



Bureau of Experts at the Council of Ministers
Official Translation Department

Law of Trademarks

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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.



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The Law of Trademarks

Part 1: General Provisions

Article 1

In this Law, a trademark shall be any distinctive name, signature, word, letter, number, drawing, symbol, stamp, inscription, or any other sign or combination thereof which can be recognized by sight and suitable to distinguish industrial, commercial, handicraft, or agricultural products or a project for the utilization of forests or natural resources; to indicate that the object carrying the trademark belongs to the owner of the trademark on grounds of manufacture, selection, invention thereof or trading therewith; or to indicate the rendering of a certain service.

Article 2

The following marks, including signs, logos, and flags, shall not be considered or registered as trademarks:

- a) Signs devoid of any distinctive features which are considered descriptions of the characteristics of products and services or which are common names customarily given to products or services.
- b) Any expression, sign, or drawing which violates religion, or which is identical or similar to a symbol of a religious nature.
- c) Any expression, sign, or drawing inconsistent with public policy or public morality.
- d) Public logos and flags and other signs, names, or designations relating to the Kingdom, or to a country with which the Kingdom has reciprocal treatment or a country which is party to a multilateral international treaty to which the Kingdom is also party, or to an international or governmental organization; as well as any imitation of such logos, flags, symbols, names, or designations, unless permitted by the owner thereof.
- e) Official signs and hallmarks of the Kingdom and the countries and organizations referred to in paragraph (d) if such signs and hallmarks indicate their supervision over or guarantee of the products or services, unless permitted by the owner thereof.
- f) Such provision shall not apply unless the trademark is intended to be placed on the products or services or on similar products or services.
- g) Geographical names if their use is liable to create confusion as to the source of the products or services or their origin, or liable to monopolize the data of the source or the name of the origin without rightful justification.
- h) The images of others or their personal or trade names, unless they or their heirs agree to such use.
- i) Data relating to honorary degrees.



- j) Data that is liable to mislead the public or contains false data as to the source of the products or services or other descriptions of the products or services as well as trademarks that contain a fictitious, imitated, or forged trade name.
- k) Trademarks that are identical or similar to famous trademarks in the Kingdom even if they are not registered in the Kingdom in connection with identical or similar goods or services as well as trademarks that are identical or similar to famous trademarks in the Kingdom and registered in the Kingdom in connection with goods or services that are not identical or similar, provided that the owner of the famous trademark is harmed by such use.
- l) Trademarks owned by natural or legal persons the dealing with whom is prohibited pursuant to a decision issued by the competent authority.
- m) Signs identical or similar to trademarks already filed or registered by others in connection with identical or similar products or services as well as signs, if registered to certain products or services, which would reduce the value of products or services of others.

Part 2: Procedures of Registering and Publicizing Trademarks

Article 3

A register named “Trademarks Register” shall be established at the competent department of the Ministry of Commerce. Such register shall record all registered trademarks and notices of assignment or transfer of ownership related to said trademarks; mortgage or attachment thereof; license for use; their renewal or cancellation; and all information provided for in the Implementing Regulations.

Article 4

The following categories shall have the right to register trademarks.

1. Natural or legal persons of Saudi nationality.
2. Persons who reside in the Kingdom on a regular basis and are permitted to engage in a commercial or vocational activity.
3. Nationals of countries with which the Kingdom has reciprocal treatment.
4. Nationals of a country which is party to a multilateral international treaty to which the Kingdom is also party or persons who reside in such country.
5. Public entities.

Article 5

A registration application for a trademark which satisfies the conditions stipulated in Article 1 of this Law may be filed with the competent department at the Ministry of Commerce by the concerned party if he is domiciled in the Kingdom or by a domestic representative in accordance with the conditions and



procedures specified in the Implementing Regulations.

Article 6

An application to register a trademark for one or more categories of products or services may be filed, provided that a single application is filed for each category in accordance with the conditions and procedures stipulated in the Implementing Regulations.

Article 7

A single application may be filed to register a group of trademarks the essential elements of which are identical and which differ only in ways that do not substantially affect their inherent distinctiveness such as their color or the data of the products or services related thereto, provided that such products or services belong to the same class.

Article 8

If two or more persons simultaneously apply to register the same trademark or similar trademarks that may cause confusion for the same class of products or services and the applications have the same deposit date or the same priority date, the registration application shall be suspended until one of the applicants presents a legally endorsed written waiver from the other applicants or until a final judgment is rendered by the Board of Grievances in favor of one of the applicants.

Article 9

If an applicant for registration of a trademark or his successor decides to invoke the right of priority on grounds of a previous application deposited with a country which is party to a multilateral treaty to which the Kingdom is party or a country with which the Kingdom has reciprocal treatment, he shall enclose with his application a statement indicating the date and number of the previous application and the country with which the application is deposited as well as deposit a copy of the previous application endorsed by the competent authority in the country with which it was deposited. Such action shall be taken within six months from the date on which the applicant filed the registration application on account of which he claims the priority right; otherwise, his right to the claim shall be forfeited.

Article 10

The competent department at the Ministry of Commerce shall decide on applications which satisfy the conditions and procedures provided for in this Law and the Implementing Regulations within a period of 60 days following their submission.



Article 11

If the competent department decides that the registration application is inconsistent with the provisions of this Law, it shall notify the applicant in writing and may request that he satisfies the conditions or makes the amendments necessary for the approval of the registration application.

Article 12

If the applicant fails to respond to the requests of the competent department to satisfy the conditions or make the necessary amendments within 90 days from the date of notification, his application shall be deemed rejected from the date such period lapses.

Article 13

The concerned party may file a grievance with the Minister of Commerce against the decision rejecting his application within 60 days from the date of notification. If the Minister issues a decision rejecting the grievance, the concerned party shall have the right to appeal the Minister's decision before the Board of Grievances within 30 days from the date of notification thereof.

Article 14

If the registration of a trademark is accepted, the competent department shall publicize the registration in the manner and in accordance with the procedures specified in the Implementing Regulations. The applicant shall bear the publicizing cost.

Article 15

A concerned party may object to the acceptance of a trademark registration before the Board of Grievances within 90 days from the publicizing date. A copy of the objection and proof of submission thereof shall be provided to the competent department at the Ministry of Commerce.

Article 16

The competent department shall record the trademark in the Register provided for in Article 3 of this Law after the decision accepting the registration of the trademark becomes final or when a judgment to this effect is rendered by the Board of Grievances. The registration shall be in accordance with the procedures and conditions specified in the Implementing Regulations.

Article 17

Upon completion of registration, the owner of the trademark shall be given a certificate containing the information specified in the Implementing Regulations, particularly the following:

- a) The registration serial number of the trademark.



- b) The registration application's deposit date, registration date, and priority date, if any.
- c) The commercial name or the trademark owner's name, domicile, and nationality.
- d) A copy of the trademark.
- e) A statement of the products or services for which the trademark is registered as well as their class.

Article 18

The owner of a registered trademark may request the competent department to make any additions or modifications to the trademark, provided that they do not affect the inherent distinctiveness of the trademark. Such request shall be subject to all the conditions and procedures applicable to original registration applications.

Article 19

Any concerned person may access the Register provided for in Article 3 of this Law and request the data or copies recorded therein.

Part 3: The Effect of Trademark Registration

Article 20

Registration of a trademark shall be effective from the date of filing the registration application. Such date shall be determined in accordance with the provisions of the Implementing Regulations.

Article 21

The person who registers a trademark shall be deemed its exclusive owner and the use of a registered trademark by any other person shall be conditioned upon the consent of its owner. The owner of a registered trademark shall have the right to file a lawsuit to prevent others from using it or from using any other similar sign which may mislead the public as to the products or services for which the trademark is registered as well as to similar products or services. The rights arising from the registration of a trademark shall exclude the fair use of the signs, statements, and descriptive illustrations which do not include the distinctive feature of the registered trademark.

Article 22

The rights of a concerned party resulting from the registration of a trademark shall expire after 10 years, unless renewed.



Part 4: Renewal and Cancellation of a Trademark

Article 23

An owner of a trademark may file an application to renew its registration during the last year of its protection period and the six months following said year according to the conditions and procedures provided for in this Law and its Implementing Regulations.

Article 24

The trademark shall be renewed without any new examination and the renewal of the registration shall be publicized in accordance with the conditions and procedures provided for in the Implementing Regulations.

Article 25

The competent department and any interested party may request the cancellation of a trademark registration in the following cases:

- a) If the owner of a trademark does not use it for a period of five consecutive years without a legitimate excuse.
- b) If a trademark is registered in violation of public policy or public morality.
- c) If a trademark is registered under fraudulent pretenses or using false information.

The Board of Grievances shall have the jurisdiction to decide on requests for cancellation of registration.

Article 26

A trademark registration shall be canceled by force of law in the following cases:

- a) Trademarks the registration of which are not renewed in accordance with this Law and its Implementing Regulations.
- b) Trademarks owned by natural or legal persons with whom dealing is prohibited pursuant to a decision issued by the competent authority.

Article 27

If a trademark is canceled, it may not be registered for the benefit of others for the same products or services or for similar products or services except after the lapse of three years from the date of cancellation, unless a shorter period is specified in the cancellation decision.

Article 28

Cancellation of a trademark registration shall be publicized in accordance with the procedures and conditions provided for in the Implementing Regulations. The cancellation shall be effective from the date on which a judgment by the



Board of Grievances is rendered, the protection period expires, or the prohibition decision is issued.

Part 5: Transfer of Ownership, Pledge, and Attachment of a Trademark

Article 29

Ownership of a trademark may be transferred to others by any event or disposition resulting in the transfer of ownership, provided that the disposition is made in writing and that the transfer is not intended to mislead the public, particularly with respect to the nature, source, features, or performance of the products and services.

Article 30

If the ownership of a place of business or a project for which a trademark is used to distinguish its products or services is transferred without transferring the trademark's ownership, the party with whom ownership of the trademark remains may continue to use it for products or services for which the same trademark is registered, unless otherwise agreed.

Article 31

A trademark may be pledged or attached with or without the place of business or the project for which the trademark is used to distinguish its products or services.

Article 32

The transfer of ownership, pledge, or attachment of a trademark shall not be effective vis-à-vis others except after being publicized and being recorded in the Register provided for in Article 3 of this Law.

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Part 6: Authorization for Trademark Use

Article 33

The owner of a trademark may authorize any natural or legal person to use it for all or some of the products or services for which it is registered. The owner of a trademark shall have the right to authorize others to use it while simultaneously using it himself, unless agreed otherwise. The authorization period may not exceed the trademark's protection period.

Article 34

The authorization contract shall be in writing and the signatures, thumbprints,



or seals of the contracting parties shall be officially attested, in accordance with the provisions of the Implementing Regulations.

Article 35

The authorization contract shall be recorded in the Register provided for in Article 3 of this Law. The authorization shall not be effective vis-à-vis others unless it is recorded in the Register and publicized in accordance with the procedures and conditions provided for in the Implementing Regulations.

Article 36

The authorizee may not assign the authorization to others or grant sub-authorizations, unless agreed otherwise

Article 37

The authorization registration shall be stricken from the Register upon a request by the trademark owner or the authorizee after presenting evidence of authorization expiration or termination. The competent department shall notify the other party of the request to strike off the authorization from the Register. In such case, the other party shall have the right to object to the request before the Board of Grievances within 30 days from the date of notification.

Part 7: Jointly-Owned Trademarks

Article 38

The Minister of Commerce may permit the registration of a jointly-owned trademark to natural or legal persons who are responsible for monitoring certain products or services or inspecting the same with respect to their sources, components, performance, features, method of manufacture, or any other characteristic, in accordance with the procedures and conditions provided for in the Implementing Regulations.

Article 39

A non-renewed jointly-owned trademark may not be registered for the benefit of others with respect to identical or similar products or services.

Article 40

The provisions of this Law shall apply to jointly-owned trademarks in a manner not inconsistent with their specific nature.



Part 8: Fees

Article 41

The fees due under the provisions of this Law shall be determined as follows:

First: One thousand riyals for any of the following procedures:

- a) Application to register a trademark, per class.
- b) Application to register a jointly-owned trademark, per class.
- c) Request to examine a jointly-owned trademark, per class.
- d) Access to the Register with respect to one trademark, per class.
- e) Each copy made of information recorded in the Register with respect to one trademark, per class.
- f) Request to annotate in the Register the transfer or assignment of ownership with respect to one trademark, per class.
- g) Request to authorize the use of a trademark, per class, and annotate its pledge according to Articles 31, 32, and 33 of this Law.
- h) Each modification or addition to a trademark, per class, according to Article 18 of this Law.
- i) Request to add or change any data for which no fee is determined with respect to one trademark, per class.
- j) Request to renew the registration of a trademark, per class, within the six months following its period of protection.

Second: Three thousand riyals for any of the following procedures:

- a) Application for temporary protection of a trademark, per class.
- b) Registration of a trademark, per class.
- c) Registration of a jointly-owned trademark, per class.
- d) Renewal of the registration of a trademark, per class.
- e) Renewal of the registration of a jointly-owned trademark, per class.

Article 42

Applications and procedures for which fees are determined pursuant to Article 41 of this Law shall not be accepted or effective except following payment of applicable fees.



Part 9: Offenses and Penalties

Article 43

Without prejudice to any harsher penalty, a person committing any of the following acts shall be punished by imprisonment for a period not exceeding one year and a fine not less than fifty thousand riyals and not exceeding one million riyals, or by either penalty:

- a) Forging or imitating a registered trademark in a manner that misleads the public, or using a forged or imitated trademark in bad faith.
- b) Placing, in bad faith, a trademark owned by others on their products or services.
- c) Knowingly offering, selling, or possessing products carrying a forged, imitated, or unlawfully placed or used trademark with the intent of selling such products, or knowingly offering services under such trademark.

Article 44

Without prejudice to any harsher penalty, a person committing any of the following acts shall be punished by imprisonment for a period not exceeding three months and a fine not less than twenty thousand riyals and not more than two hundred and fifty thousand riyals, or by either penalty:

- a) Using an unregistered trademark in the cases stipulated in Article 2(b, c, d, and e) of this Law.
- b) Unlawfully imprinting on his trademarks or commercial papers data that suggest their registration.

Article 45

A punishment not exceeding twice the maximum punishment stipulated for the offense shall be imposed upon any person who repeats an offense along with the closure of the place of business or the project for a period of not less than 15 days and not more than six months. The judgment shall be published at the offender's expense in accordance with the conditions and procedures provided for in the Implementing Regulations.

Article 46

Under this Law, a repeat offender shall be any person who has been convicted of any of the offenses provided for in this Law and has committed a similar offense within three years from the date on which the final judgment of the previous offense was rendered against him. Offenses provided for in Articles 43 and 44 of this Law shall be deemed similar.

Article 47

A public right of action may not be pursued upon the lapse of five years from



the date on which the offense is committed without initiating investigation or prosecution procedures. Such provision shall not prejudice private rights.

Article 48

A person who sustains damage as a result of the commission of any of the offenses provided for in this Law may claim appropriate compensation from the offender.

Article 49

An owner of a trademark may at anytime, even prior to filing a civil or criminal lawsuit, and on the basis of a petition accompanied by an official document indicating the registration of the trademark, obtain an order from the Board of Grievances to take the necessary precautionary measures, particularly the following:

- a) Preparing an inventory report detailing the equipment and tools which are or were used in committing the offense and the local and imported products or goods and papers on which the trademark subject of the offense is used.
- b) Seizing the items referred to in paragraph (a) provided that the seizure is carried out following the provision of a security by the claimant which shall be preliminarily estimated by the Board of Grievances in order to compensate the party against whom the seizure is carried out, if necessary. The adequacy of the security provided by the claimant may be contested following the seizure of the items in accordance with the conditions and procedures provided for in the Implementing Regulations. The order issued by the Board of Grievances may include the assignment of one or more experts to assist the authority specified in the Implementing Regulations.

Article 50

The precautionary measures taken by the trademark's owner shall be considered null and void if they are not followed by a civil or criminal lawsuit against the party against whom such measures are taken within ten days from the date on which the measures provided for in Article 49 of this Law are taken.

Article 51

The defendant may seek from the claimant compensation to which he might be entitled as a result of the measures taken under Article 49 of this Law. The defendant may take such action within 90 days from the date on which the period provided for in Article 50 of this Law lapses without the claimant filing a lawsuit or from the date on which a final judgment is rendered on the claimant's lawsuit relating to his trademark. In all cases, the security shall not be refunded to the claimant except after a final judgment convicting the defendant is rendered in the lawsuit filed thereby or after the lapse of the grace period during which the defendant may file a lawsuit, unless a decision on the security is included in the judgment rendered on the claimant's lawsuit.



Article 52

The Board of Grievances may, in a civil or criminal lawsuit, render a judgment to confiscate seized items or items seized afterward, to deduct their value from the damages or fines or to dispose thereof in accordance with the conditions and procedures provided for in the Implementing Regulations. The Board of Grievances may order the publication of the judgment in one newspaper, or more, at the expense of the convicted party. It may also order the destruction of forged or imitated trademarks or trademarks unlawfully placed or used, and order, when necessary, the destruction of the items carrying such trademarks even if a judgment of acquittal is rendered.

Article 53

The Board of Grievances shall have jurisdiction to decide all civil and criminal lawsuits and disputes arising from the implementation of this Law and to impose penalties stipulated for any violation to its provisions.

Article 54

The Public Prosecution shall represent the public in criminal cases relating to violations of the provisions of this Law.

Part 10: Concluding Provisions

Article 55

The Implementing Regulations shall specify the temporary protection procedures for trademarks used on products or services offered at national or international exhibitions held in the Kingdom or in any of the countries with which the Kingdom has reciprocal treatment. Such exhibitions shall be determined pursuant to a decision by the Minister of Commerce.

Article 56

The employees appointed by the Minister of Commerce shall have the powers of judicial investigation officers with regards to the application of the provisions of this Law.

Article 57

The Implementing Regulations of this Law shall be issued pursuant to a decision by the Minister of Commerce within 60 days following the issuance date of this Law and shall be published in the Official Gazette.

Article 58

This Law shall be published in the Official Gazette and shall enter into force 90 days following its publication. It shall repeal the Trademarks Law issued by



Royal Decree No. M/5, dated 4/5/1404.



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