each subject matter of protection, from the filing date of the previous application, provided that it is accompanied by a written declaration stating the date and number of the previous application and the place where it was filed by him or his predecessor. He shall also submit a copy of the previous application approved by the authority where the protection application was submitted, within 90 days from the date of filing the application with the Authority.
- B. The priority period for patents and plant varieties shall be 12 months.
- C. The priority period for industrial designs shall be six months.

Article 11

The Authority shall publish applications for patents on inventions and plant varieties within 18 months from the date of filing the application, after paying the specified fee.

Article 12

The Authority shall examine registered applications in terms of formalities. If it appears, from the examination, that some of the legally prescribed conditions are not satisfied, it may instruct the applicant to satisfy them within a maximum period of 90 days from the date of notification. If he does not fulfill what was requested within said period, his application shall be considered null and void.

Article 13

Once an application for a patent or plant patent has been examined in terms of formalities, it shall be examined in terms of substance, in accordance with what is stated in the Regulations.

Article 14

- A. If the Authority finds that the application satisfies the stipulated conditions, it shall issue a decision granting the protection document. The decision shall be published in the order of its issuance by the Authority.
- B. If the Authority finds that the applicant does not qualify for the protection document, it shall issue a decision stating the reasons for rejection, and the applicant shall be notified thereof.

Article 15

The applicant may withdraw his application at any time unless it has been finally decided upon. However, such withdrawal shall not give the right to recover the fees paid or any other expenses.



Article 16

Any action resulting in the assignment of the protection application or the protection document itself must be in writing, signed by both parties, and approved by an entity acceptable to the Authority. No transfer of title, relating either to the protection application or the protection document itself shall be effective vis-à-vis a third party, except after filing the change application, paying the required fees, and recording it in the Authority's registers.

If several parties participate in filing one protection application or in the ownership of one protection document, each one of them may assign his right in the application or the protection document to any of the partners, to all of them, or to a third party. The Authority shall publish the transfer of title in the Gazette.

Article 17

If the protection document is disposed of to others in accordance with any act of disposition, or the right to exploit it is transferred to a third party for any reason, the owner of the protection document shall inform the party to whom the disposition is made or the party to whom the right of exploitation is officially transferred, of any legal measure taken in connection with the protection document, whether taken by the owner or by others against him.

Article 18

- A. Annual fees shall be due for the protection application or the protection document – in accordance with the Table attached to this Law – which shall be paid at the beginning of each year starting from the year following the application filing date.
- B. If the applicant or the owner of the protection document fails to pay the fees within a maximum period of three months from its due date, he shall be liable to pay double the amount. If he fails to pay after being warned during the three months following the expiration of the first three months, the application or the protection document shall be rendered invalid, and this shall be recorded in the Register and published in the Gazette.
- C. When an applicant pays the required fees for three years without being granted the protection document, he may postpone payment of the fees for the following years until the decision to grant the protection document is issued.

Article 19

- A. The patent protection period shall be 20 years from the date of filing the application.
- B. The layout design certificate protection period shall be 10 years from the date of filing the application or 10 years from the date of the beginning of its commercial exploitation anywhere in the world. In any case, the protection period may not exceed 15 years from the date of creation of the design.



- C. The plant patent protection period shall be 20 years from the date of filing the application. However, the protection period for trees and vines shall be 25 years.
- D. The industrial design certificate protection period shall be 10 years from the date of filing the application.

Article 20

If a person, in good faith, manufactures a product, utilizes an industrial process, manufactures an integrated circuit incorporating a layout design or a commodity including such a circuit, exploits a plant variety, or makes serious arrangements therefor, before the date of filing the patent application, or the priority application relating to that product, process, design, plant variety, date of first commercial exploitation of the design anywhere in the world, such party shall be entitled – despite the issuance of the protection document – to continue to perform these acts without expanding them. This right shall not be assigned or transferred to others except with all parts of the firm or one of them including goodwill.

Article 21

The owner of the protection document may grant a contractual license to others to perform all or some of the acts of exploitation stipulated in the special provisions, for each protected subject matter. A license contract shall not be valid vis-à-vis a third party unless the specified fee is paid and it is registered in the Authority's records. This license shall not deprive the owner of the protection document from exploiting the subject matter himself or granting another license for the same protected subject matter, unless the first license contract states otherwise.

Article 22

The Authority may instruct the parties to the license contract to amend it in order to prevent abusing the right in the protection document or any other negative effect on competition or the acquisition of technology and its dissemination.

Article 23

The license gives the licensee the right to perform all the acts and enjoy all the privileges assigned to the holder of the protection document related to the subject of protection throughout the Kingdom during the whole protection period, unless it is otherwise stated in the license contract. The licensee shall not assign the rights and privileges licensed to him by the owner of the protection document, unless it is expressly stated in the license contract.

Article 24

- A. The Authority may grant a compulsory license to a third party to exploit an invention covered by a patent or a layout design of an integrated circuit covered by a certificate of design upon an application submitted to it, according to the following:



1. The application shall be submitted after the lapse of four years from the date of filing the patent application or three years from the date of granting the patent, whichever expires later, without the owner of the protection document exploiting his invention or if he exploited it in an inadequate fashion, unless he justifies the same with a legitimate excuse.
 2. The applicant for the compulsory license must prove that he has exerted -over a reasonable period of time- efforts in order to obtain a contractual license on the basis of reasonable commercial conditions, and for a reasonable financial compensation. However, this provision and the provision in the preceding paragraph shall not apply if the applicant is a government body or a person authorized by it, and the aim is to benefit public interest - especially in issues related to security, health, nutrition, or the development of other vital sectors of the national economy- or to meet a state of emergency or other very compelling circumstances, or where the aim thereof is public non-commercial purposes. In the latter case, and upon knowledge of the existence of a patent or a certificate of design, their holder shall be promptly informed.
 3. The compulsory license is basically granted to make the invention or design available in local markets. This provision shall not apply where the aim of the license is to prevent or restrict practices against which a decision or judgment is issued declaring them to be acts of unlawful competition.
 4. The decision granting the license shall determine the scope and term of the license, according to the purpose for which it is granted. The license shall be subject to termination if the conditions for which it is granted cease to exist and their recurrence is not likely, with due regard to the legal interests of the licensee.
 5. The license shall not be exclusive.
 6. Each application shall be independently decided.
 7. The owner of the protection document or the holder of a certificate of a design shall be awarded a fair compensation. The Committee shall determine the amount of the compensation, and the licensee shall undertake to pay it.
- B. If the compulsory license is related to a patent of semiconductor technology, the purpose of the license shall be for public non-commercial purposes only or to control acts concerning which a decision or judgment is issued declaring them to be acts of unlawful competition.
- C. If the patent involves a significant technological advance with considerable economic value, which requires the exploitation of another patent, the Authority may grant the owner of the protection document a compulsory license to exploit the other patent. In such a case, the compulsory license shall not be assigned unless the other patent is assigned. The owner of the other patent shall be entitled to a counter license from the compulsory licensee, in accordance with reasonable conditions.



Article 25

- A. The Authority may grant a compulsory license to a third party to exploit a plant variety patented by a plant patent, upon an application submitted to it in accordance with the following:
1. The compulsory license is necessary to protect public interest.
 2. The applicant for the compulsory license shall be financially and technically able.
 3. Failure of the applicant to obtain a license from the owner of the plant patent at reasonable terms.
 4. The lapse of three years between the date of granting the plant patent and the date of applying for the compulsory license.
 5. The compulsory license shall not be restricted to performing all or some of the acts referred to in Article 56 of this Law to meet the needs of the local market.
 6. The owner of the patent shall be awarded a fair compensation. The Committee shall determine the amount of compensation, and the licensee shall undertake to pay the same.
- B. The Authority may instruct the owner of the plant patent to provide the holder of a compulsory license with the required quantity of propagation material for the use of the compulsory license in a reasonable fashion.
- C. In other than exceptional circumstances, a compulsory license shall not be granted for a period less than two years or more than four years. The Authority may extend this term for additional periods, upon verifying that the grounds for granting the compulsory license still exist.

Article 26

If a compulsory license is granted for a patented subject matter, the beneficiary of the compulsory license may not assign it to others, unless the assignment includes all or part of the firm benefiting from the license or its goodwill. The Authority's approval of the assignment is required; otherwise, it shall be null and void. If the Authority approves such assignment, the assignee shall become liable for the obligations assumed by the first beneficiary prior to the approval of the assignment.

Article 27

The Authority may amend the decision to grant a compulsory license if the need arises. The owner of the protection document or the beneficiary of the compulsory license may request the Authority to make this amendment if its prerequisites are fulfilled. The reasons for the decision of the Authority to amend the license or to reject the request shall be stated.

Article 28

The Authority shall cancel the compulsory license in the following cases:



- a) If the beneficiary of the license fails to exploit it in a way that satisfies the Kingdom's needs within two years from the date of granting the license, renewable for an equal period, if it is proved that there is a legitimate reason.
- b) If the beneficiary of the compulsory license fails to pay the due fees within 90 days from the due date, including the compensations to which the owner of the protection document is entitled, as stipulated in the decision granting the license.
- c) If the beneficiary of the compulsory license fails to observe any condition necessary for the granting of the license.

Article 29

The beneficiary of a compulsory license may relinquish the license by a written request to the Authority, provided that the relinquishment becomes effective from the date of approval of the Authority.

Article 30

Decisions of compulsory licensing, its amendment, withdrawal, transference to others, and relinquishment shall be entered in the Authority's records, published in the Gazette, and notified to the owner of the protection document.

Article 31

The owner of a protection document may relinquish it by submitting a written request to the Authority. The relinquishment may be restricted to one or more of the stated elements of protection, provided that relinquishment of the protection document, in case of compulsory licensing, shall only be accepted subject to the written consent of the beneficiary of the license, or proof of the existence of compelling circumstances justifying this relinquishment. The relinquishment shall be registered and published in the Gazette, and it shall not be effective against a third party except from the date of publication.

Article 32

Any party with interest may challenge the decision granting a protection document before the Committee, and seek total or partial revocation, relying upon the violation of the stipulated conditions for granting the protection document. The owner of the protection document shall include the beneficiary of the license as a party to the lawsuit; otherwise, the latter may interfere on his own. The Committee may order the involvement of any party with interest, and the Implementing Regulations shall specify the grounds upon which the request for the revocation of any protection document shall be based.

Article 33

A judgment of the total or partial invalidity of the decision granting the protection document shall render the decision null and void from its date of issuance, within the scope of what is nullified. However, the decision to nullify the



protection document shall not entail a refund of the sums paid for the license to exploit it, unless the licensee proves that what he gained, as a result of the license, is not equal to what he paid, in which case he may recover the amount exceeding the gain he received. The decision of the annulment of granting the protection document shall be published after its issuance, and shall be effective vis-à-vis a third party from its date of publication.

Article 34

Any act of exploitation provided for in the special provisions governing each of the protection subject matters, performed by any person in the Kingdom without the written consent of the owner of the protection document recorded with the Authority, shall be deemed an infringement on the subject matter of protection. At the request of the owner of the protection document and any party with interest, the Committee shall grant an injunction to prevent the infringement in addition to the payment of necessary damages, and it may impose a fine upon the infringer not exceeding 100,000 riyals. The maximum fine shall be doubled in case of repetition. If the Committee sees that the infringement calls for the punishment of imprisonment, the infringer shall be referred from the start to the Board of Grievances. The Committee may take the prompt measures it deems necessary to prevent the damages resulting from the infringement.

The decision issued by the Committee in this case shall be published in the Official Gazette, the Gazette, and two daily newspapers, at the expense of the party against whom the decision is issued. The provisions of this Article shall be applied, without prejudice, to any harsher punishment provided for in any other law.

Article 35

- A. A committee shall be formed of three legal specialists and two technical experts whose grade shall not be lower than Grade 12.
- B. The members shall be nominated by the Chairman of the Authority's Board of Directors.
- C. The formation of the Committee shall be pursuant to a resolution by the Council of Ministers for a term of three years renewable once. The resolution shall appoint one of the legal specialists chairman of the Committee.

Article 36

- A. The Committee shall have jurisdiction over the following:
 - 1. All disputes and appeals against decisions issued in connection with protection documents.
 - 2. Penal lawsuits for violations of the provisions of this Law and its Implementing Regulations.
- B. The litigants shall be notified of the lawsuits filed with the Committee, in accordance with the Implementing Regulations.



Article 37

Decisions of the Committee shall be issued by majority vote, provided that the grounds for decisions are stated, and their text is read in a public session. The Committee shall not refuse to issue a decision in a lawsuit on the grounds that there is no provision to govern the dispute in the Law or the Implementing Regulations. In such a case, the Committee shall refer to the general rules observed in the Kingdom. An appeal against any decision issued by the Committee may be brought before the Board of Grievances within 60 days from the date of notification of the decision.

Article 38

The Committee may contact the government bodies concerned and request any explanation and information it deems necessary. The Authority shall provide the Committee with all the documents and papers relating to disputed applications or subject matters of protection, whenever requested to do so by the Committee.

Article 39

The Committee may seek the assistance of different experts for whatever it deems necessary in relation to the technical matters referred to it, and it shall determine the litigants liable for the expenses incurred.

Article 40

Reviewing protection documents and any related information registered with the Authority shall be allowed free of charge. Any person may obtain copies therefrom, upon payment of the required fees.

Article 41

Employees of the Authority and members of the Committee shall not disclose technical information relating to the protection applications of which they become cognizant, in their capacity, to any person, unless such person is officially authorized to receive such information in accordance with the rules applicable in the Kingdom. They shall also not disclose such information to the public, or use it in any way. This undertaking shall continue after the end of their service.

Employees of the Authority and members of the Committee may not obtain any protection documents or deal in any of the rights relating to them during their service and for two years after the end of their service.

Article 42

Fees payable under the provisions of this Law shall be determined in accordance with the Table attached hereto, which may be amended by a resolution of the Council of Ministers upon the recommendation of the Authority's Board of Directors.



Chapter 2: Special Provisions Governing Patents

Article 43

A patent may be issued on an invention, in accordance with the provisions of this Law, if it is new, involves an innovative step, and is capable of industrial application. The invention may be a product, industrial process, or related to either of them.

Article 44

- A. An invention shall be deemed new if it is not anticipated by prior art. In this respect, prior art means all that is disclosed to the public anywhere by means of written or oral disclosure, by method of use, or by any other means through which knowledge of the invention is realized. This has to be prior to the filing date of the patent application or the priority application. The disclosure of the invention to the public shall not count if it takes place during the priority period. The Regulations shall specify other cases of invention disclosure which do not fall within the meaning of prior art and the provisions governing the temporary protection of inventions.
- B. An invention shall be deemed to involve an innovative step if, with regard to prior art related to the patent application, it is not obvious to a person with ordinary skills in the art.
- C. An invention shall be deemed industrially applicable if it can be manufactured or used in any type of industry or agriculture, including handicrafts, fishing, and services.

Article 45

In the application of the provisions of this Law, the following shall not be regarded inventions:

- a) Discoveries, scientific theories, and mathematical methods.
- b) Schemes, rules, and methods of conducting commercial activities, exercising pure mental activities, or playing a game.
- c) Plants, animals, and processes – which are mostly biological – used for the production of plants or animals, with the exception of microorganisms and non-biological and microbiological processes.
- d) Surgical or therapeutic treatment methods of human or animal bodies and methods of diagnosis applied to human or animal bodies, with the exception of the products used in any of these methods.

Article 46

The application shall relate to a single invention or to a group of integrated parts that form a single innovative concept. The applicant, before a decision to grant him a patent is made, may divide his application into more than one, provided



that none of them shall deviate from what is disclosed in the original application. The date of filing the original application or the date of priority shall be deemed the date of filing of these applications.

Article 47

The owner of the protection document may initiate an action before the Committee against any person who infringes upon his invention by exploiting it in the Kingdom without his consent. The following shall be deemed exploitation of the invention:

- a) If it is a product: Its manufacture, sale, offering for sale, use, or storage, or its importation for any of these purposes.
- b) If it is a process: Using the process, or performing any of the acts referred to in the previous paragraph, in relation to the product which is directly obtained by the use of this process.

The owner of the protection document's right shall not preclude others from exploiting his invention in non-commercial activities relating to scientific research.

Article 48

Subject to the legitimate interests of the defendant in protecting his industrial and commercial secrets, if the subject matter of the patent claimed to be infringed upon is a process to manufacture a certain product, the defendant must prove that the identical product was not manufactured by this process without the consent of the owner of the protection document, if one of the following two conditions is satisfied:

- a) Where the product obtained through a patented industrial process is a new product.
- b) Where there is a substantial probability that the identical product was manufactured through the patented industrial process, and the owner of the protection document was unable to determine the method actually used, by exerting reasonable efforts in this respect.

Chapter 3: Provisions Governing Layout Designs of Integrated Circuits

Article 49

An application for the registration of a layout design of an integrated circuit may be filed, if the design has not been commercially exploited before or was subject to commercial exploitation for a period not exceeding two years in any part of the world.



Article 50

The certificate of a layout design shall be granted, if the layout design is original; i.e., the result of its creator's own intellectual effort, and is not known among creators of designs and manufacturers of integrated circuits at the time of its creation. As for designs that consist of a combination of elements and interconnections that are known, it shall be deemed original if the whole combination is original.

Article 51

The owner of a certificate of design may initiate an action before the Committee against any person who infringes upon his design by exploiting it without his consent inside the Kingdom. The performance of any of the following acts shall be deemed exploitation of the design:

- a) Reproducing the whole design or any original part of it, whether by incorporating it into an integrated circuit or otherwise. Acts relating to personal purposes, or scientific purposes such as research, analysis, education, or evaluation shall not be deemed infringement.
- b) Importing, selling, or distributing a design, or any integrated circuit in which a design is incorporated. The performance of any of the acts referred to in this paragraph in relation to any commodity that includes an integrated circuit shall also be deemed an act of infringement, if this circuit contains an unlawfully reproduced design.

Article 52

The rights conferred by the certificate of design are confined to the acts performed for commercial purposes. The owner of the certificate shall not be entitled to exercise his rights in relation to an identical original design independently created by another party. These rights shall not extend to any other original design created on the basis of analyzing or evaluating the protected design, nor to any integrated circuit in which the other design is incorporated.

Article 53

Acts mentioned in Article 51(b) of this Law shall not be deemed an infringement, if exercised or ordered to be performed by a person who does not know or has no reasonable grounds to know-when acquiring the integrated circuit or the commodity incorporating such circuit- that it incorporated an unlawfully reproduced design. He may perform these acts in relation to the stock in his possession or that which he ordered before receiving sufficient notice that the design was unlawfully reproduced. He shall, however, pay the owner of the certificate of design a fair compensation estimated by the Committee on the basis of licenses granted pursuant to contractual negotiations.



Chapter 4: Provisions Governing the Protection of New Plant Varieties

Article 54

A plant variety shall be patentable if it is new, distinct, uniform, and stable, and procedures have been taken to designate a denomination for it.

Article 55

- A. A plant variety shall be deemed new if, at the date of filing the application or the date of the claimed priority, propagating or harvested material of the variety have not been sold or otherwise made available to others by the breeder or with his consent, for the purposes of exploiting the variety in accordance with the following:
1. In the Kingdom of Saudi Arabia for more than one year.
 2. In other countries for more than four years or, in the case of trees or vines, for more than six years.
- B. A plant variety shall be deemed distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of filing the application or the time of the claimed priority. The Regulations shall specify the cases in which the existence of the plant variety is a matter of common knowledge.
- C. A plant variety shall be deemed uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its basic characteristics.
- D. A plant variety shall be deemed stable if its basic characteristics remain unchanged after repeated propagation or at the end of each given propagation cycle.
- E. A plant variety shall be named by specifying its genus and species, and the denomination must enable people to identify it.

Article 56

- A. The owner of the plant protection document may initiate an action before the Committee against any person who infringes upon the patented variety by exploiting the propagating material of the patented variety without his consent inside the Kingdom. The following shall be deemed exploitation of the propagating material of the patented variety:
1. Producing or propagating it.
 2. Conditioning it for purposes of propagation.
 3. Exporting it.
 4. Importing it.
 5. Offering it for sale, selling it, or any other form of marketing.



6. Storing it for any of the above purposes.
- B. The rights stipulated in paragraph (a) of this Article include harvested material of the variety, including the whole plant or part thereof obtained by the unlawful use of the propagating material of the variety. This applies where the owner of the protection document of the plant patent was not given a reasonable chance to exercise his rights in relation to the propagating material of said variety.
- C. The rights stipulated in paragraphs (a) and (b) of this Article extend to the varieties derived essentially from the protected variety if it is not possible to distinguish such varieties clearly, in accordance with Article 55(b) of this Law, from the protected variety, or that the production of these varieties requires the repeated use of said protected variety.
- D. The rights stipulated in paragraphs (a), (b), and (c) of this Article shall not extend to acts performed for non-commercial personal purposes, for experimental purposes, or for the purpose of breeding new varieties.

Article 57

The right conferred by a plant patent shall not be restricted by any measure taken to regulate the operations of producing the materials of plant varieties, their monitoring, marketing, importation, and exportation.

Article 58

The owner of the plant patent is obligated to do the following:

- a) Maintain the protected variety or, when necessary, its hereditary components for the whole duration of the term of protection.
- b) Provide the Authority, upon its request, and within the specified period, with information, documents, or necessary material to prove his maintenance of the variety.
- c) Propose a suitable denomination for the variety, within the specified period, in case its denomination is cancelled by the Authority.
- d) Provide the Authority when necessary, upon its request and within the specified period, with reasonable samples of the protected variety or its hereditary components for the following purposes:
 1. Establishing or renewing the official sample of the variety.
 2. Undertaking a comparative test of other varieties for protection purposes.

In case the owner of the plant patent does not observe any of these obligations, the plant patent shall be forfeited after notifying him of the necessity of fulfilling his obligation and giving him a reasonable grace period to fulfill the obligation he has violated. In all cases, forfeiture of the plant patent shall be entered in the register and published in the Gazette. The Regulations shall specify the grace periods stated in this Article.



Chapter 5: Special Provisions Governing Industrial Designs

Article 59

An industrial design certificate shall be granted, if it is novel and has features that distinguish it from known industrial designs. An industrial design shall be deemed novel if it was not disclosed to the public through publication anywhere in a tangible form, by use, or by any other means, prior to the date of filing the registration application or priority application. Disclosure of the industrial design to the public shall have no effect if it occurs during the priority period. The Regulations shall determine other cases of disclosure which have no effect, as well as the provisions governing the temporary protection of industrial designs.

Article 60

The owner of an industrial design certificate may initiate an action before the Committee against any person who infringes upon the industrial design by exploiting it for commercial purposes without his consent within the Kingdom through manufacturing, sale, or importing a commodity that includes or represents a wholly or substantially copied industrial design.

Chapter 6: Concluding Provisions

Article 61

Without prejudice to the provisions of Article 34 of this Law, any party that violates any of the provisions provided for in this Law shall be punished with a fine not exceeding 50,000 riyals, and the maximum limit shall be doubled in case of repetition.

Article 62

Grace periods and time limits stated in this Law shall be in accordance with what is provided for by relevant international agreements.

Article 63

The Authority's Board of Directors shall issue the Implementing Regulations of this Law within 180 days from the date of its entry into force. They shall be published in the Official Gazette. He shall also issue the necessary decisions for implementing the provisions of this Law.

Article 64

This Law shall replace the Patent Law issued by Royal Decree No. (M/38) dated 10/6/1409H, and its provisions shall govern existing patent applications and patents, and shall supersede all provisions that are inconsistent therewith.



Article 65

This Law shall be published in the Official Gazette and shall enter into force after 30 days from the date of publication.



National Center for Archives & Records