

LAW FOR THE PROTECTION OF GEOGRAPHICAL INDICATIONS

Article 1: In implementing the provisions of this law, whatever is used to define a commodity from any other, on account of its geographical origin and environment, in any country, region or location, is considered a geographical indication. The definition of this indication includes natural and/or human element.

Article 2: The authorities concerned, natural personalities or interested group of producers or consumers of any natural, agricultural, industrial or artisan produce that have features or reputation based on its geographical origin, shall have the right for protection as stipulated in this law.

Article 3:

- A) Geographical indication enjoys the protection stipulated by this law, regardless if it has been registered or not. In the event of applying for registration, it shall be registered in the Geographical Indications Register, at the department concerned, Ministry of Commerce and Industry. Executive bylaws shall specify procedures for application, scrutiny, registration, propagation and fees.
- B) In accordance with this law, protection is also provided against geographical indications, although literary correct in relation to the goods' origin, in relation to a region, area or location, deceive the public by making it appear that the goods' origin is in another region.
- C) For geographical indications with similar names, protection shall be provided for every indication, subject to the provisions of paragraph (B), in the event of simultaneous use, allowed for such indications, director of the department concerned, Ministry of Commerce and Industry, may specify practical conditions under which similar indications shall be distinguished, taking into consideration the need to guarantee the producers a fair treatment, and to guarantee non deception of the public.
- D) Only producers active within the registered geographical area may have the right to use a trade geographical indication, in relation to the registered products, provided that these products enjoy quality, goodwill or other features, as specified in the register.

Article 4: The followings do not enjoy protection:

- A) Geographical indications that do not correspond with the definition stipulated in article (1).
- B) Geographical indications that are indecent, or violate the public system.
- C) Unprotected geographical indications, or have lost protection, or is disused in its country of origin.

Article 5: It is not permitted to name a commodity, and present it to the public, indicating that its geographical origin is not its true origin, resulting in misleading the

public and illegal competition, such as using an incorrect geographical indicator together with listing the commodity's correct origin translated, or associated with expression such as type, model or counterfeit imitation.

Article 6: Any interested person, in accordance with the provision of article (2), may obtain a judicial writ, from the president of the Commercial Court, or any deputized judge, to take necessary precautionary measures, and in particular, seizure of commodities, products, packing, packaging, etc.

The legal action, the origin of the dispute, should be lodged in front of the competent circuit, Commercial Court, within fifteen days from the date of the writ, otherwise, all traces of the action will be removed.

Article 7: Any person may view the register, as stipulated in article (3) of this law, and obtain printouts, in accordance with the conditions and fees stipulated in the executive bylaws.

Article 8: Applicant may complain against refusing the application to register within thirty days, before a committee to be formed by a ministerial decision, which will also specify procedures' executive bylaws. The committee decision may be appealed before the competent circuit, Commercial Court, within sixty days from being informed of the committee's decision by a registered mail.

Article 9: Any concerned person may request the competent circuit, Commercial Court, to delete the geographical indication, if it was established that it is not qualified for protection as such, in accordance with article (4), may also request to correct the geographical indication to correspond with the truth and reality, in accordance with the procedures stipulated in the bylaws.

Article 10: Previous and continuous use of a geographical indication for a specific country, in Oman, is considered legal, if the use was in good faith, and for a sufficient period, prior to the implementation of this law. This is applicable to trade marks similar or corresponding to a geographical indication, registered in good faith.

Article 11: Punishable by imprisonment for no more than two years and/or a fine not exceeding Rial Omani two thousand, anyone willingly committing any of the acts listed in article (5) of this law.