

## INDUSTRIAL DESIGNS AND PATTERNS LAW

Article 1: This law applies to independently created industrial designs that are new or original. Industrial designs cover any construction that includes sketches or colors, or any colored or non colored model, for use in automatic or manual industrial production, including textile designs. Designs will not be considered new or original if they do not significantly differ from known designs or combinations of known design features.

Article 2: Industrial drawing or pattern does not enjoy the protection stipulated in this law unless it is registered in the Industrial Designs and Patterns Register, at the competent department, Ministry of Commerce and Industry. Executive bylaws shall stipulate the procedures for submitting the application, scrutiny and registration. The application may contain more than one design or pattern, provided that collectively it constitute a uniformed unit.

Article 3:

A) The creator of the design or pattern, and his legal successors, is considered to be its owner, this registration is considered a presumption of ownership until proven otherwise. Registration application may include the desire to consider priority in registration for an application submitted in a member country of Paris Convention or World Trade Organization (WTO).

B) In the event two persons, or more, participated to create an invention (industrial design or pattern), they are considered as owners. In the event of two persons, or more, created the same industrial design or pattern independently, the person first submitting registration application may claim the priority, as long as this application was not assigned, withdrawn or refused. The name of the creator is to be listed being the owner of the industrial design or pattern, unless a testimony, signed by the creator, was submitted clarifying the desire of not listing his name.

Article 4: The followings may not be registered as an industrial design or pattern:

A) Drawing or pattern that lacks novelty and ingenuity, or previously revealed to the public in any country by publication, use or any other process prior to the date of submission, or the date of registration priority, if any.

B) Any indecent drawing or design, or violates the public system.

Article 5: Applicant may complaint against refusing registration application 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 court, within sixty days from being notified of the committee decision by a registered mail.

Article 6: In the event that the industrial design or pattern was completed through an employment contract, the employer shall be considered as the owner, unless agreed otherwise.

Article 7: Any action relating to transfer the ownership of industrial dresign or pattern to third parties, or to decide on the right to benefit from, will not be considered unless it is registered in the said register, in accordance with the provisions of this law and its executive bylaws.

Article 8: Owner of industrial drawing or pattern may request to delay publication for no more than twelve months from the date of priority, in this

case, postponement will be accepted, together with listing the name of applicant and date of application.

Article 9: Industrial design or pattern protection period is ten years from the date of applying for registration, and may be renewed for other similar periods, otherwise, the competent department at the ministry shall cancel the registration. Renewal applications should be submitted during the last six months before the expiry of the original period. Executive bylaws shall specify registration and renewal fees, and registration and renewal decision shall be published in accordance with the executive bylaws.

Article 10: Whoever is concerned may request the competent court to delete the industrial design or pattern registration, in the event it was registered under the name of a person who is not the real owner of the industrial design or pattern, or if the registration violates the provisions of the first and forth articles of this law. The registrar shall cancel the registration upon the submission of a final verdict.

Article 11: Any person may view the register and obtain printouts, in accordance with the conditions and fees stipulated in the executive bylaws.

Article 12: Punishable by imprisonment for no more than two years and/or a fine not exceeding Rial Omani two thousand, anyone who:

A) Imitated the subject of an industrial design or pattern registered in accordance with this law.

B) Knowingly sold, offered for sale or circulation, imported or acquired, with the intention to trade, products with counterfeited industrial design or pattern, as long as this industrial design or pattern is registered in the Sultanate of Oman.

C) Wrongfully placing on the products, advertisements, trade marks, packing materials, etc. details that may lead to the believe that it is an officially registered industrial design or pattern.

Article 13: Owner of industrial drawing or pattern may obtain a judicial writ, from the president of the competent court, or any deputized judge, to take necessary precautionary measures, and in particular, seizure of used equipment and machinery, together with the products, commodities, packing, packaging, etc.

The legal action, the origin of the dispute, should be lodged before the competent court within fifteen working days from the date of the writ, otherwise, all traces of the action will be removed.

Article 14: The owner of a protected design may more a competent court to prevent third parties not having the owner's consent from making, selling or importing articles bearing or embodying a design or pattern which is a copy, or substantially a copy, of the protected design, when such acts are undertaken for commercial purposes.