

**REGULATIONS UNDER THE LAW ON INDUSTRIAL PROPERTY RIGHTS  
AND THEIR ENFORCEMENT FOR THE SULTANATE OF OMAN**

## **Article 1**

### **Definition**

In these Regulations, unless the context otherwise requires:

- “Act” : The Act on Industrial Property Rights and their Enforcement promulgation by the Royal Decree No. 67/2008 .
- “Regulations” : The regulation under the Act on Industrial Property Rights and their enforcement.
- “Sultanate” : The Sultanate Of Oman.
- “Ministry” : The Ministry Of Commerce and Industry.
- “Minister” : The Minister Of Commerce and Industry.
- “Register” : The Industrial Property Register ( Patents, Utility Models, Industrial designs, Layout – designs ( topographies ) of integrated circuits, trademarks, and geographical indications.
- “Registrar” :The Director of Intellectual Property Department.
- “Court” : The Competent Court.
- “Treaties and agreements” : The treaties and agreements mentioned in Article ( 1 ) of the Law .
- “Trips agreement” :The agreement on Trade-Related aspects of Intellectual Property Rights.
- “Patent Cooperation Treaty” : The Patent Cooperation Treaty done at Washington on June 19, 1970;

## **Article 2**

### **Fees**

- (1) Payable fees for filing of applications, shall be those specified in Schedule ( 1 ) of these Regulation.
- (2) Fees shall be paid on the submission of application and payment may not be postponed for any reason whatsoever.
- (3) (A) Fees shall be paid in Omani Riyals in cash or by means of a credit made on an account open by the Ministry or by any other means determined by the Ministry.  
(B) Payment by cheque shall be acceptable only when the cheque is certified by the drawee bank.

- (C) If the payment is made credit card, the payment shall be deemed to have been made on the specified amount has been credited to the Ministry's account.
- (4) Fees shall not be reimbursed when the corresponding applications are withdrawn or otherwise deemed abandoned or lapsed or for any other reason.

### **Article 3**

#### **Forms**

- (1) Applications shall be made on the forms set out in schedule ( 2 ) annexed to these Regulations un Arabic.
- (2) Applications, signed by applicant or his duly authorized agent, shall be submitted to the Intellectual Property Department.
- (3) A document submitted for or on behalf of a partnership, a body corporate or an association shall contain the names of all partners or members, and signed by all the partners or members or by any person duly authorized.
- (4) A document Submitted to the Registrar in a language other than Arabic shall be accompanied with an Arabic translation. However, the Registrar may allow a time limit of ninety ( 90 ) days from the filing date for the submission of the translation .

### **Article 4**

#### **Details of Application**

The application must include the following details :

- (1) The name of the application, his title, profession and trade name, and if the applicant is a legal entity, it's name, address and objects must be indicated.
- (2) Nationality, residence and registered place of business.
- (3) Where the applicant is an agent, his name and address must be indicated.
- (4) The Registrar, on examination of application, may request a copy of the certificate of the registration of the legal entity without authentication.

### **Article 5**

#### **Representation by Agent**

- (1) The power of attorney appointing an agent may be filed together with the application or within 60 (sixty) days from its filing date; otherwise the application shall be deemed null.

- (2) Any person may pay any prescribed fees for the applications submitted to the Department without authorization from the owner.
- (3) The applicant resident abroad may appoint an attorney resident and practicing in the Sultanate, provided that he :
  - ( a ) shall provide the department with a copy of the license to practice Intellectual Property activity.
  - ( b ) shall register his name with the department on form No. ( 1 ) after payment of the prescribed fees.
- (4) The Ministry may cancel the license after it's issue in case licence after it's issue in case licence holder does not abide by the law and it's implementing decisions, However, the licence holder may complain the Ministry's decision cancelling the licence before the the court within 60 ( Sixty ) days from the date of his receiving the decision.

### **Article 6**

#### **Change of Name, Address or Address for Service**

- (1) Every owner or applicant, under the Act, who wishes to make any change or amendment to any statement in his application, shall so request in writing on form No. ( 2 ). Amendment shall request be made after the payment of the prescribed fee.
- (2) The Registrasr may require such proof of the alteration as he thinks fit.

### **Article 7**

#### **Changes in Ownership; License Contracts**

- (1) The request, of a change of ownership of a title granted under the Act or of an application therefore shall be made to the Registrar on Form No. ( 3 ) and shall be subject to payment of the prescribed fee.
- (2) The publication of the change of ownership shall specify
  - (a) the title of protection concerned;
  - (b) the filing date, the priority date ( if any), and the date of registration or grant:
  - (c) the owner and the new owner; and
  - (d) the nature of the change of ownership.
- (3) A license contract submitted for recordal under Article 93(5) shall be accompanied by the prescribed fee.

**Article 8**  
**Consultation of Registers; Request for Extracts Therefrom and for Copies of Documents**

- (1) An interested party may request the Registrar on Form No. ( 4 ) for consultation of the Register and the applications submitted in accordance with the provision of the law and these Regulations after payment of the prescribed fees .
- (2) An interested party may request the Registrar on Form No. ( 5 ) for certified copies of any document enclosed with the submitted application ( except articles and memoranda of association of companies and their commercial registers ) after payment of the prescribed fees.

**Article 9**  
**Corrections of Errors**

The Registrar under Article 96 may correct any immaterial error in any document related to the application, Corrections made shall be communicated in writing to all interested person .

**Article 10**  
**Hearing**

- (1) Before exercising adversely to any person any discretionary power given to the Registrar by the Act or these Regulations, the Registrar shall notify such person, in writing, of the opportunity to be heard thereon, and indicating a time limit, which shall not be less than 30 (thirty) days, for filing a request for a hearing.
- (2) The request for a hearing shall be in writing according to Form No. ( 6 ) and shall be subject to payment of the prescribed fee.
- (3) Upon receiving such request, the Registrar shall give the person applying, and any other interested persons, at least 2 (two) weeks notice, in writing, of the date and time of the hearing

**Article 11**  
**Evidence**

- (1) Under the law and these Regulations, any written evidence to support the ownership of the owner may be filed with the application.

- (2) The Registrar may, in any particular case take oral evidence in lieu of or in addition may be filed, it shall be by any means admitted by the articles and principles of procedural law .
- (3) Statutory declarations or affidavits made outside Oman shall be made before a Consul of the Sultanate of Oman or, in his absence, a Notary Public. In the latter event, the notarized declaration or affidavit must be legalized in Oman before being submitted to the Registrar.

## **Article 12**

### **Publication**

The applications submitted to the department shall be published, in the official Gazette in accordance with the directions of the Registrar Applicants shall be notified of the decision in writing so as to pay the prescribed fees.

## **Article 13**

### **The date and validity of Official Decisions and Notifications**

- (1) Unless otherwise expressly provided in the law or these Regulations, the period of validity for applications, registrations, and other actions related to applications shall be 90 ( ninety ) days from the receipt by the applicant or his deputy of any decision or notification issued by the Registrar shall be deemed null after the lapse of this period.
- (2) The period specified in paragraph ( 1 ) above shall commence on the first workdays following the receipt by the applicant or his deputy of the decision or notification . where the said period expires on an official holiday, the period shall on the first workday following the holiday.

## CHAPTER 1 – PATENTS AND UTILITY MODELS

### Article 14

#### Request for Grant of Patent

- (1) The application shall be submitted to the Registrar on Form No. ( 7 ).
- (2) The application shall include :-
  - a. The name and address of the applicant, his nationality, and domicile.
  - b. Where the applicant is the inventor, the request shall contain a statement to that effect, and, where he is not, it shall indicate each inventor's name and address and be accompanied by the statement justifying the applicant's right to the patent.
  - c. If the applicant is represented by an agent, the request shall so indicate and state the agent's name and address.
  - d. The title of the invention shall be short (preferably from two to seven words) and precise.

### Article 15

#### Description

- ( 1 ) The description shall first state the title of the invention as appearing in the request.
- (2) specify the technical field to which the invention relates;
- (3) indicate the background art which, as far as known to the applicant, can be regarded as useful for the understanding, searching and examination of the invention, and, preferably, cite the documents reflecting such art;
- (4) disclose the invention in such terms that it can be understood and state its advantageous effects, if any, with reference to the background art;
- (5) briefly describe the figures in the drawings, if any;
- (6) set forth at least one mode contemplated by the inventor as the best mode for carrying out the invention; this shall be done in terms of examples, where appropriate, and with reference to the drawings, if any;

(7) indicate explicitly, when it is not obvious from the description or nature of the invention, the way in which the invention is industrially applicable and the way in which it can be made and used, or, if it can only be used, the way in which it can be used.

## **Article 16**

### **Claims**

- (1) The number of the claims shall be reasonable taking into account the nature of the invention; if there are several claims, they shall be numbered consecutively in Arabic numerals.
- (2) The claims shall define the invention in terms of the technical features of the invention.
- (3) Whenever appropriate, claims shall contain
  - (a) a statement indicating those technical features of the invention which are necessary for the definition of the latter but which, in combination, are part of the prior art;
  - (b) a characterising portion – preceded by the words “characterised in that,” “characterised by,” “wherein the improvement comprises,” or any other words to the same effect – stating concisely the technical features which, in combination with the features stated under (i), it is desired to protect.
- (4) Claims shall not, except where absolutely necessary, rely in respect of the technical features of the invention on references to the description or drawings; in particular, they shall not rely on such references as “as described in part ... of the description,” or “as illustrated in figure ... of the drawings.”
- (5) Where the application contains drawings, the technical features mentioned in the claims shall preferably be followed by the reference signs relating to such features; when used, the reference signs shall preferably be placed between parentheses; if inclusion of reference signs does not particularly facilitate quicker understanding of a claim, it should not be made.
- (6) Any claim submitted after the filing date of the application and which is not identified with the claims previously appearing in the application shall, at the choice of the applicant, be submitted either as an amended claim or as a new claim.
- (7) The deletion of any claim previously appearing in the application shall be made by indicating the number of the previous claim followed by the word “cancelled.”



## Article 17

### Drawings

(1) Drawings forming part of an application for a patent shall be on sheets the usable surface area of which shall not exceed 26.2 cm by 17 cm. The sheets shall not contain frames round the usable or used surface.

The minimum margins shall be as follows:

top	2.5 cm
left side	2.5 cm
right side	1.5 cm
bottom	1.0 cm

(2) Drawings shall be executed as follows:

(a) Without colouring in durable, black sufficiently dense and dark, uniformly thick and well-defined lines and strokes to permit satisfactory reproduction.

(b) Cross-articles shall be indicated by hatching which does not impede the clear reading of the reference signs and leading lines.

(c) The scale of the drawings and the distinctness of their graphical execution shall be such that a photographic reproduction with a linear reduction in size to two-thirds would enable all details to be distinguished without difficulty. If, as an exception, the scale is given on a drawing it shall be represented graphically.

(d) All numbers, letters and reference signs appearing in the drawings shall be simple and clear and brackets, circles and inverted commas shall not be used in association with numbers and letters.

(e) Elements of the same figure shall be in proportion to each other, unless a difference in proportion is indispensable for the clarity of the figure.

(f) The height of the numbers and letters shall not be less than 0.32 cm and for the lettering of drawings, the Arabic and, where customary, the Latin or Greek alphabet shall be used.

(g) The same sheet of drawings may contain several figures. Where figures drawn on two or more sheets are intended to form one whole figure, the figures on the several sheets shall be so arranged that the whole figure can be assembled without

concealing any part of the partial figures. The different figures shall be arranged without wasting space, clearly separated from one another. The different figures shall be numbered consecutively in Arabic numerals, independently of the numbering of the sheets.

(h) Reference signs not mentioned in the description or claims shall not appear in the drawings, and *vice versa*. The same features, when denoted by reference signs, shall, throughout the application, be denoted by the same signs.

(i) The drawings shall not contain textual matter, except, when required for the understanding of the drawings, a single word or words such as “water”, “steam”, “open”, “closed”, “article on AA” and in the case of electric circuits and block schematic or flow sheet diagrams, a few short catchwords.

(j) The sheets of the drawings shall be numbered in accordance with Article 20(7)(a) from this regulation .

(3) Flow sheets and diagrams are considered drawings.

## **Article 18**

### **Abstract**

(1) The abstract shall be so drafted that it can efficiently serve as a scanning tool for purposes of searching in the particular art.

(2) The abstract shall consist of the following:

(a) a summary of the disclosure as contained in the description, the claims, and any drawings, indicating the technical field to which the invention pertains and drafted in a way which allows the clear understanding of the technical problem, the gist of the solution of that problem through the invention and the principal use or uses of the invention; and

(b) where applicable, the chemical formula which, among all the formulae contained in the application, best characterises the invention.

(3) The abstract shall be as concise as the disclosure permits (preferably 50 to 150 words).

(4) The abstract shall not contain statements on the alleged merits or value of the invention or on its speculative application.

(5) Each main technical feature mentioned in the abstract and illustrated by a drawing in the application shall be followed by a reference sign, placed between parentheses.

(6) The abstract shall be accompanied by the most illustrative of any drawings furnished by the applicant.

## **Article 19**

### **Measures, Terminology and Signs**

- (1) Units of weights and measures shall be expressed in terms of the metric system.
- (2) Temperatures shall be expressed in degrees centigrade (Celsius).
- (3) Density shall be expressed in metric units.
- (4) For indications of heat, energy, light, sound, and magnetism, as well as for mathematical formulae and electrical units, articles in general use shall be observed; for chemical formulae, the symbols, atomic weights, and molecular formulae, in general use, shall be employed.
- (5) In general, only such technical terms, signs and symbols should be used as are generally accepted in the art.
- (6) The terminology and the signs shall be consistent throughout the application.

## **Article 20**

### **Number of Copies and Physical Requirements**

- (1) The application and any accompanying statements or documents shall be filed in 3 (three) copies, but the Registrar may require the applicant to supply additional copies.
- (2) All elements of the application shall be so presented as to admit of direct reproduction by photography, electrostatic processes, photo offset and microfilming.
- (3) Only one side of each sheet contained in the application shall be used.
- (4) All elements of the application shall be on paper which is flexible, strong, white, smooth, non-shiny and durable.
- (5) The size of the sheets shall be A4 (29.7cm x 21cm), although the Registrar may accept sheets of other sizes.
- (6) The minimum margins of sheets shall be as follows:
  - (a) upper margin of each page, except the first page: 20 mm

- (b) upper margin of the first page: 30 mm
- (c) side margin adjacent to the binding: 25 mm
- (d) other side margin: 20 mm
- (e) bottom margin: 20 mm

(7) (a) All sheets shall be numbered at the top of the sheet, in the middle, in consecutive Arabic numerals.

(b) In effecting the sequential numbering of the sheets, the elements of the application shall be placed in the following order: the request, the description, the claims, the abstract, the drawings.

(c) The sequential numbering of the sheets shall be effected by using three separate series of numbering, the first series applying to the request only and commencing with the first sheet of the request, the second series commencing with the first sheet of the description and continuing through the claims until the last sheet of the abstract, and the third series being applicable to the sheets of the drawings only and commencing with the first sheet of the drawings.

(8) The text matter of the application shall be typed; graphic symbols, chemical or mathematical formulae and certain characters, if necessary, may be handwritten or drawn.

(9) Drawings shall be executed in durable, black, sufficiently dense and dark, uniformly thick and well-defined lines and strokes without colourings.

## **Article 21**

### **Unity of Invention**

(1) Article 6 of the Act shall be construed as permitting, in particular, one of the following three possibilities:

(a) in addition to an independent claim for a given product or part of a product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the said product, and the inclusion in the same application of an independent claim for a use of the said product; or

(b) in addition to an independent claim for a given process, the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the said process; or

(c) in addition to an independent claim for a given product, the inclusion in the same application of an independent claim for a process specially adapted for the manufacture of the product, and the inclusion in the same application of an independent claim for an apparatus or means specifically designed for carrying out the process.

(2) Without prejudice to the provisions of subrule (1) of this Article, the fact that the applicant treats the process and the product or part of the product as independent inventions does not preclude or preempt the obligation of description .

(3) Subject to Article 6 of the Act , it shall be permitted to include in the same application two or more independent claims of the same category which cannot readily be covered by a single generic claim.

(4) Subject to Article 6 of the Act, it shall be permitted to include in the same application a reasonable number of dependent claims, claiming specific forms of the invention claimed in an independent claim.

(5) Article 6(3) of the Act shall be construed as not assigning the applicant the discretionary power to decide whether the application should be divided or not. Such division shall only be authorized by the Registrar when one single patent application relates to two or more inventions that are not linked as to form a single general inventive concept.

## **Article 22**

### **Division of Application**

(1) A divisional application shall contain a reference to the initial application.

(2) If the applicant wishes a divisional application to benefit from any priority claimed for the initial application, the divisional application must contain a request to that effect; in such a case, the declaration of priority and the documents for the initial application shall be deemed to relate also to the divisional application.

(3) Where the priorities of two or more earlier applications were claimed for the initial application, a divisional application may benefit only from the priority or priorities that are applicable to it.

(4) (a) Article 6(3) of the Act shall be construed as permitting the division of the application provided that the divided applications do not go beyond the matter disclosed in the initial application.

(b) For the purposes of this Article , any matter that has been disclosed in the description or in the drawings shall be taken into consideration, provided such

disclosure is sufficient to permit the full comprehension and operation of the invention by a person .

### **Article 23**

#### **Disclosures to be Disregarded for Prior Art Purposes**

- (1) An applicant who wishes a disclosure of the invention to be disregarded, in accordance with Article 3 ( 1 ) of the Act, for prior art purposes, shall so indicate on the application and shall furnish, in writing, with the application or within 30 (thirty) days of filing the application, full particulars of the disclosure, including disclosure made at an exhibition, under Article 11 of the Paris Convention. In the event the applicant refers to disclosure made at an exhibition, he shall file, within the same period, a duly authenticated certificate issued by the authority responsible for the exhibition containing particulars of the exhibition, the date of the exhibition, and stating that the invention was in fact exhibited there.
- (2) Article 3(1) of the Act does not comprise disclosure through publication of patent applications in Oman or elsewhere, even if such applications were filed by the applicant or his predecessor in title or with his consent.

### **Article 24**

#### **Declaration of Priority and Translation of Earlier Application**

- (1) The declaration referred to in Article 7 of the Act shall be made at the time of filing the application for the patent and shall indicate:
  - (a) the date of filing of the earlier application;
  - (b) where the earlier application is a regional or an international application, the Office with which it was filed.
  - (c) the symbol of the International Patent Classification which has been allocated to the earlier application, subject to subrule (3);
- (2) Where at the time of filing the declaration referred to in subrule (1) the number of the earlier application is not known, that number shall be furnished within the period of 16 (sixteen) months after the priority date.

(3) Where a symbol of the International Patent Classification has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in subrule (1), the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.

(4) The applicant may, at any time before the grant of the patent, amend the contents of the declaration referred to in subrule (1) hereof.

(5) The period for furnishing the certified copy of the earlier application, referred to in Article 7(2) of the Act, shall be 90 ( ninety ) days from the date of the request by the Registrar; where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.

(6) Where the earlier application is in a language other than Arabic, the applicant shall, within 90 ( ninety ) days from the date of the aforementioned request, furnish an Arabic translation of the earlier application.

(7) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

## **Article 25**

### **Declaration of of Priority and Translation of Earlier Application**

(1) The Registrar shall correct or add a priority claim with respect to an application (“the subsequent application”), if:

(a) a request to that effect is made to the Intellectual Property Department;

(b) the request is filed within the time limit prescribed in the time limit applicable under the Patent Cooperation Treaty to an international application for the submission of a priority claim after the filing of an international application; and

(c) the filing date of the subsequent application is not later than the date of the expiration of the priority period calculated from the filing date of the earliest application whose priority is claimed.

(2) Where an application (“the subsequent application”) which claims or could have claimed the priority of an earlier application has a filing date which is later than the date on which the priority period expired, but within **60 ( sixty ) days** from the date in which the priority expired, the Registrar shall restore the right of priority, if:

- (a) a request to that effect is made to the Intellectual Property Department;
- (b) the request is filed within **60 ( sixty ) days** from the date in which the priority expired;
- (c) the request states the reasons for the failure to comply with the priority period; and
- (d) the Registrar finds that the failure to file the subsequent application within the priority period occurred in spite of due care required by the circumstances having been taken or was unintentional.

(3) Where a copy of an earlier application required under Article 6(5) of the Patent Law Treaty is not filed with the Intellectual Property Department within the time limit prescribed in the Regulations pursuant to Article 6 of the Patent Law Treaty, the Registrar shall restore the right of priority, if:

- (a) a request to that effect is made to the Intellectual Property Department;
- (b) the request is filed within **60 ( sixty ) days** before the expiry of 16 (sixteen) months from the filing date of an earlier application or, where there is more than one such earlier application, from the earliest filing date of those earlier applications;
- (c) the Registrar finds that the request for the copy to be provided had been filed with the Office with which the earlier application was filed, within the time limit prescribed in the Regulations; and
- (d) a copy of the earlier application is filed within the time limit prescribed in subrule (3)(c).

(4) The Registrar shall not refuse a request under subrules (1) to (3), totally or in part, without the requesting party being given the opportunity to make observations on the intended refusal within **60 ( sixty ) days** from the notification to make those observations.

## **Article 26**

### **Time for Furnishing Information Concerning Corresponding Foreign Applications, Patents and Other Titles of Protection**



(The information requested under Article 8 of the Act shall be furnished within 90 ( ninety ) days from the date such a request is made; upon a reasoned request by the applicant, the Registrar may extend such time limit.

(2) If the applicant replies that the documents requested under Article 8 are not yet available, the Registrar may suspend the procedure for the examination of the application until such time as the documents are furnished, but such suspension shall not be longer than 2 (two) years from the date on which the request for examination was filed by the applicant.

## **Article 27**

### **Withdrawal and Amendment of Application**

- (1) The application shall be withdrawn by written declaration submitted to the Registrar and signed by each applicant.
- (2) The application fee shall not be refunded if the application is withdrawn.
- (3) Any amendment pursuant to Article 6 of the Act shall be made together with the payment of the prescribed fee.

## **Article 28**

### **Marking Application**

- (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters OM, slash, the letter P, slash, the last two numbers of the year in which the initial papers were received, slash, and a five-digit number allotted in the sequential order in which applications are received; where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for grant of the patent on Form No. 8 .
- (2) The application number allotted under subrule (1) shall be quoted in all subsequent communications concerning the application.

## **Article 29**

### **Accordinging and Notifying Filing Date**

- (1) The Registrar shall examine whether the application fulfills the requirements of Article 9 of the Act
- (2) The notification to file any correction, under Article 9(b), shall be in writing; it shall specify the correction or corrections required and request that these be filed within 60 ( sixty ) days from the date of the notification, together with the payment of the prescribed fee .
- (3) Once the Registrar accords a filing date, he shall notify the applicant in writing; if the application is treated as if it had not been filed, under Article 9 of the Act the Registrar shall notify the applicant in writing, specifying the reasons ..

### **Article 30**

#### **Examination as to Form**

- (1) Where the Registrar finds that the conditions referred to in Article 9(b) are not fulfilled, he shall notify the applicant, in writing, to file the required correction within 60 ( sixty ) days from the date of the notification, together with the payment of the prescribed fee; where no abstract is provided, the Registrar shall notify the applicant to correct the deficiency either by providing an abstract or by paying the prescribed fee for the preparation of the abstract by the Registrar himself; if the applicant does not comply with the notification to correct a deficiency, or where, despite the corrections submitted by the applicant, the Registrar is of the opinion that the conditions referred to in Article 9(2) are not fulfilled, he shall reject the application and notify the applicant, in writing, stating the reasons.
- (2) Refusal of the application shall not affect its filing date which shall remain valid.

### **Article 31**

#### **Publication**

- (1) (a) After 18 (eighteen) months from the filing date, the Registrar shall open the patent application for public inspection.
  - (b) Upon payment of the prescribed fee, at any time between the filing date and the end of the eighteen-month period, the applicant may request the Registrar to open the application for public inspection.
- (2) Opening of the patent application for public inspection shall be made by publishing in the Official Gazette of the following elements

- (a) the number and the filing date of the application;
- (b) the title of the invention;
- (c) the name of the applicant(s) and of the inventor(s);
- (d) the priority date(s);
- (e) the international classification;
- (f) one drawing (if any) that depicts the main element(s) of the invention;
- (g) the abstract;

and the statement that the application is open for public inspection.

(3) Any interested person shall receive a copy of the full contents of patent applications opened for public inspection, provided the prescribed fees are paid.

(4) The Registrar shall not give access to or information about the contents of the patent application to third persons until the notice mentioned in subrule (2) of this Article is published in the Official Gazette.

## **Article 32**

### **Request for Examination**

In the event the request for examination is filed by a person other than the applicant, that person shall explain the reasons that accord him a legitimate interest to submit the application to examination as to substance.

## **Article 33**

### **Submission of Information Relevant to Patentability**

- (1) The interested party shall explain why that information is relevant and in particular shall give details on the availability of that information to the public in general on the date of the application or of its priority, if it applies. The language in which that information was made publicly available is relevant only when it is spoken by a remote community and only a very few persons outside the community are able to understand it. Otherwise, the language in which the information was made publicly available is not relevant.
- (2) Information regarding disclosure made publicly available orally shall be submitted in writing either in the form of under take or in any other form.

### **Article 34**

#### **Examination as to Substance and Decision to Grant or Refuse to Grant a Patent**

- (1) Where, taking due account of the conclusions of the search and examination report, the Registrar is of the opinion, that the conditions referred to in Act, are not fulfilled, he shall notify the applicant, in writing, notifying him to submit his observations and, where applicable, to amend or divide his application, within the period of 90 ( ninty ) days from the date of the notification. The notification may be made several times, if the Registrar deems it necessary.
- (2) Where the applicant does not comply with the said notification or where, despite any observation, amendments or division submitted by the applicant, the Registrar is of the opinion that the conditions referred to in Act.
- (3) The Registrar shall notify the applicant, in writing, of his decision to grant or to refuse to grant a patent, attaching a copy of the search and examination report, if any, upon which the decision is based and, in the case of a decision to grant a patent, requesting the applicant to pay the grant fee within 90 ( ninty ) days from the date of the notification.

### **Article 35**

#### **Decisions concerning Redundant and Interfering Applications**

- (1) Where two or more applications for grant of a patent claiming the same invention, having the same filing or, where applicable, the same priority date, are filed by the same applicant (redundant applications), the Registrar shall refuse to grant more than one patent in pursuance of the redundant applications.
- (2) In the event redundant applications are filed, the Registrar shall notify the applicant to explain the reasons that justify the redundancy. If he is convinced that redundancy is due to bad faith or inequitable conduct, the Registrar shall refuse all the applications.
- (3) Where two or more persons file an application for grant of a patent claiming the same invention that they made independently and where the subsequent applications are new for the purposes of Article 3 of the Act (interfering applications), the Registrar, before applying the criterion set out by Article 4, shall give the applicants an opportunity to be heard.
- (4) The applicants may, within 90 ( ninety ) days from the notification, expose in writing their comments on the interference, or amend the application, or transfer or assign in part or totally the right to the patent, as they see fit.

### **Article 36**

#### **Grant of Patent; Publication of Reference Thereto; Issuance of Certificate**

- (1) (a) The Registrar shall allot to each patent he grants a number in the sequential order of grant.  
(b) The patent shall be deemed to be granted on the date the Registrar publishes a reference to the grant.
  
- (2) The patent shall be granted on Form No. 9 and the Registrar shall publish in the Official Gazette a the reference to the grant of the patent, which shall include:
  - (a) the number of the patent;
  - (b) the name and address of the owner of the patent;
  - (c) the name and address of the inventor, except where he has asked not to be named in the patent;
  - (d) the name and address of the agent if any;
  - (e) the filing date;
  - (f) if priority has been claimed and the claim has been accepted, a statement of the priority, the priority date and the name of the country or countries in which or for which the earlier application was filed;
  - (g) the effective date of grant of the patent;
  - (h) the title of the invention;
  - (i) the abstract;
  - (j) the most illustrative of the drawings, if any;
  - (k) the symbol of the International Patent Classification;
  - (l) a notice of whether the patent application has been modified since the publication to which Article 9 of the Act .
  
- (3) (a) The certificate of grant shall be issued on Form No. 10, shall be signed by the Registrar and shall contain:
  - (1) the number of the patent;
  - (2) the name and address of the owner of the patent;
  - (3) the filing date and, where applicable, priority date of the application;
  - (4) the effective date of grant of the patent; and
  - (5) the title of the invention.

(b) The certificate of grant shall have annexed to it the description, the drawings (if any), the abstract and the claims. The annex shall be certified by the Registrar as authentic.

## Article 37

### Compulsory Licenses

- (1) An application shall be made on Form No. 11 and shall be accompanied by a statement in duplicate of the facts upon which the applicant relies and evidence in duplicate verifying the statement. This subrule applies regardless of whether the applicant is a private entity or an entity working for the government or a government-owned entity.
- (2) The application for a compulsory license shall be filed with the Registrar and shall be addressed to the Minister.
- (3) The Registrar shall, within 90 ( ninety ) days from the date of the request for grant of a non-voluntary license, examine whether the requirements of Article 13 of the Act are, *prima facie*, satisfied; if he finds that the requirements are not satisfied, the Registrar shall, in writing, notify the person or entity requesting the compulsory license, stating the grounds; if he finds that the requirements are satisfied, the Registrar shall forthwith send a copy of the request to the patent owner and to the beneficiaries, if any, of compulsory licenses granted, and notify them to submit observations thereon, in writing, to the Registrar, within 90 ( ninety ) days of the date of the notification.
- (4) The patent owner shall forthwith, in writing, notify all licensees, of the request, and the licensees shall have the right to submit observations thereon, in writing, to the Registrar within 90 ( ninety ) days of the date of the notification issued under subrule (3).
- (5) The Registrar shall forthwith notify the person requesting the compulsory license of any observations submitted.

- (6) The Registrar shall then convene a hearing to which it shall notify the person requesting the compulsory license, the patent owner and the persons who submitted observations under subrules (3) and (4), giving them at least 30 ( thirty ) days written notice of the date set for the hearing.
- (7) After the hearing, the Registrar shall submit all the records, documents and all relevant information, including his own findings, to the Minister. If the Minister finds that the conditions for the grant of a compulsory license are fulfilled, he shall grant the license; otherwise, it shall refuse it.
- (8) The decision to grant or to refuse a non-voluntary license shall be in writing, shall state the grounds upon which it is based and in the case of a decision to grant the non-voluntary license, shall specify, in particular:
- (a) the period of which the license is granted;
  - (b) to which of the acts referred to in Article 13 of the Act, the license extends;
  - (c) the time limit within which the beneficiary of the compulsory license must commence working the patented invention;
  - (d) the terms regarding payment of remuneration.
- (9) The Registrar shall record and publish the decision of the Minister in the Official Gazette and, in writing, he shall notify the owner of the patent and the other participants in the hearing.
- (10) If the decision of the Minister is the subject of an appeal, the Registrar of the Court shall notify the Registrar of the court's decision once it becomes final, and the Registrar shall record the decision and publish it. The terms and conditions of the Decision of the General Council of the WTO, of August 30, 2003, on the implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health, shall apply, whenever appropriate, to the decisions taken under Article 13 of the Act and this Article in the context of access to pharmaceutical products, in particular those that refer to the waivers from Article 31 (f) and Article 31(h) of the TRIPS Agreement

### **Article 38**

#### **Annual Fees and Publication of Lapsed Patents**

- (1) The Registrar shall record and publish in the Official Gazette a notification of the lapse of a patent on grounds of the lack or untimely payment of an annual fee, in accordance with Article 12 of the Act.
- (2) Annual fees shall not be refundable.
- (3) For the purposes of disseminating technological information and encouraging the exploitation of technologies available in Oman by the Omani industry, the Registrar may publish in the Official Gazette a summary of lapsed patents every six months or when he finds appropriate.

### **Article 39**

#### **Invalidation**

- (1) Where the provisions of Article 15 apply only to some of the claims or some parts of a claim, such claims or parts of a claim shall be invalidated.
- (2) The patent owner shall, in writing, notify any licensee of any court proceeding instituted for the invalidation of the patent; the person requesting invalidation shall so notify any beneficiaries of compulsory licenses granted under Article 13 of the Act, and, where the ground of invalidity invoked is that the patent owner is not the inventor or his successor in title, also the person who alleged to have the right to the patent.

### **Article 40**

#### **International applications filed through the Patent Cooperation Treaty**

- (1) An international application designating Oman shall, subject to this Article, be treated as an application for a patent or utility model filed under the Act having as its filing date the international filing date accorded under the Patent Cooperation Treaty.
- (2) (a) (1) The Intellectual Property Department shall act as a receiving Office in respect of an international application filed with it by a resident or national of Oman.
  - (2) The application may be submitted by the inventor, his successor or by an attorney, pursuant to Article 90 of the Regulations under the Patent Cooperation Treaty. In the event the application is signed by an agent, the document appointing him shall be in separate and shall observe the model established by the International Bureau.



- (b) An international application filed with the Intellectual Property Department as receiving Office shall be filed in English and the prescribed transmittal fee shall be paid to the Intellectual Property Department.
- (c) The application must comply with the requirements of the Patent Cooperation Treaty and the Regulations thereunder.
- (d) The Intellectual Property Department shall stamp the date of receipt of the application on the application. If the application does not comply with the requirements of Article 11 of the Patent Cooperation Treaty, the Registrar shall give notice thereof to the applicant and shall establish the time period within which the necessary corrections must be submitted.
- (e) The filing date of the international application is the date of the receipt of the application in compliance with Article 11 of the Patent Cooperation Treaty or, in the event one or more corrections are necessary, the date of receipt of such correction or corrections.
- (f) If the applicant does not submit the correction or corrections as requested by the Intellectual Property Department, the Registrar shall give notice to the applicant that his application has been rejected.
- (g) Where the Registrar verifies, after according a filing date to the international application, that the provisions of Article 14.1 of the Patent Cooperation Treaty have not been complied with, he shall establish the time period within which the necessary corrections must be filed.
- (h) If the necessary corrections are not submitted in accordance with subrule (h), the Registrar shall notify the applicant and the International Bureau that the application is deemed withdrawn.
- (i) Where the Registrar verifies, after according a filing date to the international application, that one or more drawings mentioned in the application is or are missing, he shall establish the time period in which the applicant must submit the missing drawing or drawings. Where the missing drawings are submitted within the period established by the Registrar, the filing date shall be the date of receipt of the missing drawing or drawings. Otherwise, the date of filing shall be maintained and any mention of the missing drawing or drawings in the application shall be deemed as non-existent.
- (j) In the event the international application, any amendment, correction or any other document is submitted by telegraph, teleprinter, facsimile machine and addressed to the Registrar, the applicant shall furnish, within 14 (fourteen) days from the date of the transmission, to the Intellectual Property Department the original of such documents and an accompanying letter

identifying that earlier transmission. Otherwise, those documents shall be deemed as non-existent.

- (k) In the event the Registrar, within 4 (four) months from the filing date of the international application, verifies that the requirements of Article 11 (i) through (iii) of the Patent Cooperation Treaty have not been fulfilled, he shall notify the applicant that his application is deemed withdrawn.
  - (l) The applicant may request the International Bureau to transmit his application to the designated Offices so as to exercise his right to request that those Offices review the Registrar's decision of rejecting or considering the international application withdrawn, pursuant to Article 25 of the Patent Cooperation Treaty and Article 51 of the Regulations thereunder.
  - (m) All documents received by the Intellectual Property Department, including those concerning rejected or withdrawn applications, shall be transmitted to the International Bureau.
- (3) The dates of the international filing and publication shall produce the same effects as the dates of filing and publication in Oman.
- (4) (a) The Intellectual Property Department shall act as a designated Office in respect of an international application in which Oman is designated for the purposes of obtaining a national patent or utility model certificate under the Act..
- (b) The international applications that designate Oman may apply for the grant of a patent or a utility model certificate.
  - (c) In the event Oman is designated, the applicant must submit, before the expiry of 20 (twenty) months from the priority date, the specifications in Arabic in accordance with the initial international filing (description, claims, abstract and drawings, if any) and, if it is the case, the amendments and the statement to which Article 19 of the Patent Cooperation Treaty refers, accompanied by a document that identifies the essential elements of the international application, the designation of the inventors, and the proof of the payment of the due fee.
  - (d) If the applicant fails to submit in Arabic at least the claims or the description, the application shall be deemed withdrawn as regards Oman. If the applicant fails to submit in Arabic one of the other documents mentioned in subrule (c), the Registrar shall notify him to submit those documents within 60 (sixty) days. If the missing document is the statement referred to in subrule (c), the Registrar shall consider it as non-existent. If the missing document is one of the other documents, the Registrar shall consider the application withdrawn as regards Oman. In this event, the applicant may request, within 60 (sixty) days from the date on which the application was deemed withdrawn, that the application be reconsidered upon submission of the missing document in question.

- (e) In the event the communication referred to by Article 20 of the Patent Cooperation Treaty is not made, the applicant shall submit such documents within 60 (sixty) days from the date on which the Intellectual Property Department gives notice of the absence of such communication, in which event the beginning of the national phase shall remain pending. If the documents are not submitted within that time period and if the communication pursuant to Article 20 of the Patent Cooperation Treaty is not received in the meantime, the application shall be considered rejected as regards Oman. In this event, the applicant may request, within 60 (sixty) days from the date on which the application was deemed rejected, that the application be reconsidered upon submission of the missing document in question.
- (f) The right to amend the application, as established by Article 28 of the Patent Cooperation Treaty and Article 52 of the Regulations thereunder, may be exercised:
- (1) within 60 (sixty) days from the expiry of the period established by Article 22.1 of the Patent Cooperation Treaty;
  - (2) if the communication that Article 20 of the Patent Cooperation Treaty refers to is not made to the Intellectual Property Department before the expiry of the period set by Article 20.1 of the Patent Cooperation Treaty, within 4 (four) months after the expiry of that period; or
  - (3) in any event, until the date of the request for examination.
- (6) (a) The Intellectual Property Department shall act as an elected Office in respect of an international application in which Oman is designated, as referred to in subrule (5), if the applicant files a demand for the purposes of international preliminary examination under Chapter II of the Patent Cooperation Treaty.
- (b) Where Oman is designated before the expiry of the nineteenth month from the date of priority (Article 39.1 of the Patent Cooperation Treaty), the applicant must furnish, within 30 (thirty) months from the date of priority, the documents mentioned in subrule (5)(c), provided that

- (1) any replacing sheet mentioned in Article 70.16 of the Regulations under the Patent Cooperation Treaty that is attached to the report of the international preliminary examination must be submitted in Arabic;
  - (2) for the purposes of Article 39.1 of the Patent Cooperation Treaty, when the report on the international preliminary examination has been furnished, the submission of any amendment in Arabic, in accordance with Article 19 of the Patent Cooperation Treaty shall be required only when such amendment is annexed to the mentioned report;
  - (3) the translation into English of the report of the international preliminary examination, in the event the communication pursuant to Article 36.3 of the Patent Cooperation Treaty and Article 72.1 of the Regulations thereunder must be submitted; such translation shall not be required if an Arabic version is furnished.
- (c) The provisions of subrule 5(c) through (e) shall apply to documents necessary for the entry of the international application into the national phase.
- (d) The right to amend the application, as established by Article 41 of the Patent Cooperation Treaty, may be exercised:
- (1) within 60 (sixty) days from the expiry of the period established by Article 39.1 of the Patent Cooperation Treaty;
  - (2) if the transmission of the report of the international preliminary examination, pursuant to Article 36.1 of the Patent Cooperation Treaty is not made until the expiry of the period set in Article 39.1(a) of the Patent Cooperation Treaty, within 4 (four) months after the expiry of that period; or
  - (3) in any event, until the date of the request for examination.
- (e) Any election made after the end of the nineteenth month from the date of priority shall not produce any effects in respect of the application of the periods established by Chapter II of the Patent Cooperation Treaty as regards the processing of the national phase in Oman.
- (7) The Intellectual Property Department as designated Office or elected Office shall not commence processing of an international application designating Oman before the expiration of the time limit referred to in subrule (8) except if the applicant complies with the requirements of that subarticle and files with the Intellectual Property Department an express request for early commencement of such processing .

- (8) The applicant shall, in respect of an international application designating Oman and before the expiration of the time limit applicable under Article 22(1) or 39(1)(a) of the Patent Cooperation Treaty pay the national fee to the Intellectual Property Department and file with the Intellectual Property Department a translation of the international application into Arabic if the international application was not filed in, and has not been published under the Patent Cooperation Treaty as a translation into such a language.
- (9) If the applicant does not comply with the requirements of subrule (8) within the time limit referred to in that subrule, the international application shall be considered withdrawn for the purposes of these Regulations.
- (10) (a) Where the international application is considered withdrawn under subrule (9), the Intellectual Property Department shall reinstate the rights of the applicant with respect to that international application, upon a reasoned request by the applicant which must be submitted to the Registrar no later than 90 (ninety) days from the date on which the withdrawal took effect, and the payment of the applicable fee, provided the Registrar finds that the failure to meet the time limit referred to in subrule (8) occurred in spite of due care required by the circumstances having been taken.
- (b) The Registrar shall not refuse a request for reinstatement of rights without giving the applicant the opportunity to make observations on the intended refusal within a time limit which shall be reasonable under the circumstances.
- (11) (a) The Intellectual Property Department shall process international applications in accordance with the provisions of the Patent Cooperation Treaty, the Regulations established thereunder and the Administrative Instructions under those Regulations and with the provisions of these Regulations and eventual Administrative Instructions that the Registrar may enact. In the event of conflict, the provisions of the Patent Cooperation Treaty, the Regulations thereunder and the Administrative Instructions under those Regulations shall apply.
- (b) Without prejudice to the provisions of subrule (a), applications filed with the Intellectual Property Department under the Patent Cooperation Treaty shall comply with the same requirements that apply to national applications, namely as regards the application, accompanying documents and their formatting, including the assignment of a number, except that the date of filing shall be the date of international filing.
- (c) Once the international application is received in the national phase, it shall be published in Arabic. The publication of receipt of the application in the national phase shall contain, besides the number assigned in the national phase, in accordance with subrule (b), the date and the number of the

international publication, the date of receipt of the application in the national phase and the number and the date of the international application.

- (d) The request for examination under Article 9(5)(a) of the Act may be submitted within 36 (thirty-six) months from the date of the international application or within 60 (sixty) days from the entry into the national phase, whichever expires later.
- (12) (a) In the event the applicant requests the Registrar to review the decision of the receiving Office or of the International Bureau, in accordance with Article 25 of the Patent Cooperation Treaty, he must submit both the international application and its complementary documents in Arabic, with the payment of the applicable fee, within 60 ( sixty ) days from the date of the notice of the decision in question (Article 51 of the Regulations under the Patent Cooperation Treaty).
- (b) If the Registrar decides that the decision of the receiving Office or of the International Bureau is not justified, he shall communicate the International Bureau that the processing of the international application should proceed, so as to produce effects as regards Oman.
- (13) (a) Further details concerning the processing of international applications by, and other functions of, the Intellectual Property Department in connection with the Patent Cooperation Treaty, including fees payable, time limits, prescribed languages and other requirements in relation to international applications, may be included in future Administrative Instructions, which the Registrar may decide to establish.
- (b) The Registrar shall establish Administrative Instructions as regards the payment of fees due to the Intellectual Property Department under the Patent Cooperation Treaty, provided, however, that the annual fees shall be due one year after the filing of the international application; the annual fees due before the entry of the international application into the national phase shall be paid with 90 ( ninety ) days from that date.

#### **Article 41**

#### **Special Provisions concerning Contracts of Assignment and Licensing of Patents**

- (1) If the Registrar finds that the assignment or licensing contract contains one or more clauses that fall , he shall notify the patent owner and the prospective assignee or licensee to offer their allegations and submit pertinent evidence within 60 (sixty) days from the notification.
- (2) the Registrar shall proceed with utmost discretion and shall take all measures necessary to protect the confidentiality of business information. The Registrar may consult with other governmental sectors in order to collect relevant information

and make an informed decision. Examination of a contract by the Registrar does not preempt the need for a judicial or administrative proceeding for the purposes of Article 13(1)(a)(2) of the Act, but his decision may be taken into account for that purpose.

## **Article 42**

### **Outsourcing of Examination of Patent Applications as to the Substance**

- (1) In the event a decision is made by the competent authorities of Oman to outsource the activities of substantive examination of patent and utility model certificate applications, all these Regulations shall apply as if the examination were carried out by the Intellectual Property Department of Oman, except that the Registrar may extend or reduce the periods for the answers and information to be submitted by interested persons in response to notifications, requests of information or of amendments of the application, as the Registrar sees fit.
- (2) The outsourced examination shall take into account the conditions of patentability set out in Act.
- (3) In the event a decision is made by the competent authorities of Oman to outsource the activities of substantive examination of patent and utility model certificate applications, the Registrar or the Court shall retain the duty to verify compliance with the provisions of the Act and these Regulations.
- (4) For all purposes of the Act and these Regulations, all communications, notifications and concerning the substantive examination shall be made through the Registrar.

## **Article 43**

### **Utility Model Certificates**

These Regulations shall apply, *mutatis mutandis*, to utility model certificates, in accordance with Articles from 15 to 18 of the Act .

## **CHAPTER II: MARKS**

### **Article 44**

#### **Classification of Marks**

The Registrar shall apply the International Classification of Goods and Services for the Purposes of the Registration of Marks adopted by the Nice Agreement of June 15, 1957, as updated subsequently, for all purposes relating to the registration and publication of marks.

### **Article 45**

#### **Application for Registration of a Mark**

The application for the registration of a mark shall be made on Form No. 12 and shall be signed by the applicant or by his agent. An application may be made for the registration of a mark in respect of goods or services in one or more classes of the International Classification.

### **Article 46**

#### **Data of Application for Registration of a Mark**

- (1) The application shall contain a durable graphic reproduction of the mark in the space provided therefor.
- (2) With all applications for the registration of a mark, twelve additional reproductions of the mark shall be submitted.
- (3) If the Registrar considers any reproduction of a mark unsuitable he may, at any time, require a suitable reproduction to be substituted.
- (4) Where a drawing or other reproduction cannot be given in the aforesaid manner, a specimen or copy of the mark may be sent either of full size or on a reduced scale and in such a form as the Registrar may consider appropriate.
- (5) This Article applies regardless of whether the mark is non-visually perceptible. Mark sounds shall be reproduced by means of an appropriate score. Scent, taste or sensitive marks shall be reproduced by means of their chemical formula or any other detailed and accurate description of the arbitrary element that constitutes the mark. When the Registrar sees fit, he may accept that the mark be also submitted in a material support, such as a tape or a sample of the mark. In any event, such material support shall always be complementary to the graphical reproduction of the mark, which must be submitted in writing.
- (6) The application shall contain a list of the goods or products in respect of which the registration of the mark is sought.



- (7) Where a mark consists of or contains a word or words in characters other than Arabic, the Registrar may request from the application to submit a sufficient transliteration of the mark .

## **Article 47**

### **Declaration of Priority and Translation of Earlier Application**

- (1) The declaration referred to in Article 37 ( 2 ) shall indicate:
- (a) the date of the earlier application;
  - (b) the number of the earlier application, subject to subrule (2); and
  - (c) the State or territory that is a WTO Member in which the earlier application was filed or, where the earlier application is a regional or an international application, the Office with which it was filed and the country or countries for which it was filed.
- (2) Where at the time of filing the declaration referred to in subrule (1), the number of any earlier application is not known, that number shall be furnished within 90 ( ninety ) days from the date on which the application containing the declaration was filed. The Registrar may extend the time limit referred to in this subrule for an additional period of 90 ( ninety ) days, if the applicant supplies evidence that, due to circumstances beyond his control, he was not able to comply with the prescribed time limit.
- (3) Where the priorities of two or more earlier applications are claimed, in accordance with subrule (1), the indication relating to those earlier applications may be included in a single declaration.
- (4) The applicant may, at any time before the registration of the mark, amend the contents of the declaration referred to in the preceding subrules.

## **Article 48**

### **Withdrawal of Application**

- (1) The withdrawal of the application shall be made by a written declaration signed by the applicant and submitted to the Registrar.
- (2) The application fee shall not be refunded if the application is withdrawn.

(3) For the purposes of Article 37 ( 3 ) , a subsequent application concerning the mark as a previous first application filed in Oman shall be considered as the first application, of which the filing date shall be the starting point of the period of priority, if, at the time of filing the subsequent application, the said previous application has been withdrawn, abandoned, or refused, without having published and without leaving any rights outstanding, and if it has not yet served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

### **Article 49**

#### **Marking Application and Filing Date**

The Registrar shall accord as the filing date of the application the date on which the following elements are received in Arabic on Form No. 13 :

- (1) an express or implicit indication that the registration of a mark is sought;
- (2) indications allowing the identity of the applicant to be established;
- (3) indications sufficient to contact the applicant or his representative, if any, by mail;
- (4) a sufficiently clear reproduction of the mark whose registration is sought;
- (5) the list of the goods and/or services for which the registration is sought; and
- (6) The Registrar shall, in writing, notify the applicant of the application number and the filing date.

### **Article 50**

#### **Objection to or Conditional Acceptance of Application; Hearing**

- (1) If, upon examination, the Registrar objects to the application for registration of a mark, he shall notify the applicant in writing of his objections with all the relevant details and notify the applicant to amend the application, to submit his observations in writing or to apply for a hearing within 60 ( sixty ) days from the date of the notification. If the applicant does not comply with the notification within the set period, he shall be deemed to have withdrawn his application.
- (2) If, upon examination, the Registrar decides to accept the application subject to amendments, modifications, conditions, disclaimers or limitations, he shall communicate the decision to the applicant in writing. If the applicant objects to the amendments, modifications, conditions, disclaimers or

limitations, he shall, within 60 (sixty) days from the date of the communication, apply for a hearing or submit his observations in writing. If the applicant does not object to such amendments, modifications, conditions, disclaimers or limitations, he shall notify the Registrar in writing and amend his application accordingly. If the applicant does not respond in one way or the other within the set period, he shall be deemed to have withdrawn his application.

- (3) The request for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving same, shall give the applicant at least 30 (thirty) days notice in writing of the date and time when he may be heard.
- (4) If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar refuses the application or accepts it subject to any amendments, modifications, conditions, disclaimers or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing. The applicant may, within 30 (thirty) days from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the materials used by him in arriving at such decision.

## **Article 51**

### **Acceptance of Application**

- (1) If The Registrar accepts the application unconditionally, he shall notify the applicant of the decision and proceed to publish the application in the Official Gazette after payment of the prescribed fees.
- (2) If the Registrar accepts the application subject to any conditions to which the applicant does not object, he shall notify the applicant of the decision and proceed to publish the application in the Official Gazette after payment of the prescribed fees.

## **Article 52**

### **Publication**

The Registrar shall publish the application in the Official Gazette within 30 (thirty) days after payment of the prescribed fees setting out :

- (1) The mark serial number.
- (2) a representation of the mark.
- (3) The name and address of the applicant, his nationality, and domicile.
- (4) The filing date.
- (5) The priority date, if applicable.
- (6) The goods or services in respect of which the registration of the mark is the International Classification .
- (7) Name and address if the agent, if any .

## **Article 53**

### **Opposition**

- 1) The notice of opposition shall be given within 90 (ninety) days from the date of the publication of the mark in the Official Gazette on Form No. 14 after payment of the prescribed fees .
- 2) The Registrar shall notify the applicant of the opposition, and if he does not respond within the period set in Article 38 ( 2 ) ( c ) of the law, the application shall be deemed to have been abandoned.
- 3) The counter – statement shall be made on Form No. 15 after payment of the prescribed fees .
- 4) The Registrar shall decide on the opposition within 60 ( sixty ) days after the expiry of the opposition period set out in paragraph ( 2 ), and notify the two parties of his decision .

## **Article 54**

### **Registration of Marks; Issuance of Certificate**

- (1) On fulfillment of the conditions of accepting the mark, and the expiry of the period set for the opposition after publication in the Official Gazette, or if the opposition has been decided in the applicant's favour , the Registrar shall notify the applicant in writing to pay the registration fees within 60 ( sixty ) days from the date of his receiving the notification, otherwise he shall be deemed to have abandoned his application.

- (2) The Registrar shall issue to the applicant a certificate of registration on Form No. 16 after the publication of a reference to the registration of the mark in one of the daily Arabic newspapers issued in the Sultanate .

The Certificate of registration shall include :

- a) The mark serial number.
- b) The international registration number, if any.
- c) a representation of the mark,.
- d) The name and address of the applicant, his nationality, and domicile.
- e) The filing date.
- f) The list of goods or services in respect of which the registration of the mark has been made with an indication of the corresponding class of the international classification.
- g) If priority has been claimed and the claim has been accepted, the states in which or for which the earlier application was filed,
- h) If a previous registration has been claimed in accordance with Article 38 ( 4 ) (b) of the Act, the state or territory in which the previous registration was granted .
- i) The date of publication in the Official Gazette and issue number.
- j) The date of registration.

## **Article 55**

### **Renewal of Registration**

- (1) The request for renewal of registration of a mark under Article 41 of the Act may be made during the 6 (six) month period preceding the expiry of the registration on Form 17 after payment of the prescribed fees and the delay fine, if any .
- (2) The Registrar shall published the renewal in the Official Gazette after payment of the prescribed fees and record it the Register .
- (3) The Registrar shall issue a certificate of renewal on Form No. 18 , containing :
  - a) The mark serial number.
  - b) a representation of the mark.
  - c) The name and address of the applicant, his nationality, and domicile.
  - d) The filing date.
  - e) The list of goods or services in respect of which the registration of the mark has been made with an indication of the corresponding class of the international classification.
  - f) The date of publication in the Official Gazette and issue number.
  - g) The date of renewal.

## **Article 56**

### **Assignment, Pledge, Licensing contracts**

(1) **A** – The application may request the Registrar on Form No.(19) for assignment of the trademark. He shall enclose with the request the supporting documents, duly authenticated and a copy of the commercial registration certificate.

**B** – No request shall be made for the assignment of a mark considered to be a related mark without the other marks related to it .

**C** – The Registrar shall indicate in the Register the transfer of the mark and mention the name, profession and address of the new owner, and the date of the transfer of ownership, the date of acquisition and the date of indication in the register. The Registrar shall so notify the applicant on Form No. 20.

**D** – The Registrar shall publish the transfer of the mark in the Official Gazette after the payment of the fees.

The publication shall include:

(1) The mark serial number.

(2) The date of registration, and the date and issue number of the Official Gazette in which the registration is published.

(3) The name of the previous owner of the mark.

(4) The name of the assignee, his nationality, profession and address.

(5) The date of the transfer of ownership and the date of recordal in the register.

(2) **A** – The Registrar shall make reference in the register of the pledge or licensing contract according to the same procedures of the assignment of the mark and the after payment of the prescribed fees. The recordal of the pledge or licensing contract shall include the same details mentioned in paragraph 1-D , above, Application for pledge shall be made on Form No. ( 21 ) , and the application for licensing contract shall be made on Form No. ( 22 ) .

**B** – Deletion of the pledge shall be pursuant to a request from the owner of the mark to the registrar accompanied with the documents evidence the expiry of the pledge .

The deletion must be published in the Official Gazette, indicating the issuer member and member and date of the Gazette in which the pledge was published, after the payment of the prescribed fees .

## **Article 57**

### **Search for a Mark**

Any interested person may request the Registrar on Form No. ( 23 ) to search for a trademark in the Department registers. The Registrar shall notify the applicant of the result of the search on Form No.( 24 ) making comments, if any .

## Article 58

### Collective and Certification Marks

- (1) Articles 43 to 46 shall apply, *mutatis mutandis*, to collective and certification marks subject to the following:
  - (a) an application for registration of a collective or certification mark shall not be accepted unless, in the application for registration, the mark is designated as a collective or certification mark, and unless the application is accompanied by a copy of the regulations governing the use of the mark, duly certified by the applicant; when the application concerns a collective mark, the submission of the copy of the regulations shall be required only when regulations have been established by the by the collectivity that owns the mark; no legalization of such regulations shall be required;
  - (b) the regulations governing the use of the certification mark shall define the common characteristics or quality of the goods or services which the certification mark shall designate and the conditions under which and the persons by whom it may be used; they shall provide for the exercise of effective control of the use of the mark in compliance with those regulations, and shall determine adequate sanctions for any use contrary to the said regulations.
- (2) The publication of a reference to the registration of the collective or certification mark, in accordance with subrule (1), shall include a summary of the regulations appended to the registration, if any.
- (3) The notification of changes effected in the regulations governing the use of the mark shall be in writing .
- (4) For the purposes of use of the collective mark in connection with Article 43 of the Act, the owner of a collective mark may use the mark himself provided it is also used by other authorized persons in accordance with the regulations governing such use; use by such persons shall be deemed to be use by the owner.
- (5) For the purposes of use of the certification mark in connection with Article 44, of the Act, and whereas the owner of the certification mark is prohibited to use that mark in connection with the certified goods or services, use by certified persons shall be deemed to be use by the owner.

## **Article 59**

### **Removal on the Ground of Invalidation or of Non-Use**

- (1) Where, in accordance with Article 42, the Court decides that the mark shall be taken off the register in respect of any of the goods or services for which it is registered, the Registrar shall, to that extent, remove the mark from the register.
- (2) The removal of a mark from the register on the ground of non-use shall be published .

## **Article 60**

### **International Registrations under the Madrid Agreement and the Madrid Protocol**

- (1) For the purpose of this Law:
  - (a) “Madrid Protocol” means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted in Madrid on June 27, 1989;
  - (b) “Madrid Agreement” means the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891;
  - (c) “Common Regulations” means the Common Regulations under the Madrid Agreement and Madrid Protocol;
  - (d) “International Bureau” means the International Bureau of the World Intellectual Property Organization;
  - (e) “International Register” means the official collection of data concerning international registrations effected under the Madrid Protocol and the Madrid Agreement, as maintained by the International Bureau;
  - (f) “Basic application” means an application for registration of a mark filed with the Intellectual Property Department under the present Law, which is used as a basis to apply for an international registration under the Madrid Protocol;
  - (g) “Basic registration” means the registration of a mark in the Intellectual Property Department under the present Law, which is used as the basis to apply for an international registration under the Madrid Protocol.



## **Article 61**

### **International Applications Originating from Oman**

- (1) Any communication, including an international application, submitted to the International Bureau through the intermediary of the Office shall be in English.
- (2) Where an international application is filed with the Office for transmittal to the International Bureau, the Intellectual Property Department shall verify that Oman qualifies as the country of origin under the Madrid Protocol in respect of that application, and that the particulars appearing in the international application correspond to the relevant particulars appearing in the basic application or basic registration, as the case may be, in accordance with the provisions of the Madrid Protocol and the Common Regulations.
- (3) Where the international application complies with the prescribed requirements, the Intellectual Property Department shall so certify in the application indicating the date on which it was received, and shall forward the application to the International Bureau.
- (4) The prescribed handling fee shall be due for certifying and forwarding to the International Bureau an international application originating in Oman.
- (5) Where, in accordance with Article 6 of the Madrid Protocol, the basic application, the registration resulting therefrom or the basic registration ceases to have effect, the Intellectual Property Department shall notify the International Bureau accordingly and shall request the cancellation of the international registration in respect of the goods and services affected.

## **Article 62**

### **International Registrations in Respect of which Oman is a designated Contracting Party**

- (1) Where the Registrar has been notified, by the International Bureau, of an international application containing the designation of Oman, he shall:
  - (a) publish the international application in the Official Gazette and notify any interested person to file an opposition within 90 (ninety) days from the date of the publication in the Official Gazette.
  - (b) regardless of whether an opposition has been filed under subrule (a), examine whether the mark is a mark as defined in Article 1 and is registrable under Article 38 of the Act.

- 2) Where the Intellectual Property Department finds that the mark that is the subject of an international registration designating Oman cannot be protected, it shall notify a provisional refusal of protection to the International Bureau complying with the requirements prescribed in the Madrid Protocol and the Common Regulations. The holder of that international registration shall enjoy the same remedies as if the mark had been filed for registration directly with the Intellectual Property Department.
- 3) Where a final decision is taken by the Intellectual Property Department in respect of a provisional refusal, the Intellectual Property Department shall notify that fact to the International Bureau by means of a statement complying with the requirements prescribed in the Madrid Protocol and the Common Regulations.
- 4) Where the protection of a mark that is the subject of an international registration has been accepted, whether absolutely or subject to conditions or limitations, the Office shall, as soon as may be after acceptance, cause the international registration to be advertised as provided.
- 5) Where an opposition is filed with the Intellectual Property Department against the international registration, the Intellectual Property Department shall notify that fact to the International Bureau as a provisional refusal based on an opposition, in accordance with the Madrid Protocol and the Common Regulations. The holder of the international registration concerned shall enjoy the same remedies as if the mark had been filed for registration directly with the Intellectual Property Department.
- 6) Where a final decision is taken by the Intellectual Property Department in respect of an opposition filed against an international registration designating Oman, the Office shall notify that fact to the International Bureau by means of a statement complying with the requirements prescribed in the Madrid Protocol and the Common Regulations.

### **Article 63**

#### **Effects of an International Registration**

- 1) An international registration designating Oman shall have the same effects, as from the date of the international registration, as if the mark had been filed directly with the Intellectual Property Department under the Act and these Regulations.
- 2) If no refusal is notified by the Intellectual Property Department to the International Bureau in accordance with the Madrid Protocol and the Common Regulations, or if such refusal has been subsequently withdrawn, the protection of the mark in Oman shall, as from the date of the international registration, be the same as if the mark had been registered by the Office under the present Law.

- 3) Where the effects of an international registration are invalidated in Oman and the invalidation is no longer subject to appeal, the Intellectual Property Department shall, provided that he is aware of that decision, notify the International Bureau in accordance with the relevant provisions of the Madrid Protocol and the Common Regulations.
- 4) Any recording made in the International Register in respect of an international registration shall, to the extent that it applies to Oman as a designated Contracting Party, have the same effect as if it had been recorded in the register of marks at the Intellectual Property Department.
- 5) Where an international registration designating Oman is a collective mark or a certification mark, the regulations governing the use of such collective mark, if any, or certification mark shall be submitted directly by the holder of that international registration to the Intellectual Property Department within the prescribed time limit.
- 6) Where :
  - (a) a mark registered in Oman is also the subject of an international registration that extends to Oman; and
  - (b) the same person is recorded as holder of the registration in Oman and of the international registration; and
  - (c) all the goods and services listed in the registration in Oman are also listed in the international registration in respect of Oman; and
  - (d) the extension of that international registration to Oman took effect after the date of registration of that mark in Oman,  
the Intellectual Property Department shall, upon request from the holder of the international registration, take note of the international registration in the register in respect of the mark registered in Oman.
  - (e) A request under subrule (a) shall be subject to the payment of the prescribed fee.
  - (f) Where the Intellectual Property Department has taken note of an international registration in accordance with subrule (a), it shall notify the International Bureau accordingly. Such notification shall indicate the following:
    - (1) the number of the international registration in question,
    - (2) where only some of the goods and services listed in the international registration are concerned, those goods and services,

- (3) the filing date and number of the application for registration and the registration date and number of the mark in Oman,
  - (4) the priority date, if any, of the registration in Oman, and
  - (5) information relating to any rights acquired by virtue of the registration of the mark in Oman.
- (7) (a) Where an international registration designating Oman is cancelled at the request of the Office of origin in accordance with Article 6(4) of the Madrid Protocol, in respect of all or some of the goods and services listed in the international registration, the person who was the holder of the international registration at the date of its cancellation may file with the Intellectual Property Department, within 90 (ninety) days from the date on which the international registration was cancelled, an application for registration of the same mark in respect of goods and services covered by the cancelled international registration.
- (b) Subject to this subrule, the provisions applicable to an application for registration filed directly with the Intellectual Property Department shall apply *mutatis mutandis* to an application resulting from transformation under subrule (a).
- (c) An application under subrule (a) shall include the following:
- (1) a statement that the application is made by way of transformation,
  - (2) the international registration number of the international registration which has been cancelled,
  - (3) the date of the said international registration, or the date of recording of the territorial extension to Oman, where applicable,
  - (4) the date on which the cancellation of the international registration was recorded,
  - (5) where applicable, the date of any priority claimed in the international application and recorded in the International Register.
- (d) An application for registration under this article shall be subject to the payment of the standard application fee.
- (e) Where the mark under the international registration had become protected in Oman on or before the date on which the international registration was cancelled, and provided that all the requirements relating to an application to register that mark under subrule (a) are met, the mark shall be registered by

the Intellectual Property Department. Such registration shall bear the date of the cancelled international registration or, where applicable, the date of recording of the territorial extension to Oman, and shall enjoy any priority enjoyed by the cancelled international registration.

- (f) Where the mark under the international registration had not become protected in Oman on or before the date on which the international registration was cancelled, any procedures already undertaken by the Intellectual Property Department in respect of the international registration on or before the date on which an application under subrule (a) is filed, shall be considered as having been undertaken for the purposes of the application under subrule (a). Such application shall be deemed to have as its application date the date of the cancelled international registration or, where applicable, the date of recording of the territorial extension to Oman, and shall enjoy any priority enjoyed by the cancelled international registration.

## **Article 64**

### **Marking Application and Filing Date**

- (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters OM, slash, the letter M, slash, the last two numbers of the year in which the initial papers were received, slash, and a five-digit number allotted in the sequential order in which applications are received; where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for grant of the trademark .
- (2) The application number allotted under subrule (1) shall be quoted in all subsequent communications concerning the application.
- (3) The Registrar shall accord as the filing date of the application the date on which the following elements are received in Arabic:
  - (a) an express or implicit indication that the registration of a mark is sought;
  - (b) indications allowing the identity of the applicant to be established;
  - (c) indications sufficient to contact the applicant or his representative, if any, by mail;
  - (d) a sufficiently clear reproduction of the mark whose registration is sought;

- (e) the list of the goods and/or services for which the registration is sought; and
  - (f) the payment of the prescribed fee.
- (4) The Registrar shall, in writing, notify the applicant of the application number and the filing date.

## **Article 65**

### **Division of Application**

Any application listing several goods and/or services (hereinafter referred to as “initial application”) may,

- (a) at least until the decision by the Office on the registration of the mark; or
- (b) during any opposition proceedings against the decision of the Office to register the mark; or
- (c) during any appeal proceedings against the decision on the registration of the mark, be divided by the applicant or at his request into two or more applications (hereinafter referred to as “divisional applications”) by distributing among the latter the goods and/or services listed in the initial application. The divisional applications shall preserve the filing date of the initial application and the benefit of the right of priority, if any.

## **Article 66**

### **Domain Names on the Internet**

- (1) The Uniform Domain Name Dispute Resolution Policy ("the Policy"), as adopted by the Internet Corporation for Assigned Names and Numbers ("ICANN"), is incorporated by reference into these Regulations and shall therefore set forth the terms and conditions in connection with a dispute between the domain name applicant and any party other than the authority in charge of registering domain names in Oman ("the Authority") over the registration and use of an Internet domain name registered by the domain name applicant.
- (2) By applying to register a domain name, or by asking the Authority to maintain or renew a domain name registration, the applicant represents and warrants to the Authority that

- (a) the statements that he made in his Registration Agreement are complete and accurate;
  - (b) to the applicant's knowledge, the registration of the domain name will not infringe upon or otherwise violate the rights of any third party;
  - (c) the applicant is not registering the domain name for an unlawful purpose; and
  - (d) the applicant will not knowingly use the domain name in violation of any applicable laws or regulations. It is the applicant's responsibility to determine whether his domain name registration infringes or violates someone else's rights.
- (3) (a) The Authority shall cancel, transfer or otherwise make changes to domain name registrations under the following circumstances:
- (1) Subject to the provisions of subrule (8), upon the Authority's receipt of written or appropriate electronic instructions from the applicant or his authorized agent to take such action;
  - (2) Upon receipt by the Authority of an order from a court or arbitral tribunal, in each case of competent jurisdiction, requiring such action; and/or
  - (3) Upon receipt by the Authority of a decision of an Administrative Panel requiring such action in any administrative proceeding to which the applicant was a party and which was conducted under the Policy.
- (b) The Authority may also cancel, transfer or otherwise make changes to a domain name registration in accordance with the terms of the Registration Agreement or other legal requirements.
- (4) (a) In the event a dispute arises concerning the application, registration or renewal of a domain name registration in Oman, such dispute shall be referred to the World Intellectual Property Organization (WIPO) and shall be subject to the Articles of Procedure of WIPO. Those disputes will cover in particular allegations by any third party ("the complainant") that
- (1) the applicant's or owner's ("the defendant") domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
  - (2) the defendant has no rights or legitimate interests in respect of the domain name; and
  - (3) the defendant's domain name has been registered and is being used in bad faith.
- (b) In the administrative proceeding, the complainant must prove that each of these three elements are present.

- (5) For the purposes of subrule (4)(a)(3), the following circumstances, in particular but without limitation, if found by the WIPO Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:
- (a) circumstances indicating that the defendant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
  - (b) the defendant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the defendant has engaged in a pattern of such conduct; or
  - (c) the defendant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
  - (d) by using the domain name, the defendant has intentionally attempted to attract, for commercial gain, Internet users to his web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of his web site or location or of a product or service on his web site or location.
- (6) Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate the defendant's rights or legitimate interests to the domain name for purposes of subrule (4)(a)(2):
- (a) before any notice to the defendant of the dispute, the defendant's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
  - (b) the defendant (as an individual, business, or other organization) has been commonly known by the domain name, even if he has acquired no trademark or service mark rights; or
  - (c) the defendant is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
- (7) The mandatory administrative proceeding requirements set forth in subrule (4) shall not prevent either the defendant or the complainant from submitting the dispute to a court of competent jurisdiction for independent resolution before such mandatory administrative proceeding is commenced or after such proceeding is concluded. If the WIPO Administrative Panel decides that the defendant's domain name registration should be canceled or transferred, the Authority shall wait 10 (ten) business days after being informed by WIPO of the Administrative Panel's decision before implementing that decision. The Authority shall then implement



the decision unless it has received from the defendant during that ten (10) business day period official documentation (such as a copy of a complaint, file-stamped by the clerk of the court) that the defendant has commenced a lawsuit against the complainant in a competent jurisdiction. If the Authority receives such documentation within the ten (10) business day period, it shall not implement the Administrative Panel's decision, and it shall take no further action, until it receives

- (a) evidence satisfactory to the Authority of a resolution between the parties;
  - (b) evidence satisfactory to the Authority that the defendant's lawsuit has been dismissed or withdrawn; or
  - (c) a copy of an order from such court dismissing the defendant's lawsuit or ordering that the defendant does not have the right to continue to use the domain name in question.
- (8) (a) The defendant may not transfer his domain name registration to another holder
- (1) during a pending administrative proceeding brought pursuant to subrule (4) or for a period of fifteen (15) business days after such proceeding is concluded; or
  - (2) during a pending court proceeding or arbitration commenced regarding the defendant's domain name unless the party to whom the domain name registration is being transferred agrees, in writing, to be bound by the decision of the court or arbitrator.
- (b) The Authority reserves the right to cancel any transfer of a domain name registration to another holder that is made in violation of subrule (a).
- (c) The defendant may not transfer his domain name registration to another registrar during a pending administrative proceeding brought pursuant to subrule (4) or for a period of fifteen (15) business days after such proceeding is concluded. The defendant may transfer administration of his domain name registration to another registrar during a pending court action or arbitration, provided that the domain name he has registered with the Authority shall continue to be subject to the proceedings commenced against him in accordance with the terms of the Policy. In the event that the defendant transfers a domain name registration to the Authority during the pendency of a court action or arbitration, such dispute shall remain subject to the domain name dispute policy of the registrar from which the domain name registration was transferred.
- (9) In assessing whether the use of a certain domain name on the Internet may cause harm to a competitor and/or may deviate clientele from that competitor, the court shall take into account the language of Article 1 of the Act as regards the definition of "distinctive signs" and, in particular, that the Act provides that domain names are subject to the legal regime that applies to the names of places of businesses (or shop signs) and that, therefore, their protection extends to the

geographical area where competing business may take place, regardless of national and political borders.

- (10) The Authority shall provide online public access to a reliable and accurate database of contact information for domain-names registrants.

## **CHAPTER 3 – GEOGRAPHICAL INDICATIONS**

### **Article 67**

#### **Application for Registration**

The application for the registration of a geographical indication shall be made on Form No. 25 after payment of the prescribed fees, and shall include :

- a) The name, address and nationality of the applicant and his capacity in which the applicant is applying for registration.
- b) The geographical indication for which registration is sought .
- c) The geographical area which the geographical indication applies.
- d) The goods for which the geographical indication is used.
- e) The quality, reputation or other characteristics of the goods for which the geographical indication is used. The application shall be subject to payment of the prescribed fee.

### **Article 68**

#### **Withdrawal of Application**

The application may be withdrawn by written declaration submitted to the Registrar and signed by each applicant. The application fee shall not be refunded if the application is withdrawn.

### **Article 69**

#### **Marking Application**

- (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters OM, slash, the letters GI, slash, the numbers of the year in which the initial papers were received, slash, and a five-digit number allotted in the sequential order in which applications are received; where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their

actual date of receipt in the appropriate place of the request for registration of the geographical indication .

- (2) The application number allotted under subrule (1) shall be quoted in all subsequent communications concerning the application.

## **Article 70**

### **Objection to or Conditional Acceptance of Application; Hearing**

- (1) If the Registrar objects to the application for registration of a geographical indication, he shall notify the applicant in writing of his objections with all the relevant details and notify the applicant to amend the application, to submit his observations in writing or to apply for a hearing within 60 ( sixty ) days from the date of the notification. If the applicant does not comply with the notification within the set period, he shall be deemed to have withdrawn his application.
- (2) If, upon examination Registrar decides to accept the application subject to amendments, modifications, conditions or limitations, he shall communicate the decision to the applicant in writing. If the applicant objects to the amendments, modifications, conditions or limitations, he shall, within 60 ( sixty ) days from the date of the communication, request a hearing or submit his observations in writing. If the applicant does not object to such amendments, modifications, conditions, or limitations, he shall notify the Registrar in writing and amend his application accordingly. If the applicant does not respond in one way or the other within the set period, he shall be deemed to have withdrawn his application.
- (3) The request for a hearing, which shall be accompanied by the prescribed fee, shall be made in writing to the Registrar who, upon receiving the same, shall give the applicant at least 30 ( thirty ) days notice in writing of the date and time when he may be heard.

## **Article 71**

### **Refusal of Application or Conditional Acceptance to which Applicant Objects**

If, after a hearing or after consideration of the applicant's amendments or observations in writing, the Registrar refuses the application or accepts it subject to any amendments, modifications, conditions or limitations to which the applicant objects, he shall communicate his decision to the applicant in writing. The applicant may, within 30 ( thirty ) days from the date of such communication, upon payment of the prescribed fee, request the Registrar to state in writing the grounds of his decision and the materials used by him in arriving thereat.

## **Article 72**

### **Acceptance of Application, Publication**

- (1) If the Registrar accepts the application unconditionally or accepts it subject to any conditions or limitations to which the applicant does not object, he shall so notify the applicant, requesting him to pay the publication fee within 30 ( thirty ) days from the date of the notification. the Registrar shall proceed to publish the application setting out:
  - (a) the geographical indication for which registration is sought;
  - (b) the name, address and nationality of the natural person or legal entity filing the application, and the capacity in which the applicant is applying for registration;
  - (c) the name and address of the agent, if any;
  - (d) the demarcation of the geographical area to which the geographical
  - (e) the goods for which the geographical indication is used;
  - (f) the quality, reputation or other characteristic of the goods for which the geographical indication is used, and any conditions under which the indication may be used;
  - (g) the filing date and number of the application.
- (2) If the publication fee referred to in subrule (1) is not paid within the time limit prescribed, the application shall be considered withdrawn.

## **Article 73**

### **Opposition**

- (1) The notice of opposition, shall be made on Form No. 26 after payment of the prescribed fees.
- (2) The counter-statement referred to in Article 53(2)(b) shall be subject to payment of the prescribed fee and shall be given within 60 ( sixty ) days from the date the notice of opposition is sent to the applicant and shall be in writing, stating the grounds upon which the applicant relies for his application and accompanied by supporting evidence, if any.

- (3) The request for a hearing, shall made on Form No. 27 at any time after the filing of the notice of opposition but not after the expiry of the prescribed period for filing the counter-statement. The Registrar shall give the parties at least 30 ( thirty ) days notice of the date set for the hearing, and each party shall pay the prescribed fee for the hearing.
- (4) Where the Registrar decides to register the geographical indication, he shall notify the opponent, if any, and the applicant in writing, stating the reasons for his decision, and applicant shall pay the registration fee within 30 ( thirty ) days from the date of the notification.
- (5) Where the Registrar decides to refuse to register the geographical indication, he shall notify the opponent and the applicant in writing, stating the reasons for his decision.

## **Article 74**

### **Registration**

- (1) The Registrar shall register the geographical indication setting out:
  - ( a ) The geographical indication registered.
  - ( b ) The demarcation of the geographical area to which the geographical indication applies.
  - ( c ) The name and address of the owner of the geographical indication.
  - ( d ) The name and address of the agent, if any.
  - ( e ) The goods for which the geographical indication is used.
  - ( f ) The quality, reputation or other characteristic of the goods for which the geographical indication is used and any conditions under which the indication may be used.
  - ( h ) The filing date and number of the application as well as the date of registration.
- (2) The certificate of registration of the geographical indication shall be issued on Form No. 28.

## **Article 75**

### **Refusal or Invalidation of Registration of Misleading Marks**

- (1) the Registrar has competence according to Article ( 56 ) for refusing or invalidating, ex affico or at the request of an interested party, the registration of a trademark which contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the trademark for

goods in Oman is of such a nature as to mislead the public as to the true place of origin.

- (2) The request, to refuse or to invalidate the registration of a misleading mark shall be made on Form No. 29 and shall be subject to the payment of the prescribed fee.
- (3) Where the Registrar on his motion decides to refuse or invalidate the registration of a mark, he shall, in writing, so notify the proprietor of the mark, stating the reasons for his decision and giving him at least 30 (Thirty ) days to submit a counter – statement and to request a hearing. If a hearing is requested, the registrar shall give the registered proprietor at least 30 (Thirty ) days written notice of the date set for the hearing, and the registered proprietor shall, within that period, pay the prescribed fee for hearing. The Registrar shall notify the registered proprietor in writing of his final decision, stating the reasons therefor.

## **CHAPTER 4 – INDUSTRIAL DESIGNS**

### **Article 76**

#### **Application for Registration of an Industrial Design**

The application for the registration of an industrial design shall be made on Form No. 30 and shall be signed by each applicant. The application shall indicate each applicant's name, address, nationality and residence.

### **Article 77**

#### **Number and Size of Representations and Specimen**

- (1) The application shall be accompanied by the following:
  - (a) if the industrial design is two-dimensional, by four graphic representations or four drawings or tracings; or
  - (b) if the industrial design is three-dimensional, by four graphic representations or four drawings or tracings of each of the different sides of the industrial design; and
  - (c) a printing block or printing blocks [of such dimensions as the Registrar may consider appropriate][the dimensions of which shall not exceed ( 10 centimetres x 20 centimetres) .
- (2) No graphic representation, drawing or tracing of the industrial design shall exceed [10 centimetres x 20 centimetres]. Such representations, drawings or tracings, shall be affixed on four sheets of cardboard of [A4 size]. Drawings and tracings shall be in black ink. A specimen shall be of a size not exceeding 20 centimetres x 20 centimetres.

## Article 78

### Declaration of Priority and Translation of Earlier Application

- (1) The declaration at the time of filing the application for the industrial shall indicate:
  - (a) the date of the earlier application;
  - (b) the number of the earlier application, subject to subrule ( );
  - (c) the symbol of the International Classification for Industrials Designs which has been allocated to the earlier application, subject to subrule ( );
  - (d) the State or territory Member of the WTO in which the earlier application was filed or, where the earlier application is a regional or an international application, the State or States for which it was filed;
  - (e) where the earlier application is a regional or an international application, the Office with which it was filed.
- (2) Where at the time of filing the declaration the number of the earlier application is not known, that number shall be furnished within 90 ( ninety ) days from the date on which the application containing the declaration was filed.
- (3) Where a symbol of the International Classification for Industrial Designs has not been allocated to the earlier application, or had not yet been allocated at the time of filing the declaration referred to in subrule (1) the applicant shall state this fact in the said declaration and shall communicate such symbol as soon as it has been allocated.
- (4) The applicant may, at any time before the registration of the industrial design, amend the contents of the declaration referred to in subrule (1) hereof.
- (5) The period for furnishing the certified copy of the earlier application, shall be 90 ( ninety ) days from the date of the request by the Registrar; where a copy has already been furnished for another application, the applicant may respond by making a reference to that other application.
- (6) Where the earlier application is in a language other than English, the applicant shall, within six months from the date of the aforementioned request, furnish an English translation of the earlier application.
- (7) Unless the Registrar requests otherwise, the earlier application and any translation thereof shall be filed in one copy.

## **Article 79**

### **Marking Application**

- (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters OM, slash, the letters ID, slash, the numbers of the year in which the initial papers were received, slash, and a five-digit number allotted in the sequential order in which applications are received; where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt in the appropriate place of the request for registration of the industrial design (Form No. 31).
- (2) The application number allotted under subrule (1) shall be quoted in all subsequent communications concerning the application.

## **Article 80**

### **Accordinging and Notifying Filing Date; Examination; Decision to Grant or Refuse Application**

- (1) The Registrar shall notify the applicant of his decision to grant or to refuse the application, after examination of the application. The applicant, in the case of decision to grant the application, shall pay the prescribed fees within 90 (ninety) days from the date of the notification, otherwise, he shall be deemed to have abandoned the application.
- (2) If the Registrar finds that the application did not, at the time of receipt, fulfill the requirements provided for in the Act, he shall notify the applicant to file the required correction within 60 ( sixty ) days from the date of the notification, and shall accord as the filing date the date of receipt of the required correction. If no correction is made, the application shall be treated as if it had not been filed.
- (3) Once the Registrar accords a filing date, he shall so notify the applicant in writing, if the application is treated as if it had not been filed, the Registrar shall notify the applicant in writing, specifying the reasons.
- (4) Refusal of the application shall not affect its filing date which shall remain valid.

## **Article 81**

### **Registration of Industrial Design; Issuance of Certificate**

- (1) The Registrar shall allot to each industrial design he registers a number in the sequential order of registration.



- (2) The registration of an industrial design shall include a representation of the industrial design and shall specify:-
  - a. the number of the industrial design.
  - b. the name and address of the registered owner;
  - c. the name and address of the agent, if any;
  - d. the name and address of the creator, except where he has asked not to be named in the registration;
  - e. if the priority has been claimed, and the claim has been accepted, the priority date and the country or countries in which or for which the earlier application was filed; and
  - f. the kind of products for which the industrial design is to be used.
  - g. a brief description of the industrial design .
- (3) The Registrar shall publish a reference to the registration of the industrial design in the Official Gazette after the payment of the prescribed fees. The publication shall contain the particulars specified in the previous paragraph.
- (4) The certificate of registration of an industrial design shall be issued on Form No. 32.

## **Article 82**

### **Renewal of Registration**

- (1) The application for the renewal of the registration of an industrial design may be made in accordance with Article 24 ( 4 ) of the Act during the six month period preceding the expiry of the registration, on Form No. 33 after the payment of the prescribed fee and the delay penalty, if any .
- (2) The renewal of the registration shall be recorded in the register and shall be published in the official Gazette, after the payment of the prescribed fees .
- (3) The Registrar shall issue the certificate of renewal on Form No. 34 which shall contain:
  - (a) The registration number of the industrial design;
  - (b) The date of renewal and the date of expiry.
  - (c) the name and address of the registered owner; and
  - (d) an indication of the kind of products for which the industrial design has been registered.
  - (e) a brief description of the industrial design .

## Article 83

### Special Provisions Concerning The Hague Agreement

(1) For the purpose of these Regulations,

“the Hague Agreement” means the Hague Agreement Concerning the International Registration of Industrial Designs;

“the 1999 Act” means the Act of the Hague Agreement signed in Geneva on July 2, 1999;

“the Common Regulations” means the Common Regulations under the Hague Agreement;

“international application,” “international registration,” and “date of the international registration” have the same meaning as in the 1999 Act.

(2) Except where it is otherwise expressly provided, the provisions of the Act, and of the Articles relating thereto, shall apply, *mutatis mutandis*, to international registrations of industrial designs that designate Oman.

(3) International applications in which Oman is a country of origin must be filed either personally or through an agent directly with the International Bureau or through the Intellectual Property Department.

(4) International applications must be filed in English or in French in two copies, one of them being an original copy representing the respective standard form of the International Bureau.

(5) In addition to the representations of the design or of the products in which it is incorporated or to which it is applied, the applicant may decide to furnish also samples or models of the design that must comply with the requirements of Art. 5 (3)(b) of the Hague Agreement.

(6) The application must be accompanied by a document certifying payment of the prescribed fee, as well as by a document certifying payment of fees payable to the International Bureau. If the applicant fails to pay the fees, the Registrar shall notify him to do so within a period of 30 (thirty) days. In case of failure to make the payment within the prescribed term, application shall be deemed withdrawn.

(7) Where the Intellectual Property Department is informed by the International Bureau of any deficiencies in the international application, the Registrar shall give notice thereof to the applicant and shall notify him to remedy those deficiencies within 30 (thirty) days. In case the applicant fails to remedy the deficiencies within the specified term, the application shall be deemed to be abandoned within the meaning of

the Hague Agreement.

(8) Where the Registrar has been notified, by the International Bureau, of an international application containing the designation of Oman, he shall examine whether the industrial design or designs comply with the requirements of Article 21 of the Act.

(9) (a) Where the Registrar finds that, in respect of an international application in which Oman has been designated, the requirements of Article 21 have not been complied with, he shall, in accordance with the relevant provisions of the 1999 Act and of the Common Regulations, notify the International Bureau that, to the extent that the said requirements have not been complied with, protection in Oman is refused. Such notification may be total or partial.

(b) The holder of the international registration in respect of which such a refusal has been notified shall enjoy the same remedies as if the industrial designs had been the subject of an application for registration under this Act.

(10) Where, in respect of an international registration which contains the designation of Oman, no notification of refusal has been sent to the International Bureau in accordance with the relevant provisions of the 1999 Act and of the Common Regulations, or any such refusal has subsequently been withdrawn, the international registration shall have the same effect, from the date of the international registration, as a registration of industrial designs under this Act.

## **CHAPTER 5 – LAYOUT-DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS**

### **Article 84**

#### **Application for Registration of a Layout-Design**

- (1) The application for the registration of a layout-design shall be made on Form No. 35 and shall be signed by each applicant.
- (2) The application shall indicate each applicant's name, address, nationality and residence.
- (3) Where the applicant is the creator, the request shall contain a statement to that effect, and, where he is not, it shall indicate each creator's name and address and be accompanied by the statement justifying the applicant's right to the registration of the layout-design.
- (4) The brief and precise designation of the layout-design shall consist of the title of the layout-design indicating the matter to which it relates or indicating the field to which the article in which it is intended to be incorporated, or has been incorporated, relates.
- (5) Where the application was accompanied by a copy of the layout-design, the applicant shall file a drawing thereof within a period of 30 (thirty) days .

### **Article 85**

#### **Withdrawal of Application**

The application may be withdrawn by written declaration submitted to the Registrar and signed by each applicant. The application fee shall not be refunded if the application is withdrawn.

### **Article 86**

#### **Marking Application**

- (1) Upon receipt, the Registrar shall mark, on each document making up the application, the actual date of receipt and the application number consisting of the letters OM, slash, the letters LD, slash, the numbers of the year in which the initial papers were received, slash, and a five-digit number allotted in the sequential order in which applications are received; where any corrections or other later filed documents are received on different dates, the Registrar shall also mark their actual date of receipt

in the appropriate place of the request for registration of the layout-design (Form No. 36).

(2) The application number allotted under subrule ( 1 ) shall be quoted in all subsequent communications concerning the application.

### **Article 87**

#### **Accordinging and Notifying Filing Date; Examination; Decision to Grant or Refuse Application**

- (1) The Registrar shall examine whether the application fulfills the requirements .
- (2) (a) Where the Registrar finds that the application did not at the time of receipt fulfill the requirements, he shall notify the applicant to file the required correction.  
  
(b) The notification to file any correction shall specify the correction or corrections required and request that these be filed within 60 (sixty) days from the date of the said notification, together with the payment of the prescribed fee.
- (3) Once the Registrar accords a filing date, he shall so notify the applicant in writing; if the application is treated as if it had not been filed, the Registrar shall notify the applicant, specifying the reasons.
- (4) Where the Registrar finds that the conditions , and the Articles pertaining thereto are not fulfilled, he shall notify the applicant to file the required correction within 60 (sixty) days from the date of the notification, together with the payment of the prescribed fee; if the applicant does not comply with the notification to correct a deficiency, or where, despite corrections submitted by the applicant, the Registrar is of the opinion that the said conditions are not fulfilled, he shall reject the application and notify the applicant, in writing, stating the reasons.
- (5) Refusal of the application shall not affect its filing date which shall remain valid.
- (6) The Registrar shall notify the applicant of his decision to grant or to refuse the application, and, in the case of a decision to grant the application, he shall request the applicant to pay the registration and publication fee within 30 ( thirty ) from the date of the notification.

## **Article 88**

### **Registration of Layout-Design; Publication of Reference Thereto; Issuance of Certificate**

- 1) The Registrar shall allot to each layout-design he registers a number in the sequential order of registration. and record it the relevant register.
- 2) The registration of a layout-design shall contain :-
  - (a) the number of layout-design
  - (b) the name and address of the registered owner
  - (c) the name and address of the agent, if any;
  - (d) the name and address of the creator, except where he has asked not to be named in the registration; and
  - (e) the date of the first commercial exploitation, anywhere in the world, of the layout-design or an indication that such exploitation has not yet commenced.
  - (f) a brief description of the layout-design.
- 3) The Registrar shall publish a reference to the registration in the official Gazette after the payment of the prescribed fees.
- 4) The certificate of registration of a layout-design shall be issued on Form No. 37.

## **CHAPTER 6 – Unfair Competition**

### **Article 89**

#### **Measures Related to Pharmaceutical and Agricultural Chemical Products**

Article 64(3)(A)(1) of the Act shall be construed to provide that:

- 1 - unfair commercial use includes reliance by a governmental authority upon undisclosed test or other data concerning safety and efficacy submitted to it as a condition of marketing approval, without consent of the person submitting the data, within the applicable minimum 5 or 10 year period, in the approval of a same or similar product.
- 2- the applicable minimum 5 or 10 year period begins on the marketing approval date in Oman of the pharmaceutical or agricultural chemical product the data was originally submitted to support.
- 3 - unfair commercial use also includes reliance by a governmental entity on undisclosed test or other data submitted to it as a condition of marketing approval for a

new use of an agricultural chemical product which does not contain a chemical entity which has not been previously approved in Oman, in the approval of a same or similar product based on that data within 10 years from the date of the original marketing approval of the agricultural chemical product in Oman.