

## Part One: General Provisions

### Article 1:

In implementing the provisions of this Law, trademarks shall be names of distinct shapes, signatures, words, letters, numbers, drawings, symbols, stamps and protruding inscriptions or any other sign or combination thereof which can be recognized by sight and suitable to distinguish industrial, commercial, vocational or agricultural products or a project to exploit forests or natural resources or to indicate that the object upon which the trademark is put 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 signs, emblems, flags and others as listed below shall not be considered or registered as trademarks:

- Signs without any specific distinction and which are descriptions of characteristics or which are no more than common names which are by custom given to the products or services.
- Any expression or sign or drawing violating religion, or which is identical or similar to a symbol of religious nature.
- Any expression, sign or drawing inconsistent with public order or public morality.
- Public emblems, flags and other signs, names or denominations pertaining to the Kingdom or pertaining to one of the countries with which it has reciprocal treatment or pertaining to one of the countries being a member of a multi-lateral international treaty in which the Kingdom is a party or pertaining to an international or governmental organization and also any imitation to these emblems, flags, symbols, names and denominations unless permitted by such owner.
- Official signs and imprints of the Kingdom and the countries and organizations referred to in paragraph (d), if these signs and imprints pertain to its control over the products or services or the guarantee thereof unless permitted by the owner thereof.
- This prohibition does not apply unless the trademark is intended to be put upon the products themselves or the services or upon similar products or services.

- 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 notice of origin or name the source without rightful justification. The pictures of others or their personal or trade names unless they or their heirs agree to such use.
- Statements relating to honorary degrees.
- Statements that are liable to mislead the public or contain false information 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.
- Trademarks that are identical or similar to trademarks well-known in the Kingdom even if they are not registered in it in connection with identical or similar goods or services and trademarks that are identical or similar to trademarks well-known in the Kingdom and registered in it in connection with goods or services that are not identical or similar provided that this use causes injury to the owner of the well-known trademark.
- Trademarks owned by natural or juristic persons with whom dealing is prohibited in accordance with a decision issued by the competent authority.
- 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 whose registration for certain products or services would reduce the value of products or services of others.

## Part Two: Procedures of Registration and Publicizing of Trademarks

### Article 3:

A register shall be set up at the competent department of the Ministry of Commerce to be called: "Trademarks Register". In which shall be recorded all registered trademarks and notices of assignment of ownership, transfer, mortgage, attachment, or license to use them and also their renewal and cancellation and all information provided for in the Implementing Regulations.

### Article 4:

The following categories shall have the right to register trademarks.

- Natural or juristic persons of Saudi nationality.

- Persons regularly residing in the Kingdom and permitted to engage in any commercial or vocational activities.
- Nationals of countries which treat the Kingdom on reciprocal basis.
- Nationals of a country which is a member to an international multi-lateral treaty, in which the Kingdom is a party to or persons who reside in that country.
- Public agencies.

Article 5:

A registration application for every trademark meeting the conditions provided for in Article 1 of this Law may be filed by the individual concerned if he is domiciled in the Kingdom or by an official agent domiciled in it with the competent department at the Ministry of Commerce in accordance with conditions and procedures specified in the Implementing Regulations .

Article 6:

The Application for registration of a trademark may be made for one or more categories of products or services, but a separate application shall be submitted for each such class in accordance with the conditions and procedures provided for in the Implementing Regulations.

Article 7:

One application may be filed to register a group of trademarks if they are identical as to their essential elements and differ only in ways that do not affect their character such as color or the details of the products or services related thereto provided that these products or services belong to the same class.

Article 8:

In case of two or more persons simultaneously apply to register the same trademark or similar trademarks that cause confusion for the same class of products or services and the applications are of the same date of depositing or same date of priority, the registration application shall be suspended until one of the applicants presents a written statement from the other(s) legally endorsed to the effect that they waive their application or until a final judgment is rendered by the Board of Grievances in favor of the registration of one of them.

Article 9:

If an applicant for registration of a trademark or his successor desires to enjoy the right of priority on grounds of a previous application deposited with another country which is a member of an international multi-lateral treaty to which the Kingdom is a party or another country which treats the Kingdom reciprocally, he shall enclose with his application a statement wherein he mentions the date and number of the previous application and the state wherein he deposited the application. The applicant shall also deposit a copy of the previous application duly endorsed by the competent authority in the state wherein it was filed within six months of the date on which he filed the registration application on account of which he claims the priority right; otherwise his right to the claim will be forfeited.

Article 10:

The competent department at the Ministry of Commerce shall, within a period of sixty days after submission of the application, decide on the application if it meets the conditions and procedures provided for in this Law and the Implementing Regulations.

Article 11:

If the competent department is of the opinion that the registration application is not in accordance with the provisions of this Law, it shall notify the applicant in writing to that effect, and may request the satisfaction of the conditions or incorporation of 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 incorporate the amendments within ninety days from the date of his notification to this effect, his application shall be considered rejected from the date of expiration of this period.

Article 13:

The party concerned may file a grievance to the Minister of Commerce against the decision rejecting his application within sixty days from the date of notification thereof, and if the grievance is rejected by a decision issued by the Minister, the party concerned shall have the right to appeal to the Board of Grievances within thirty days from the day of notification thereof.

Article 14:

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

Article 15:

Any interested party may object to the acceptance of registration of the trademark before the Board of Grievances within ninety days from the date of publicizing and a copy of the objection and evidence of submission shall be deposited with the competent department in the Ministry of Commerce.

Article 16:

The competent department shall register the trademark in the register provided for in Article three of this Law after the decision accepting 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:

Once the registration is completed, the owner of the trademark shall be given a certificate containing the information specified by the Implementing Regulations, and in particular:

- The serial number of the trademark's registration.
- The date of depositing the registration application and the date of registration and the date of priority, if any.
- The commercial name or the name of the trademark owner, his place of residence and nationality.
- A copy of the trademark.
- Details of the products or services and the class for which the trademark is registered.

Article 18:

The owner of a registered trademark may request the competent department to introduce any additions or modifications thereon provided that they do not substantially affect the character of the trademark. Such a request shall be subject to all conditions and procedures applicable to original applications for registration.

Article 19:

Any interested party may peruse the register provided for in Article three of this Law and request information or copies of the records therein.

## Part Three: The Effect of Trademark Registration

Article 20:

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

Article 21:

A person who has registered a trademark shall become its exclusive owner, and the use of a registered trademark by any person is subject to 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 sign similar to it and liable to mislead the public as to the products or services for which the trademark is registered and as to similar products or services. The rights resulting from registration of the trademark do not include the fair use of the signs, statements and descriptive drawings which do not include the special characteristic of the registered trademark.

Article 22:

The rights of a party resulting from registration of a trademark shall continue for ten years unless otherwise renewed.

## Part Four: Renewal and Cancellation of a Trademark

Article 23:

An owner of a trademark may file an application for renewal of its registration during the last year of its period of protection and for a subsequent period of six months pursuant 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 registration shall be publicized in accordance with the conditions and procedures provided for in the Implementing Regulations.

Article 25:

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

- If the owner of a trademark does not use it for a period of five consecutive years without a legitimate excuse.
- If a trademark was registered in violation of public order or public morality.
- If a trademark was registered through fraud or 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 cancelled by force of law in the following two cases:

- Trademarks whose registration were not renewed in accordance with this Law and its Implementing Regulations.
- Trademarks owned by natural or juristic persons with whom dealing is prohibited pursuant to a decision issued by the competent authority.

Article 27:

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

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 of a judgment by the Board of Grievances, from the date of expiration of the protection period, or from the date on which the prohibition decision was issued.

## Part Five: Transfer of Ownership, Pledge and Attachment of the Trademark

### Article 29:

Ownership of the trademark may be transferred to others by any event or action transferring ownership, provided it is in writing and not intended to mislead the public, especially with respect to the nature, origin, characteristics or performance of the products and services..

### Article 30:

If the ownership of the place of business or the project for which a trademark is used to distinguish its products or services is transferred without transfer of a trademark's ownership, the party who continues to own the trademark may still use it for products or services for which the same trademark was 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 take effect with respect to others except after its publicizing and its being entered in the Register provided for in Article 3 of this Law.

## Part Six: Licenses for Trademark Use

### Article 33:



The owner of a trademark may license any natural or juristic person to use it for all or some of the products or services for which it was registered. The trademark owner shall have the right to license others to use it and shall have the right to use it himself, unless agreed otherwise. The period of the license may not exceed the protection period of the trademark.

Article 34:

The license contract shall be in writing and the signatures, thumbprints, or stamps of the contracting parties shall be officially authenticated in accordance with the provisions of the Implementing Regulations.

Article 35:

The license contract shall be recorded in the register provided for in Article 3 of this Law. The license shall not take effect towards 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 licensee may not assign the license to others or grant sub-licenses unless agreed otherwise.

Article 37:

The license registration shall be cancelled from the register upon a request by the trademark owner or the licensee after presenting evidence of expiration or termination of the license. The competent department shall notify the other party about the request to cancel the license. In this case, the other party shall have the right to object to this before the Board of Grievances, within thirty days from the date on which he was notified of the request to cancel.

## Part Seven: Jointly-Owned Trademarks

Article 38:

The Minister of Commerce may permit the registration of a trademark owned jointly by natural or juristic persons who control specific products, services or inspection thereof with respect to their origin,

ingredients, method of manufacture, performance, descriptions 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 the jointly-owned trademarks provided that they are not inconsistent with their specific nature.

## Part Eight: 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:

- Application to register a trademark for one class.
- Application to register a jointly-owned trademark for one class.
- Request to examine a jointly-owned trademark for one class.
- Review of the register with respect to one trademark for one class.
- Every copy of what is recorded in the register with respect to one trademark for one class.
- Request to enter the transfer or assignment of ownership for one trademark with respect to one class.
- Request for a license to use a trademark for one class, and to enter a trademark under pledge according to Articles 31, 32, and 33 of this Law.
- For every modification or addition in a trademark for one class, according to Article 18 of this Law.
- Request to add or change any information for which no fee is specified, in connection with one trademark for one class.
- Request to renew a registration of a trademark for one class during the six months that follow the period of its protection.

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

- Application for a temporary protection of a trademark for one class.
- Registration of a trademark for one class.
- Registration of a jointly-owned trademark for one class.
- Renewal of registration of a trademark for one class.
- Renewal of registration of a jointly-owned trademark for one class.

Article 42:

Applications and procedures for which fees are determined in accordance with Article 41 of this Law shall not be acceptable or effective except following payment of applicable fees.

## Part Nine: Crimes and Punishments

Article 43:

Without prejudice to any harsher punishment, the following shall be punished with imprisonment for a period not exceeding one year and a fine not less than fifty thousand riyals and not exceeding one million riyals or with one of these punishments:

- Anyone who forges a registered trademark or imitates it in a way that misleads the public, and anyone who uses in bad faith a forged or an imitated trademark.
- Anyone who puts or uses, in bad faith, a trademark owned by another on his products or services.
- Anyone who offers, puts up for sale, or sells or possesses with intention of selling products carrying a forged, an imitated, or unlawfully put or used trademark, despite his knowledge thereof as well as anyone who offers to render services under such a trademark despite his knowledge thereof.

Article 44:

Without prejudice to any harsher punishment, the following shall be punished with imprisonment for a period not exceeding three months and a fine not less than twenty thousand riyals and not exceeding two hundred and fifty thousand riyals, or with one of these punishments:

- Anyone who uses an unregistered trademark in the cases specified in paragraphs (b, c, d, e) of Article 2 of this Law.
- Anyone who unlawfully inscribes on his trademarks or commercial papers a statement that would lead to the belief that they have been registered.

Article 45:

A repeat offender shall be punished with a punishment not exceeding twice the maximum punishment specified for the offense and closure of the place of business or the project for a period not less than fifteen days and not exceeding six months, in addition to publicizing the judgment at the expense of the offender in accordance with the conditions and procedures provided for in the Implementing Regulations.

Article 46:

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

Article 47:

The public right of action shall be dropped after the expiration of five years from the date of the commission of the offense without taking any act of investigation or prosecution. The fact that the public right of action is dropped shall not prejudice private rights.

Article 48:

Anyone who has suffered damage as a result of the commission of any of the offenses provided for in this Law may claim appropriate compensation for the damages sustained, from the person responsible for the offense.

Article 49:

An owner of a trademark may at anytime, even prior to filing any civil or criminal lawsuit obtain- on the basis of a petition accompanied by an official document indicating the registration of the trademark- an

order from the Board of Grievances to take the necessary precautionary measures, especially the following:

- The preparation of a record of detailed description of equipments 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 in question was used.
- Seizure of the items referred to in paragraph (a) provided that the seizure thereof shall not be effected until the claimant provides a security to be preliminarily estimated by the Board of Grievances to compensate the party against whom the seizure is effected, if needed. It is permissible after the seizure is effected to contest the adequacy of the deposit made by the claimant in accordance with the conditions and procedures provided for in the Implementing Regulations. The order of the Board of Grievances may include the assignment of one or more experts to assist the authority specified by the Implementing Regulations.

#### Article 50:

The precautionary measures taken by the trademark's owner shall be considered null and void if not followed by a civil or criminal lawsuit against the party against whom such measures were 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 take measures against a bad faith plaintiff requesting compensation to which the defendant might be entitled as a result of the measures provided for under Article 49 of this Law, within ninety days after expiration of the period provided for in Article 50 of this Law if the party making the seizure does not file his lawsuit or from the date on which a final judgment was rendered on the seizure lawsuit relating to the trademark. In all cases the security shall not be refunded to the seizing party except after rendering of the final judgment in the lawsuit convicting the party against whom the seizure is effected, or after expiration of the period fixed for the defendant without filing the lawsuit, unless the judgment rendered on the lawsuit of the seizure includes a decision relating to the issue of deposit.

#### Article 52:

The Board of Grievances may, in any civil or criminal lawsuit, render a judgment to confiscate the seized items or those items seized afterward, in order to deduct the value thereof from the damages or fines or to dispose of them in accordance with the conditions and procedures provided for in the Implementing

Regulations. The Board of Grievances may order the publicizing of the judgment in one or more newspaper(s) at the expense of the party against whom the judgment is rendered. It may also order the destruction of the forged or imitated trademarks or marks wrongfully 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 out of the implementation of this Law as well as the imposition of the penalties specified herein for the violation of the provisions hereof.

Article 54:

The Bureau of Investigation and Prosecution shall represent the public right of action in the criminal case for violation of the provisions of this Law.

## Part Ten: Concluding Provisions

Article 55:

The Implementing Regulations shall include the procedures of temporary protection for any trademark used on the products or services on display at national or international exhibitions held in the Kingdom or in any of the countries which treat the Kingdom on reciprocal basis. Such exhibitions shall be specified by a decision of the Minister of Commerce.

Article 56:

The employees appointed by the Minister of Commerce shall have the powers of the judicial investigation officers as far as enforcement of this Law is concerned.

Article 57:

The Implementing Regulations of this Law shall be issued by a decision of the Minister of Commerce within sixty days after the date of its issuance and shall be published in the Official Gazette.

#### Article 58:

This Law shall be published in the Official Gazette and shall come into effect after ninety days from its publication, and shall repeal the Trademarks Law issued by the Royal Decree No, M/5 dated 4/5/1404.

## Implementing Regulations of Trademarks Law

### Application for Registration of Trademarks

#### Article 1:

The application for registration of trademarks shall be filed in the form prepared for that purpose with the Trademarks Office at the Ministry of Commerce by the party concerned, if domiciled in the Kingdom, or by an official agent domiciled in the Kingdom. The application must be limited to the registration of a single trademark in one class. The number of applications shall be equal to the number of the classes of goods or services in respect of which registration is sought, which are listed in Appendix (1) hereto, which is updated from time to time, pursuant to a Ministerial decision drafted by the Trademarks Office, whenever necessary, in accordance with the Nice International Classification of Goods and Services.

#### Article 2:

The application for registration shall include the following data:

- A reproduction of the trademark sought to be registered, affixed to the application for registration in the space designated for that purpose.
- Applicant's name, surname, address, nationality, and trade name, if any. If the applicant is a corporate person, its name, head office address, and nationality shall be stated.
- If the application is filed by an agent, the agent's name, surname, and address shall be stated.
- Description of the trademark sought to be registered.
- Goods or services in respect of which registration of the trademark is sought, and classes thereof.

- Signature of the applicant or his agent. If the applicant is a corporate person, the application must be signed by a person authorized to sign on behalf of such corporate person.

#### Article 3:

The application for registration shall be accompanied with:

- Ten reproductions of the trademark identical to the representation of the trademark shown on the application for registration.
- A copy of a power of attorney, together with the original thereof for verification purposes, where the application is filed by an agent.
- Proof of receipt of application fees as prescribed in Article (41) of the Law.

#### Article 4:

If the trademark sought to be registered contains one word or more written in a foreign language, the applicant must submit a certified Arabic translation of such word / words together with the phonetic transcription thereof.

#### Article 5:

If the applicant for registration of a trademark, or his successor, wishes to enjoy the right of priority on account of a prior application filed in a country which is a member of a multilateral international treaty to which the Kingdom is a party, or a country which has reciprocal treatment with the Kingdom, he shall support his application with a statement showing the filing date of the prior application, its number and the country where it was filed. Further, the applicant shall file a copy of such prior application duly authenticated by the competent authority in the country of filing, and from the official authentication agencies, including the Saudi Ministry of Foreign Affairs, within six months from the date of the prior application for which he claims right of priority; otherwise, he will lose his right for such claim.

#### Article 6:

A special register entitled “Applications Filing Register” shall be maintained at the Trademarks Office in which the applications for registration shall be entered in serial numbers according to the filing dates of such applications. Said register shall include the following data:



- Application number and date.
- Reproduction of the trademark.
- Applicant's name, address and nationality.
- Goods or services class.
- Agent's name, if any.

Article 7:

The Trademarks Office shall examine the application for registration and compare the trademark sought to be registered with the other trademarks filed or registered on a prior date. It shall decide on the application, within sixty days from the application filing date, either by accepting it, if it meets the conditions and procedures stipulated in the Law and the Implementing Regulations thereof, or by rejecting it, if it fails to meet such conditions and procedures. The Office shall notify the applicant of its decision in writing or require the applicant to meet the conditions or make the necessary amendments in order for the application to be accepted.

Article 8:

If a decision to reject the registration of a trademark is issued, the applicant may file a grievance against such decision with the Minister of Commerce within sixty days from the date on which the applicant is notified of such decision, or from the expiry date specified in Article (12) of this Law.

Article 9:

The appellant shall be notified of the Minister's decision in writing. If the grievance is rejected, the party concerned may file an appeal with the Board of Grievances within thirty days from the date of receiving a notice thereof.

Article 10:

If a trademark is accepted, the Trademarks Office shall prepare a notice of the trademark including the following data:

- Applicant's name, address, and nationality.
- Reproduction and description of the trademark.
- Goods or services in respect of which registration of the trademark is sought, and their class.

The applicant shall receive the notice within ninety days from the date of the decision accepting the registration or from the date of the Minister's decision accepting the appeal. The applicant shall publish the said notice in the Official Gazette at his own expense and shall, within six months from date of receiving said notice, provide the Office with a copy of the newspaper in which said notice has been published, failing which the application shall be deemed as relinquished.

Article 11:

Any party with interest may file with the Board of Grievances an objection against acceptance of the registration of a trademark, within ninety days from the date of publication of the notice in the Official Gazette, provided that a notice thereof shall be filed with the Trademarks Office by the appellant, along with depositing a copy of such objection within the same period. The Office shall not take any further action, pending the issuance by the Board of Grievances of the final decision determining said objection.

Article 12:

As a party with interest, an applicant for registration shall be deemed, before the Board of Grievances, a principal party to the objection action brought against the acceptance of the registration of a trademark and shall be confronted with said objection, and his arguments shall be heard.

Article 13:

The applicant for registration must pay the trademark registration fees as prescribed in Article (41) of the Law within ninety days from the date of issuance of the final decision accepting the registration of the trademark. The decision accepting registration shall be final upon the elapse of ninety days from the date of publication of the notice of the trademark in the Official Gazette without any objection against registration being filed or upon the issuance of a final judgment in this regard by the Board of Grievances, failing which the application shall be considered null and void.

Article 14:

A register entitled "Trademarks Register" shall be maintained at the Ministry of Commerce wherein shall be entered the following data:

- Trademark Registration number and date.
- Trademark owner's name, surname, nationality, address, and trade name, if any. If the trademark owner is a corporate person, its name, address and nationality shall be stated.

- Goods or services in respect of which registration of the trademark is sought, and classes thereof.
- Reproduction and description of the trademark.
- Protection period starting and expiry dates.
- Priority date, if any.
- Recording the acts of disposing of the trademark, such as notices of assignment, transfer, license to use the trademark, renewal or cancellation of the trademark registration.

#### Article 15:

The Trademarks Office shall register the trademark in the said Trademarks Register and shall give the trademark owner a certificate of registration including the following data:

- Trademark registration number and date.
- Protection period starting and expiry dates.
- Priority date, if any.
- Trademark owner's name, surname, address, nationality, and trade name, if any.
- Reproduction and description of the trademark.
- Goods or services in respect of which registration of the trademark is sought and their classes.

Registration of a trademark shall be effective as from the application filing date as recorded in the “Applications Filing Register” stipulated in Article (6) of these Regulations.

## Renewal of Registration

#### Article 16:

The owner of a trademark who desires to renew registration of his trademark may file with the Trademarks Office an application to that effect during the final year of the trademark protection period as well as during a period of six months following said protection period. The renewal application shall be accompanied with the original certificate of registration and a proof of payment of the renewal fees prescribed in Article (41) of the Law. Applications submitted after said deadline or without payment of said fees shall be disregarded.

#### Article 17:

Renewal applications accepted in terms of form shall be approved without a reexamination. The Trademarks Office shall prepare a notice of renewal including the following data:

- Trademark description.
- Trademark registration number.
- Trademark owner's name, address and nationality.

The owner of a trademark shall publish said notice of renewal in the Official Gazette at his own expense, and shall provide the Office with a copy of the newspaper in which said notice of renewal has been published in order for it to record the renewal in the Register and on the original certificate of registration.

## Trademarks Ownership Transfer and Pledge

### Article 18:

A trademark may be disposed of by any act of ownership transfer, and it may be pledged in accordance with the rules established by law provided that such acts be publicized and recorded in the Register, pursuant to the procedures and situations stipulated in the following articles.

### Article 19:

Trademark ownership transfer shall be recorded in the Trademarks Register based on an application filed with the Trademarks Office by the transferee, or the transferee's agent, accompanied with the original certificate of registration and the documents proving such transfer and including the following data:

- Trademark registration number.
- Transferor's name and surname.
- Transferee's name, surname, trade name (if any), nationality, and address.
- Date of ownership transfer and the disposal act by virtue of which the transfer has been effected.
- The agent's name, surname, and address, if said application is filed by an agent.

### Article 20:

The Trademarks Office shall prepare a notice of the trademark ownership transfer including the following data:

- Description of trademark.
- Trademarks registration number and date.
- Transferor's name.
- Transferee's name, nationality and address.

The applicant shall publish said notice in the Official Gazette at his expense, and he shall provide the Office with a copy of the newspaper in which said notice has been published.

#### Article 21:

The Office shall record the trademark ownership transfer in the Trademarks Register and on the original certificate of registration along with the name and address of the new owner, the reason for transfer and date of recording it.

#### Article 22:

A trademark pledge shall be recorded in the Register in accordance with the same procedures and situations pertaining to trademarks ownership transfer. The notice of pledge to be published shall include the same specifications stipulated in Article (19) hereof.

#### Article 23:

A trademark pledge shall be removed from the Trademarks Register based on an application filed in the Trademarks Office by the owner of the trademark accompanied with the original certificate of registration and the documents proving that said pledge has been removed.

The applicant shall publish said removal in the Official Gazette at his expense in accordance with the notice prepared by the Office in this regard. The applicant shall provide the Office with a copy of the newspaper in which said notice of removal has been published in order to record said removal in the Register and on the original certificate.

## Cancellation of Registration

#### Article 24:

A trademark registration may be cancelled in accordance with the provisions stipulated in Articles (25) and (26) of this Law. The Office shall record the cancellation of registration in the Trademarks Register and shall publish the same in the Official Gazette, provided that the notice shall include the following data:

- Reproduction of the trademark.
- Trademark registration number.
- Name and nationality of the owner of the trademark.
- Grounds for cancellation of registration.

#### Article 25:

Apart from the situations stipulated in Article (26) of the Law, the Board of Grievances shall have jurisdiction to determine all petitions for cancellation of registration.

## License Contracts

#### Article 26:

If the owner of a trademark grants a license to any natural or corporate person to use the trademark for all or some of the goods or services in respect of which the trademark is registered, the license contract shall be in writing and the signatures, finger prints or stamps of the contracting parties shall be authenticated by a notary public, as to license contracts concluded in the Kingdom, or by the official authentication bodies, including the Saudi Ministry of Foreign Affairs, in accordance with the relevant applicable rules as to license contracts concluded outside the Kingdom.

#### Article 27:

The Office shall record the license to use the trademark in the Register and on the original certificate of trademark registration. The license contract shall be announced pursuant to a notice prepared by the Trademarks Office including the following data:

- Reproduction of the trademark.
- Trademark registration number and date.

- Name, address, and nationality of the owner of the trademark.
- Name, address, and nationality of the licensee.

The applicant shall publish said notice in the Official Gazette at his expense and provide the Office with a copy of the newspaper in which said notice has been published.

Article 28:

The license registration shall be cancelled based on a request filed with the Trademarks Office by the owner of the trademark or the licensee, accompanied with proof that said license has been terminated or cancelled.

The Office shall notify the other party in writing of the request to cancel the registration. Said party may file an objection with the Board of Grievances within thirty days from the date on which he has been notified of the cancellation petition and shall deposit in the Trademarks Office a copy of said objection, together with a proof that the same has been filed, whereupon the Office shall suspend the petition for cancellation pending an agreement by the two parties or a final judgment rendered by the Board of Grievances regarding the said objection.

Article 29:

In case there has been no objection to the cancellation of the license or, in case a final decision pertaining to the objection has been issued by the Board of Grievances, the Office shall prepare the necessary notice.

The cancellation petitioner shall publish the said notice in the Official Gazette at his expense and shall provide the Office with a copy of the newspaper in which the notice has been published, in order for it to record the cancellation of the license in the Register and on the original certificate.

## Collective Trademarks

Article 30:

Registration of collective trademarks stipulated in Chapter Seven of Trademarks Law are registered in respect of economical enterprises engaged in a certain type of goods or services and integrated in one

general federation, association or organization whose object is to serve the common interests of said enterprises without itself being engaged in the production process.

#### Article 31:

The application for registration of a collective trademark shall be filed with the Trademarks Office on the form specially prepared for that purpose including the following:

- Ten reproductions of the trademark identical with the representation of the trademark in the application for registration.
- Two true copies of the bylaws of the general federation, association or organization seeking registration including all amendments thereto.
- Two copies of the system to be followed by the applicant for registration to control or examine the goods or services, along with a statement of the conditions and restrictions required and the manner in which the trademark is used on such goods or services.

## Provisional Protection of Trademarks Used in Exhibitions

#### Article 32:

If the owner of a trademark desires to secure provisional protection to his trademark which is used on products or services displayed in national or international exhibitions held in the Kingdom or in any other country having reciprocal treatment with the Kingdom, said owner shall notify the Trademarks Office at the Ministry of Commerce of such desire, not less than one month before the opening of said exhibition. Said notification shall be submitted on the form designated for that purpose including four reproductions of the trademark and proof of payment of the prescribed fee in accordance with Article (41) of the Law.

#### Article 33:

Applications shall be recorded in a special register including the following data:

- Application filing date.
- Exhibitor's name.



- Exhibition's name and date of official opening.
- Goods or services in respect of which protection of the trademark is sought, and class thereof.

Article 34:

The Office shall issue the trademark a certificate of provisional protection for a period not exceeding six months from the opening date of said exhibition.

Article 35:

The certificate of provisional protection stipulated in the preceding Article may not be issued except for exhibitions in respect of which a decision has been issued by the Minister of Commerce.

## General Provisions

Article 36:

The officials referred to in Article (56) of the Trademarks Law who are appointed pursuant to a decision by the Minister of Commerce shall jointly or severally record all violations to the provisions of the Law and its Implementing Regulation hereof, regardless of whether such violations came into their knowledge through a complaint filed by a certain person or in the course of an inspection visit made by them to the market places or shops. A record of the occurrence of such violation shall be made and signed by the writer thereof as well as the owner of the shop or his substitute at the time said violation was recorded.

Article 37:

For the purpose of performing the tasks entrusted to them, the officials referred to in the preceding Article may do the following:

- Inspect shops for violations of the provisions of this Law.
- Seize the goods on which are affixed trademarks that are contrary to the provisions of this Law and collect three specimens thereof for submission purposes, when necessary, and send one specimen to the Bureau of Investigation and Public Prosecution. The remaining specimens shall remain seized pending determination of the penal action. A seizure record

shall be made, signed by the official and the owner of the shop or his substitute. Said record shall specify the place wherein said seizure of goods was conducted, be it the trader's warehouse, a part of the trader's shop, or a warehouse designated for this purpose. In all events, it must be ascertained that said goods have not been seized by another official authority and that an undertaking to that effect has been taken from the owner of the shop. If, however, the owner of the shop declares that said goods are under seizure, he shall submit documents which prove that said seizure has been conducted. In all events, said goods shall be seized provided that coordination with the seizing authority has been made with the participation of a representative thereof.

- If deemed appropriate, conduct an immediate investigation with the violator after confronting him with the violation attributed to him. In all events, the violator shall be allowed to submit his defenses in writing or such defenses shall be recorded and attached to the seizure record, after entering therein the violator's name, nationality, capacity, residence address, business address and telephone numbers. The violator shall have the right to verify the identity of the official who reported said violation.

Article 38:

After investigating the violator, all violation papers, along with a specimen of the violation subject matter, shall be referred by the Deputy Minister for Internal Trade to the Bureau of Investigation and Public Prosecution, with a request to initiate a penal action before the Board of Grievances in accordance with Article (54) of the Law.

Article 39:

Officials appointed pursuant to a decision by the Minister of Commerce shall act as judicial investigation and recording officers and shall enforce the orders and judgments of the Board of Grievances in accordance with Articles (49) and (52) of this Law. They may, for this purpose, seek assistance from the police departments.

Article 40:

The Ministry of Commerce shall draft a notice of the judgment rendered against a repeating violator, in accordance with Article (45) of this Law, and it shall be published at the expense of the violator in a distinct place in two widely distributed newspapers, one of which is published in the province where the violator's head office is located, if any.

Article 41:

If seizure is conducted pursuant to an order issued in accordance with the provisions of Article (49) of this Law, the party on whom seizure is effected may contest the adequacy of the security provided by the seizer, by virtue of a petition filed with the Board of Grievances within ten days from date of such seizure.

## Appendix No. 1

### Classes of Goods and Services

#### First – Goods

Class 1: Chemicals used in industry, research, scientific experiments, photography, agriculture, horticulture, and forestry; unprocessed artificial resins, unprocessed plastics; manures (natural or artificial); fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

Class 2: Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colourants; mordants; raw natural resins; metals in foil or powder form for painters, decorators, printers and artists.

Class 3: Bleaching preparations and other substances for laundering and ironing use; cleaning, polishing, scouring, and abrasive preparations; soaps; perfumery; essential oils, cosmetics, hair lotions; dentifrices.

Class 4: Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

Class 5: Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; materials for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides; diapers for enuresis patients, feminine sanitary pads.

Class 6: Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores; nails; articles made or repaired by locksmiths.

Class 7: Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; washing machines and equipment; generators; electric blenders, mincers, juicers and grinders for household use, cleaning machines, sewing machines.

Class 8: Hand tools and implements (hand-operated); cutlery (forks, spoons and knives), side arms; shaving tools, razors; non-electric can openers.

Class 9: Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for connecting, switching, transmission, condensing, regulating and controlling power; apparatus for recording, transmission or reproduction of sound and images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines; data processing equipment and computers; fire-extinguishing apparatus; spectacles; televisions.

Class 10: Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials;

Class 11: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.

Class 12: Vehicles; apparatus for locomotion by land, air or water.

Class 13: Firearms, ammunition and projectiles; explosives; fireworks.

Class 14: Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.

Class 15: Musical instruments.

Class 16: Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks; baby diapers made of paper and cellulose; waste bags.

Class 17: Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

Class 18: Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

Class 19: Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal; natural and artificial stone; cement, lime, gypsum; pipes made of bitumen and cement.

Class 20: Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

Class 21: Household and kitchen utensils and containers (not of precious metal or coated therewith; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

Class 22: Ropes, strings, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

Class 23: Yarn and threads for textile use.

Class 24: Textiles and textile goods not included in other classes; bed and table cover.

Class 25: Clothing, footwear, headgear.

Class 26: Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

Class 27: Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).

Class 28: Games and playthings; gymnastic and sporting articles not included in other classes;

Class 29: Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats; preserved foods; pickles.

Class 30: Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces ( condiments ); spices; macaroni; ice.

Class 31: Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt, wheat.

Class 32: Mineral and aerated waters and other non-alcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages, beer (malt drink).

Class 33: Removed.

Class 34: Tobacco; smokers' articles; matches.

## Second - Services

Class 35: Advertising; business management, business administration; office functions;

Class 36: Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37: Construction of buildings, roads, bridges and dams; painters and plumbers services; repair and maintenance services; installation services; hiring of tools or building materials.

Class 38: Telecommunications; diffusion of radio or television programmes.

Class 39: Transport; packaging and storage of goods; travel arrangements.

Class 40: Treatment of materials; cutting out and sewing of clothes.

Class 41: Education and instruction; providing of training; entertainment; sporting and cultural activities.

Class 42: Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

Class 43: Services for providing food and drink; temporary accommodation.

Class 44: Medical services; veterinary services; hygienic and beauty care; agriculture, horticulture and forestry services; barbershops services.

Class 45: Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.