

**The Kingdom of Saudi Arabia**

**Implementing regulation of Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties, and Industrial Designs**

Issued by President of King Abdulaziz City for Science and Technology No. (10/M/118828) dated 30/12/1436H, and amended by the Board of Directors of the Saudi Authority for Intellectual Property No. (5/8/2019) dated on 04/09/1440H.

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## Chapter 1 General Provisions

### Article 1

The following terms and phrases, wherever mentioned in these Regulations shall have the meanings assigned thereto, unless the context requires otherwise:

**Authority:** The Saudi Authority for Intellectual Property.

**Law:** The Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties, and Industrial Designs.

**Regulations:** The Implementing Regulations of the Law of Patents, Layout Designs of Integrated Circuits, Plant Varieties and Industrial Designs.

**Subject-Matter of Protection:** Either an invention, a layout design of an integrated circuit, a plant variety or an industrial design.

**Protection Document:** A patent, a certificate of a layout design, a plant patent, or a certificate of an industrial design.

**Committee:** The Committee provided for in Article 35 of the Law.

**Paris Union:** The Union constituted pursuant to Article One of the Paris Convention for the Protection of Industrial Property, which consists of member states of the Convention.

**PCT:** The Patent Cooperation Treaty concluded in Washington D.C. on 19/06/1970 and the subsequent amendments thereto.

**International Application:** A patent application filed (deposited) under the provisions of PCT and subject to the provisions of Chapter 11 of these Regulations.

**National Phase:** The conversion of an international application into a national application upon designation of the Kingdom of Saudi Arabia for protection, and its receipt of said application in accordance with PCT provisions.

### Article 2

The Authority shall implement the provisions of the Law and the Regulations. It shall, in particular, perform the following:

1. Receive and process protection applications and prepare protection documents.
2. Propose issuance of and amendments to forms necessary to discharge its duties.

3. Issue decisions granting protection documents and publish information related thereto.
4. Use information technology and access national and international databases when processing protection applications and documents.
5. Propose necessary amendments to the provisions of the Law and the Regulations.
6. Propose regulations for licensing agents and lawyers to represent clients before the Authority.

### **Article 3**

1. Correspondences with the Authority shall be addressed to the supervisor of the Saudi Patent Office at the Saudi Authority for Intellectual Property at the postal address determined by the Authority or through any other acceptable means.
2. Correspondences with the Authority shall be in writing in a manner acceptable to the Authority. The applicant or his agent is not required to appear in person.
3. Correspondences with the Authority regarding protection applications or documents shall include the reference number of the application or document. The Authority is not obligated to process correspondences failing to comply with this condition.
4. Applications for granting protection documents and any relevant documents or correspondences shall be sent to the Authority electronically or through any other means acceptable thereto.
5. Notices and correspondences relating to protection applications and documents shall be delivered by the Authority electronically or by hand or registered mail, and all correspondences from the Authority shall be sent to the applicant or his agent at the address recorded with the Authority. Notices delivered in the above manner shall have legal effect.

6. The day on which the notice is sent shall not be counted as part of the statutory period given. Any period expiring on weekends or official holidays of the Kingdom shall be extended to the first following working day.

#### **Article 4**

1. The Authority shall maintain records for protection applications and documents, where the main data of the protection applications and documents and any amendments thereto are recorded.

2. Published protection applications shall be made available to the public.

3. Copies of the applications referred to in paragraph 2 may be obtained for a fee.

4. Unpublished protection applications shall remain confidential.

5. The Authority shall keep the originals of the applications or copies thereof for a period of five years from the date of withdrawal, forfeiture or rejection of the application, or forfeiture of the right to the protection document or expiration of its term.

#### **Article 5**

1. Fees prescribed by the Law and its Implementing Regulations shall be paid through SADAD Payment System or any other payment method determined by the Authority.

2. The Authority shall, upon request and upon verification, refund any sums paid by mistake or paid in excess of the fees.

#### **Article 6**

1. The Authority shall periodically publish in Arabic a Gazette containing all information required to be published by the Law. The Gazette may include information on protection and laws related thereto, including amendments, notices and news. If necessary, it may contain an English translation of some information.

2. The Gazette shall be issued with serial numbers, carrying both Hijri and Gregorian calendar dates, and the Authority shall make it available on the Internet and shall maintain a number of copies thereof.

3. The Authority may publish the following in paper or on the Internet:

- A. Applications of patents and plant patents including the specifications as filed, as well as search and examination reports.
- B. Protection documents including the specification.
- C. Texts of final decisions issued by the Committee.

4. The Authority may exchange its publications and statements with patent offices and with others.

#### **Article 7**

The Gazette shall contain at least the following:

- 1. First page of the application for patents and plant patents.
- 2. First page of granted protection documents.
- 3. A list of protection applications and documents which have been amended or whose ownership has been changed or transferred.
- 4. A list of forfeited, rejected or withdrawn protection applications and documents.
- 5. A list of the denominations of plant varieties included in the applications for plant patents and the new denominations of plant varieties.
- 6. A list of abandoned protection documents.
- 7. Decisions of compulsory licenses, amendments, withdrawals, transfer and abandonment thereof.

## Chapter 2 Terms and Conditions for Filing an Application

### Article 8

1. Protection applications shall be submitted in the designated electronic forms or in any other method approved by the Authority. The application shall be clearly prepared in Arabic or a certified English copy of the previous application and a translation thereof shall be submitted within three months, the forms shall contain all information required and answers to all queries.

2.

A- The patent application filing date shall be the same date of receipt of the application, satisfying at least the following:

1. Filling appropriate forms.
2. Applicant's name, capacity and address.
3. A description of the invention.
4. Payment of filing fees.

B- The applicant must satisfy the requirements stipulated in this Article and Articles 9 to 17 of the Regulations within two months from the filing date (receipt) provided the description of the invention does not include additional information other than that provided at the time of filing.

C- In case of satisfying the requirements included in Paragraph B but the description of the invention includes more information other than that provided at the time of filing, the date of satisfying the requirements shall be deemed as the filing date.

D- If the applicant fails to satisfy the requirements specified in Paragraph B within the prescribed period, the application shall be deemed null and void.

3. The filing date of application for a certificate of a layout design of an integrated circuit, application for plant patent and application for industrial design shall be the date of receiving the protection application satisfying all requirements provided for in this Article and Articles 18 to 29 based on each protection subject, upon payment of filing fees.



4. If the applicant resides outside the Kingdom, he must designate an authorized agent in the Kingdom.

## **Section 1 Terms and Conditions for Filing Patent Applications**

### **Article 9**

1. Filling the patent application form.
2. Providing the specification of the invention and any relevant attachments.
3. The title of the invention shall comply with the provided conditions and shall not differ from the title given in the specification of the invention.
4. The documents submitted shall be originals or copies certified by the competent authorities.
5. Payment of filing fees.
6. The applicant shall satisfy all the Authority's requirements relating to the application.

### **Article 10**

The form shall be clearly filled and shall include the title of the invention, the applicant's name, address, place of residence and place of work; the inventor's name and address; name of the agent, if any, and his address; and information regarding priority and disclosure. Fields of the form shall be filled as follows:

1. Title of the Invention: The title of the invention shall be brief and specific, preferably of not more than seven words. General phrases such as "A Chemical Process", "An Electronic Device", "An Electric Device" and "An Organic Compound of New Characteristics" shall not be considered as titles of an invention. In order to shorten the title, phrases such as "A New Method of ...", "Improvements in ...", "Development in ..." may not be used.

2. Name of the Applicant: For individuals, the name shall be identical to that stated in the identification document. For establishments and companies, the name shall be identical to its official name. In case of multiple applicants, the data of the first applicant shall be provided in this part and data of the remaining applicants shall be provided in the relevant fields. Correspondences between the Authority and the applicants shall be made through the first applicant in the absence of an agent. If the applicant is not the inventor, a document showing assignment of the right to him shall be attached.

3. Name of the Inventor: The name of the inventor shall be identical to that stated in the identification document and in the following order: first name, father's name, grandfather's name and family name. In case of multiple inventors who actually contributed to the invention, the data of the first inventor shall be provided in this part and the data relating to the other inventors shall be provided in the relevant fields.

4. Priority and Disclosure Information: If the invention was previously disclosed, the documents showing the date of disclosure and reasons therefor shall be attached. If the applicant is a citizen or resident of one of the countries of the Paris Union or owns a real and active industrial or commercial firm therein and wishes to claim priority of an application previously filed in one of said countries, information relating to the priority claim (country, application number and filing date), patent number and date, if any, shall be stated. A certified copy of the previous application and a translation thereof shall be submitted within three months from the filing date. This shall be without prejudice to other relevant international treaties to which the Kingdom is party.

5. Attachments: The attachments (specification and any other attachments) shall be listed, and page numbers shall be provided in numbers and letters. In case of a priority claim, any attachment in this respect shall be referenced.

6. Name of the Agent: The name of the agent shall be stated. Said agent must hold a power of attorney acceptable to the Authority issued by a competent authority if the applicant is in the

Kingdom. If the applicant is outside the Kingdom, it is necessary to have a power of attorney approved by the competent authorities and certified by the Kingdom's diplomatic missions abroad. The agent shall attach proof that he is licensed to practice in the Kingdom.

7. Declaration: In this part, the applicant or agent shall warrant that all information provided above is true and shall be responsible for all the consequences of providing incorrect information.

#### **Article 11**

The specification shall include the following contents and in the following order:

1. "Abstract", "Full Description", "Claims" and "Drawings".
2. The beginning of each type of content shall be the inventor's name.
3. The Abstract, full description and claims may include names, symbols, formulae, mathematical and chemical equations, scientific terms and others in Latin letters. None of them shall contain drawings. As for tables, if any, they shall be included in the full description of the specification.
4. Measurements shall be in the metric system and temperature degrees in centigrade. Corresponding units may be added between parentheses.
5. Drawings and figures shall be attached if they are necessary for complete and clear understanding of the invention.
6. The specification may not include statements or drawings contradictory to Islamic Sharia or public morals.
7. The specification may not include advertisements for products, manufacturing methods, statements degrading other products or manufacturing methods, nor words or sentences not appropriate or necessary for understanding the invention. Comparison with a previous industrial technology may not be deemed degradation of such technology.

## **Article 12**

1. The scientific term, when used for the first time, shall be given in its original language with the Arabic equivalent. Subsequently, only the Arabic name is given, except for claims where the term is repeated in both languages.

2. In case of the use of abbreviated names in a foreign language, the full name in both Arabic and English shall be mentioned when used for the first time in the text. Subsequently, the abbreviation only shall be given.

3. The same Arabic term for a Latin word shall be used when the Latin term recurs in the text.

4. Symbols, units, names and fundamental physical constants approved by the International Union of Pure and Applied Physics (IUPAP) - the SUNAMCO Committee published in Union Document No. 25 shall be adopted.

5. Latin letters shall be used in accordance with the IUPAC System for writing structural figures, chemical formulae, and symbols of chemical elements, compounds, and names. If the chemical name appears in the title, it shall be written in both Arabic and Latin.

6. References, research papers, articles and scientific books shall be written in their original language.

## **Article 13**

1. The abstract shall not exceed half a page, or one page in exceptional cases.

2. If there are drawings, a reference shall be made in the abstract to the figure that depicts the invention, and the figure's number shall be given at the end of the abstract.

3. If there is reference in the abstract to components in the figure referred to in the previous paragraph, and if numbers or letters are used therein to identify these components, such numbers or letters shall be given in parentheses within the text in the abstract.

4. The abstract shall include the technical field along with a brief description of the main components of the invention and its primary use.

5. The abstract shall be written in simple language and provide a clear idea of the technical problem it addresses, for easy reference in media and research. Such abstract may not be used for defining the scope of protection.

6. The anticipated significance, value or merits of the invention may not be stated.

7. An English version of the abstract, if available, shall be attached.

#### **Article 14**

The full description shall include the following parts:

**1. Background of the Invention:** This shall include the technical field of the invention, a description of the prior art, including any documents of which the inventor is aware, and any problems relating to the prior art the invention seeks to overcome.

**2. General Description of the Invention:** This shall indicate the merits of the invention compared to the prior art, difficulties or problems sought to be overcome, and the purpose of the invention. The description shall be rendered in a clear language understood by a reader with an average knowledge in the technical field. This part usually relates to the primary claim.

**3. Brief Explanation of the Drawings:** This shall include a brief explanation of the figures and their sections, if any.

**4. Detailed Description:** The description of the invention shall be clear and sufficient for an average person in the art to execute, and a detailed explanation of the invention and the method of its industrial application shall be given. The applicant shall indicate the best method the inventor is aware of for execution of the invention at the filing or priority date. The explanation shall also include a detailed reference to the drawings attached. If the application contains a gene sequence, it shall be separately attached in an electronic format.

The above parts shall be sequentially ordered, under the following headings: "Background of the Invention", "General Description of the Invention", "Brief Explanation of the Drawings", and "Detailed Description". The heading shall be given at the beginning of the line and shall be underlined. The beginning of a part does not require a new page.

#### **Article 15**

1. The application shall contain at least one independent claim. It may contain other dependent and independent claims, and they shall be numbered consecutively, provided that claim number one is the one defining the widest scope required.
2. The claims shall give a full definition of the required scope of protection including the main components of the invention. They shall also be of a specific scope, compared to what is disclosed in the full description.
3. The claims shall be clear and interconnected and shall define the essence of the invention (not its merits) in a specific manner which makes it possible to verify the scope of protection without recourse to the full description or the drawings, except when absolutely necessary.
4. The claims shall be formulated, whenever possible, in such a way as to identify the new part or the inventive step in the scope of protection. For example, the invention to be protected shall be defined by specifying its components and technical features, followed by the phrase, "characterized by ..." or "the improvement comprises ..." or any other similar phrase, then the novel or innovative aspect that distinguishes it from any other invention.
5. If the application contains drawings and there is reference in the claim to components in one of the figures that include numbers or letters used to identify these components, these numbers or letters may be mentioned in parentheses within the text in the claim.

#### **Article 16**

1. Drawings shall be clear and of high quality for duplication.

2. The page may contain more than one figure and, when necessary, a figure may be put on more than one page provided that they can be easily juxtaposed to make one drawing.

3. Figures shall be given separate numbers irrespective of the number of the page and, whenever possible, they may be arranged and assembled in accordance with their consecutive numbers. The size of the numbers of the components of the drawings or the letters used to identify them shall not be less than 3 mm. The same numbers or letters shall be used in other drawings to identify the same components. Drawings may not be shaded and shall be presented in bold black lines, and the section shall be highlighted with broken lines.

4. Drawings may not contain any words or otherwise for the purpose of description. When necessary, words may be used to explain some of the main features.

#### **Article 17**

The applicant shall provide the Authority with a copy of examination and search reports as well as copies of applications previously filed or patents granted by other offices for the same invention.

### **Section 2 Terms and Conditions for Filing an Application for a Certificate of a Layout Design of an Integrated Circuit**

#### **Article 18**

1. Filing the application for a certificate of a layout design of integrated circuit

2. Attaching a brief and precise description of the design, including information that defines the electronic function of the integrated circuit.

3. Attaching a clear drawing or image of the design. Parts of the drawing or image related to the method of manufacturing the integrated circuit may be excluded, provided that the remaining parts are sufficient to explain and identify the design.

4. Attaching a sample of the integrated circuit if it is for commercial exploitation, if requested by the Authority.

5. The documents submitted shall be originals or copies certified by the competent authorities.

6. Payment of filing fees.

7. The applicant shall satisfy all the Authority's requirements relating to the application.

#### **Article 19**

The Application form for certificate of layout design shall be clearly filled out, including the following:

1. Title of the design: It shall be concise and specific.

2. Date and place of first commercial exploitation: This information shall be provided if the design has been exploited commercially anywhere in the world.

3. Name of the applicant: For individuals, the name shall be identical to that stated in the identification document. As for establishments and companies, it shall be identical to the official name. In case of multiple applicants, the data of the first applicant shall be provided in this part, and data relating to the remaining applicants shall be provided in the relevant fields. Correspondences between the Authority and the applicants shall be made through the first applicant in the absence of an agent.

4. Name of the design creator: The name shall be identical to that stated in the identification document. In case of multiple creators, the data of the first creator shall be provided in this part and the data relating to the other creators shall be provided in the relevant fields.

5. Name of the agent: The name of the agent shall be stated. Said agent must hold a power of attorney acceptable to the Authority issued by a competent authority if the applicant is in the Kingdom. If the applicant is outside the Kingdom, it is necessary to have a power of attorney approved by the competent authorities and certified by the Kingdom's diplomatic missions abroad. The agent shall attach proof that he is licensed to practice in the Kingdom.



6. Attachments: Titles of attachments to the form (figures or any other attachments) shall be listed, and page numbers shall be provided in numbers and letters. In the case of previous commercial exploitation, any attachments in this respect shall be referenced.

7. Declaration: In this part, the applicant or agent shall warrant that all information provided above is true and shall be responsible for all the consequences of providing incorrect information.

### **Section 3 Terms and Conditions for Filing an Application for a Plant Patent**

#### **Article 20**

1. Filling the application for a plant patent.
2. The technical description form shall be filled, and any relevant attachments shall be enclosed.
3. Attaching the abstract.
4. Payment of filing fees.
5. Photographs or drawings of the plant variety with a brief description thereof shall be attached if they are necessary to identify the variety.
6. The application for protection shall be limited to one variety.
7. The background of the technical description form shall be white.
8. The denomination of the plant variety provided in the technical description of the variety shall be identical to the denomination provided in the form and other official documents.
9. The documents submitted shall be originals or copies certified by the competent authorities.

10. The applicant shall satisfy all the Authority's requirements relating to the application.

#### **Article 21**

The application for a plant patent shall be clearly filled out. It is preferable to add the name of the applicant, the name of the plant breeder and the data relating to priority and disclosure in English, including the following:

##### **1. Denomination or Proposed Denomination of the Plant Variety:**

The denomination of the variety shall be provided. If there is no denomination, a proposed denomination of the variety or a temporary one that refers to the plant breeder shall be provided. The denomination of the plant variety may consist of one word or a group of words and numbers or a group of letters and numbers with or without meaning, provided that the constituents of the denomination make it possible to identify the variety.

**2. Genus and Species:** The scientific name of the variety shall be provided by stating its genus and species in Latin, in italics or underlined, according to the conventions of writing scientific names.

**3. Common or Commercial Name:** If there is a common or commercial name for the variety it shall be provided in Arabic and in English or Latin.

**4. Name of the Applicant:** For individuals, the name shall be identical to that stated in the identification document. As for establishments and companies, it shall be identical to the official name. In case of multiple applicants, the data of the first applicant shall be provided in this part, and data relating to the remaining applicants shall be provided in the field designated for such purpose. Correspondences between the Authority and the applicants shall be made through the first applicant in the absence of an agent.

**5. Name of the Plant Breeder:** The name of the plant breeder shall be identical to that stated in the identification document. In case of multiple breeders who actually participated in the

breeding of the plant, the data of the first breeder shall be provided in this part and the data of the other breeders shall be provided in the relevant fields.

**6. Name of the Agent:** The name of the agent shall be stated. Said agent must hold a power of attorney acceptable to the Authority issued by a competent authority if the applicant is in the Kingdom. If the applicant is outside the Kingdom, it is necessary to have a power of attorney approved by the competent authorities and certified by the Kingdom's diplomatic missions abroad. The agent shall attach proof that he is licensed to practice in the Kingdom.

**7. Attachments:** The attachments to the Form (technical description of the variety and any other attachments) shall be listed, and the number of pages shall be provided in numbers and letters. In case of a priority claim, any attachments in this respect shall be referenced.

**8. Priority and Disclosure Information:** If the plant variety was previously disclosed or sold or the propagating materials were previously sold, the documents showing the date and reasons for disclosure shall be attached. In the case of a priority claim, the following shall be provided: priority information (name of the country, date and number of the application), date of publication and number of the plant patent (number of granting the patent to the plant breeder) and its date, if any. A certified copy of the previous application and a translation thereof shall be submitted within three months. In all cases, relevant international agreements to which the Kingdom is party shall apply

**9. Data regarding previous filings** (country name, filing date, application number and publication date) and, if available, the plant patent number (plant breeder's right number) and date shall also be submitted.

**10. Declaration:** In this part, the applicant or agent shall warrant that all information provided above is true and shall be responsible for all the consequences of providing incorrect information.

## **Article 22**

The technical description of the variety shall include the following:

1. Denomination of the variety.
  
2. Genus and Species: The scientific name of the variety shall be provided by stating its genus and species in Latin, in italics or underlined, according to the conventions of writing scientific names.
  
3. Full disclosure of the origin of the variety and method of breeding and whether it is carried out through genetic engineering.
  
4. A detailed description of the consecutive stages of the selection and propagation processes which were used to breed the variety.
  
5. Proof of the uniformity of the variety showing the degree of variation in any of its characteristics.
  
6. A statement of the stability of the variety showing the number of cycles of propagation during which none of the distinguishing features underwent any change and the changes noted during propagation processes, and their repetition, together with a repetition of the noted or expected confusion.
  
7. A statement that the variety is distinct showing clearly how it is distinguished from other varieties descending from the same species. If there is any similarity between the variety and other varieties, the applicant shall specify these varieties with a detailed description of the differences among them. Samples of propagation materials or other plant samples of the variety or photographs of the same shall be provided if this helps show the distinctiveness of the variety very clearly.
  
8. Drawings of the variety shall be provided if this helps identify the variety with a brief description thereof, if available.

9. A photograph of the plant or its main parts, especially ornamentals or unknown plants.

10. Measurements shall be in the metric system and temperature degrees in centigrade. Corresponding units may be added between parentheses.

### **Article 23**

1. The abstract shall include the name of the variety, names of the parents, and breeding method in brief.

2. The abstract shall be written in a simple language to provide clear understanding of the variety and how it is distinct from the closest similar varieties.

3. A reference in the abstract shall be made to the general figure of the plant variety.

4. The name of the plant variety in the abstract shall be identical to the name provided in the application forms (Arabic/English).

5. The abstract shall not exceed half a page, or one page in exceptional cases.

### **Article 24**

1. Photographs and drawings shall be clear, unshaded with no background, high quality, and not reproduced.

2. Numbers of photographs and drawings shall be in sequentially ordered, and provided to distinguish the components of drawings.

3. The main figure shall be on a separate page.

### **Article 25**

1. The applicant may provide the Authority with copies of examination and search reports, and applications or plant patents (plant breeder's rights) related to the same plant variety granted by foreign entities.

2. The applicant shall provide the Authority with reproduction materials, copies of examination or search reports, applications or plant patents (plant breeder's rights) related to the same plant variety, upon request, within three months from the date of notification. In case of failure to satisfy such requirements, the application shall be rejected, unless the applicant provides justification acceptable to the Authority for non-compliance within the specified period.

#### **Article 26**

The Authority shall provide protection for fifteen genera in the first year of the application of the Law and shall issue a list thereof. New genera shall be listed yearly based on need and capability.

### **Section 4 Terms and Conditions for Filing Application for a Certificate of Industrial Design**

#### **Article 27**

1. An application for a certificate of industrial design shall be clearly filled, including the data of the design and any other relevant attachments.

2. Pictures and drawings of the industrial design sought to be protected shall be attached provided they do not exceed seven.

3. A protection application shall be limited to one industrial design.

4. The documents submitted shall be originals or copies certified by the competent authorities.

5. Payment of filing fees.

6. The applicant shall satisfy all the Authority's requirements relating to the application.

#### **Article 28**

The application for a certificate of industrial design shall be clearly filled out as follows:

**1. Name of the Applicant:** The name shall be identical to that stated in the identification document. As for establishments and companies, it shall be identical to the official name. If there is more than one applicant, the data of the first applicant shall be provided in this part, and data relating to the remaining applicants shall be provided in the fields designated for such purpose. Correspondences between the Authority and the applicants shall be made through the first applicant in the absence of an agent.

**2. Name of the Designer:** The name of the designer shall be identical to the name in the identification document. If there are multiple designers, the data of the first designer shall be provided in this part and data of the other designers shall be provided in the relevant fields.

**3. Name of the Agent:** The name of the agent shall be stated. Said agent must hold a power of attorney acceptable to the Authority issued by a competent authority if the applicant is in the Kingdom. If the applicant is outside the Kingdom, it is necessary to have a power of attorney approved by the competent authorities and certified by the Kingdom's diplomatic missions abroad. The agent shall attach proof that he is licensed to practice in the Kingdom.

**4. Description of the Industrial Design:** The industrial design shall be described in writing by describing each enclosed figure (picture or drawing) or by giving a general description as brief as possible.

**5. Type of Products:** The type of products in which the industrial design is used shall be given briefly and specifically, according to the International Classification of Industrial Designs (Locarno).

**6. Classification:** Classification of the industrial design shall be provided, if applicable, in accordance with the International Classification of Industrial Designs (Locarno).

**7. Priority and Disclosure Information:** If the Industrial design has been displayed in an official exhibition or was otherwise

previously disclosed to the public, the necessary documents showing date of display or disclosure shall be enclosed. If the applicant is a citizen of one of the countries of the Paris Union or a resident in one of them or owns a real and active industrial or commercial firm therein and wishes to claim priority of an application previously filed in one of the countries of the Union, then the data relating to the priority application (country, application number and filing date) and the number of the certificate and date and the classification, if any, shall be provided. A certified copy of the previous application and a translation thereof shall be submitted within three months from the filing date. In all cases, relevant international agreements to which the Kingdom is party shall apply. Data regarding previous filings (country name, application number, filing date), certificate number and date, if any, shall also be enclosed.

**8. Attachments:** Attachments of the Form (figures and any other attachments) shall be listed, and page numbers shall be provided in numbers and letters. In the case of a priority claim, any attachments in this respect shall be referenced.

**9. Declaration:** In this part, the applicant or agent shall warrant that all information provided above is true and shall be responsible for all the consequences of providing incorrect information.

## **Article 29**

The application shall include drawings or photographs showing the complete parts of the industrial design, taking into consideration that the scope of protection is determined on the basis of the figures enclosed at the time of filing the application, observing the following:

1. Figures shall be in color, if protection of certain colors in the industrial design is desired.
2. If there are figures or parts in the industrial design that do not require protection, they shall be drawn in broken lines.
3. When more than one figure for an industrial design is submitted in one application, the scope of protection shall cover the common elements in these figures.



4. Figures shall be on size A4 paper of 40 x 40 mm minimum and 252 x 165 mm maximum. A page may contain more than one figure.

5. Figures shall be clear and shall indicate the distinctive features of the industrial design to be protected, given that such figures shall be published as enclosed.

6. Figures may not contain any words for the purpose of description.

7. Figures shall be sequentially numbered below the figure.

**Chapter 3**  
**Provisions for Priority and Disclosure**

**Article 30**

1. Any previous filing at a national or regional office in the countries of the Paris Union or any international agreements to which the Kingdom is a party shall be deemed as giving rise to the right of priority.

2. Periods of priority shall start from the filing date of the first application. The day of filing shall not be counted in the period.

3. If the last day of the priority period is an official holiday or a day in which the Authority is not open for receiving applications, the period shall be extended to the first following working day.

4. The applicant claiming the privilege of priority may defer providing the Authority with the number of the previous application and the classification code of the application for the patent or the application for the certificate of an industrial design for a period not exceeding three months from the filing date of the application.

5. If the applicant claiming the privilege of priority fails to submit a certified copy of the previous application and a translation thereof within the prescribed period, his right of priority shall be forfeited, and this shall be recorded in the registry of the Authority.

**Article 31**

1. Cases of disclosure of inventions and industrial designs not deemed part of prior art shall be as follows:

- A. If the disclosure occurred during the last six months prior to the filing date of the application or the date of priority claim due to abusive acts against the applicant or his predecessor.
- B. If the disclosure occurred as a result of display in an officially recognized international exhibition in one of the countries of the Paris Union during the year preceding the

filing of the application for the patent, or the six months preceding the date of filing the application for certificate of industrial design.

2. If the applicant desires to have provisional protection for an invention or industrial design relating to products he wishes to display in any official exhibition, he shall apply to the Authority, enclosing a brief description of the invention or industrial design, the drawings and a statement about the products relating thereto. The Authority may require the applicant to submit any other data it deems necessary. As for products displayed outside the Kingdom, a certificate attested by an official authority specifying the displayed product, its data and date of display shall be provided.

3. The periods referred to in the preceding two paragraphs shall not entail extending the period of the right of priority provided for in Article 10 of the Law.

#### **Article 32**

1. The Authority may correct or add a priority claim subject to the following conditions:

- A. Filing a petition to the Authority to correct or add the priority claim within two months from the expiration date of the priority period.
- B. The application to which a priority is to be added or corrected shall have been filed within two months from the expiration date of the priority claimed or sought to be added.
- C. Providing reasons for non-compliance with the priority period, proving that non-compliance was not intentional and owing to reasons beyond control and despite exercising due diligence.
- D. Payment of petition filing fees.

2. If the Authority accepts the reasons stated in the petition, the priority claim shall be corrected or added and the applicant shall be notified.

3. If the Authority rejects wholly or partially the reasons stated in the petition, it shall notify the applicant of the expected decision of rejection. The applicant may respond to the expected rejection within one month from the date of

notification.

4. Rejection of the petition shall not entail a refund of the petition fees.

**Article 33**

Filing a plant patent in another country or registering a variety in a list of varieties of which reproduction materials are permitted for marketing in such country shall render the variety in the application publicly-known as of the filing date of the application, provided that the application results in granting a plant patent or registration in the list. The variety shall also be deemed publicly-known if it is currently exploited, registered in a variety list maintained in a recognized professional association or included in a reference group.

## Chapter 4

### Provisions for Amending and Withdrawing Protection Applications

#### Article 34

1. Amendments or additions to the protection application made by the applicant on his own or at the Authority's request, may not exceed what was disclosed in the application at the time of filing, provided that the fees are paid.
2. Amendment to any figure included in an application for a certificate of an industrial design entails that the date of amendment be deemed the date of filing.
3. The applicant for a patent may cancel or add any claim, provided that this does not lead to any change in the unity of the invention.
4. An applicant for protection may, free of charge, correct typographical errors or calculation errors in the application and request the introduction of changes to the data given in the application.
5. An applicant for protection may withdraw his application as long as it has not been finally decided upon. The request for withdrawal shall be final and unconditional.
6. If the application for protection is made by multiple applicants, a request for withdrawal may not be accepted unless signed by all applicants.

#### Article 35

If an applicant for a patent divides his application to several applications, either on his own or at the request of the Authority, as a result of a substantive examination which shows that the application includes more than one invention, he shall specify the invention included in the original application. He may also file applications for the other inventions separately, subject to provisions governing new applications. They shall keep the original application filing date and enjoy the right of priority, if any.

**Chapter 5**  
**Provisions for Formal and Substantive Examination**

**Article 36**

1. Registered applications shall be examined to ensure that they satisfy the formal conditions provided for in Article 8 of the Law and the provisions of Chapter 2 of these Regulations for each subject of protection. If the formal examination reveals that some conditions are not satisfied, the applicant shall be requested to satisfy them within a period not exceeding ninety days from the date of notification. Failure to comply within said period shall render the application null and void.

2. If it appears from the formal examination that the legally prescribed formal conditions are satisfied, the authority shall proceed with procedures.

**Article 37**

1. The Authority shall notify the applicant to pay the publication fees within three months. If he fails to pay within such period, the application shall be rejected, and this shall be published. A note to this effect shall be entered into the registry and published in the Gazette. The application may not be published if withdrawn prior to the end of the specified period.

2. The Authority shall assess the expenses of the substantive examination of the application for a patent or plant patent. The applicant shall be required to pay said expenses within three months from the date of being notified. If he fails to pay, the application shall be forfeited and this shall be entered into the registry and published in the Gazette.

3. Upon payment of the expenses referred to above, the Authority shall perform the substantive examination of the patent or plant patent application.

**Article 38**

The Authority shall perform the substantive examination of the patent application to ensure that the application satisfies the conditions provided for in Articles 4, 43, 44, 45 and 46 of the Law and the provisions stipulated in these Regulations, including

the provisions of Chapter 2. For such purpose, the Authority may perform the following:

- A. Examine claims, description, and drawings to determine the essential components of the invention.
- B. Classify the application in accordance with the International Patent Classification.
- C. Assess the unity of the invention.
- D. Determine the documents related to the invention by searching databases or any other sources.
- E. Identify the documents closest to the invention by comparing such documents with the invention.
- F. Assess novelty by comparing the invention with the closest documents.
- G. Assess the inventive step through the use of the knowledge of the ordinary person in the art which is based on relevant documents.
- H. Assess the industrial applicability of the invention.

The Authority shall prepare a report on the substantive examination which shall state its opinion as to whether the application satisfies the conditions provided for and the required explanations and amendments.

### **Article 39**

The Authority shall conduct a substantive examination of the plant patent application to verify that the application satisfies the conditions provided for in Articles 4, 54 and 55 of the Law and the provisions stipulated in these Regulations, including the provisions of Chapter 2. To this end, it may perform the following:

A. Ensure that the variety is of the specified botanical taxon. If it is not, the applicant shall be notified and given a period of thirty days for amendment; otherwise, the application shall be rejected.

B. Ensure that the variety is new.

C. Conduct a technical test of the variety to ensure that said variety is distinct, uniform and stable, in accordance with the following:

1. Applications for which no filings were previously made outside the Kingdom shall be examined by the Authority or by any national or foreign entity designated by the Authority, in accordance with UPOV Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability. As for unlisted varieties, they shall be tested according to available resources.
2. As for applications for which filings were previously made outside the Kingdom and were or would be tested abroad, the Authority may adopt the results of the test if the test was conducted in environmental conditions similar to the environmental conditions of the Kingdom.

The Authority shall prepare the report of substantive examination which includes its opinion as to whether the application satisfies the prescribed conditions and the required clarifications and amendments.

#### **Article 40**

1. The technical test of the plant variety shall be performed in the nearest suitable time for germination.
2. The applicant shall provide the Authority or the entity it designates with the information and test materials in sufficient time prior to the date of germination. The Authority shall determine the specifications of the samples for the purpose of conducting the test in accordance with the instructions relating to each plant variety.
3. The material provided by the applicant for the purpose of testing shall not have been subjected to any special treatment, unless specifically required by the Authority.
4. For the purpose of applying the provisions of Article 58(d) of the Law, the Authority may take samples of the plant variety from the local market.

#### **Article 41**

1. The denomination mentioned in the application for a plant patent shall be published if it meets prescribed conditions. Any person with interest may object to the denomination within



three months from the date of publication.

2. If the denomination does not satisfy the prescribed conditions, the applicant shall be notified thereof and given three months to provide an alternative denomination. If he fails to do so or the alternative denomination turns out not to be in accordance with the prescribed conditions, the application shall be rejected. If the denomination is accepted, it shall be registered and the previous denomination shall be cancelled. A note to this effect shall be published.

3. The applicant must change the denomination provided by him within three months if it is proven to infringe upon a trademark or the like.

4. If a denomination for the variety is used, proposed or registered in the Kingdom or any other country, such denomination shall always be used when dealing with the Authority, unless such denomination is rejected.

5. Any person who offers for sale the propagation material of a protected variety, sells or markets it by any other means shall use the denomination of that variety. This obligation shall remain valid even if the right in the plant patent expires. A trademark, trade name or the like may be combined with the registered denomination of the protected variety when marketing or displaying it, if the denomination is easily identifiable.

#### **Article 42**

1. Registration of the denomination of a plant variety shall be rejected if:

- A. It does not comply with the provisions of Paragraph 1 of Article 21 of these Regulations.
- B. It is not suitable for identifying the variety, especially due to lack of distinctness or linguistic appropriateness.
- C. It is contrary to Sharia or it violates public norms.
- D. It consists solely of marks and data that may be used in the sector of varieties and seeds to determine species, quality, quantity, purpose, value, geographical origin or period of production.

E. It is misleading or causes confusion as to the characteristics of the variety, its value, or geographic origin, or as to the links between the variety and individuals, especially the plant breeder or the applicant.

F. It is identical or confusingly similar to a suggested denomination in the Kingdom or any other country, for a previous variety of the same species or of a species strongly related thereto, unless exploitation of the previous variety has ceased.

2. The denomination shall be cancelled if it violates any provision of the Law or these Regulations. The Authority shall notify the applicant or the holder of the plant patent of the cancellation decision, and he shall be required to propose a new denomination. Procedures provided for in Article 41 of these Regulations shall apply.

#### **Article 43**

1. The Authority may, in the course of conducting the substantive examination of the applications submitted thereto, make use of search reports, substantive examination reports and protection documents issued by patent offices.

2. The Committee may request the Authority to expedite the examination of a protection application at the request of the applicant claiming that there is an infringement or imminent infringement of the subject matter of protection. The applicant shall provide the Committee with documents supporting his request to expedite the examination as well as any other documents required by the Committee to prove that his claim is genuine.

#### **Article 44**

1. The Authority shall notify the applicant of the result of the substantive examination, including the report of the first substantive examination. The applicant shall submit to the Authority amendments to the application that are in line with the report, and if he disagrees with any item in the report, he shall provide justification.

2. If the Authority is satisfied with the amendments or justifications submitted by the applicant, it shall proceed with

granting procedures. If unsatisfied, it shall notify the applicant with the results of the second substantive examination report, and the applicant shall submit to the Authority amendments to the application that are in line with said report if the applicant disagrees with anything in the report, he shall provide justification. If the application has been previously disclosed or pertains to a subject excluded from protection, the Authority may adopt the report of the first substantive examination and issue a decision rejecting the application.

3. If the Authority is satisfied with the amendments or justifications provided by the applicant, it shall proceed with the granting procedures; otherwise, it shall issue a decision rejecting the application.

4. The applicant shall respond to any notifications addressed to him by the Authority within three months from the date of notification. Failure to do so shall result in rejection of the application.

#### **Article 45**

The Authority may verify that the industrial design is novel and does not violate the provisions of Article 4 of the Law, nor includes trademarks belonging to others, proper names or official insignias, based on the information provided by the applicant.

**Chapter 6**  
**Provisions for Grant, Rejection and Invalidation**

**Article 46**

1. Upon ascertaining that the protection application satisfies prescribed conditions, the Authority shall notify the applicant and require him to pay the grant and publication fees within a period of three months. Upon payment, the Authority shall issue the protection document and publish a note to this effect in the Gazette. If the applicant fails to pay within the specified period, the application shall be forfeited.

2. If the Authority finds that the protection application does not satisfy the prescribed conditions, it shall reject the application, providing grounds therefor. The applicant shall be notified of said decision, which shall be published in the Gazette.

**Article 47**

A. The first page of the patent document shall contain, at least, the following:

1. Name of the Inventor
2. Name of the Patent Owner
3. Address of the Patent Owner
4. Name of the Agent
5. Application Number
6. Filing Date
7. Patent Number
8. Grant Date
9. Priority Information (application number, priority date, and priority country)
10. Publication Number and Date
11. International Patent Classification (IPC)
12. Cited Documents
13. Title of the Invention
14. Abstract
15. Examiner's Name

B. The first page of the layout design certificate shall contain at least the following:

1. Name of the Design Creator
2. Name of the Certificate Owner
3. Address of the Certificate Owner
4. Name of the Agent
5. Application Number
6. Filing Date
7. Certificate Number
8. Grant Date
9. Date and Place of First Commercial Exploitation
10. Title of the Design
11. Brief Description
12. Design Drawings

C. The first page of the plant patent document shall contain at least the following:

1. Name of the Plant Breeder
2. Name of the Patent Owner
3. Address of the Patent Owner
4. Name of the Agent
5. Application Number
6. Filing Date
7. Patent Number
8. Grant Date
9. Priority Information (application number, priority date, and priority country)
10. Names of Genus and Species
11. Common or Commercial Name
12. Abstract
13. Examiner's Name

D. The first page of the industrial design certificate shall contain at least the following:

1. Name of the Designer
2. Name of the Certificate Owner
3. Address of the Certificate Owner
4. Name of the Agent
5. Application Number
6. Filing Date
7. Certificate Number
8. Grant Date

9. Priority Information (application number, priority date, and priority country)
10. Number of Designs
11. Technical Information

#### **Article 48**

Bases for invalidating a protection document wholly or partially shall be as follows:

- 1. For patents:** violation of the provisions of Articles 4, 43, 44 and 45 of the Law, and Article 14(4) of these Regulations.
- 2. For certificates of layout designs:** violation of the provisions of Articles 2, 4, 49 and 50 of the Law.
- 3. For plant patents:** violation of the provisions of Articles 4, 54 and 55 of the Law.
- 4. For industrial design certificates:** violation of the provisions of Articles 2, 4 and 59 of the Law and Article 45 of these Regulations.

The Committee shall notify the Authority of any final decision invalidating a protection document upon issuance for registration and publication.

**Chapter 7**  
**Provisions of Resumption of Patent Application Procedures**  
**and Extension of Deadlines**

**Article 49**

1. For applications rejected or forfeited as a result of the applicant's non-compliance with the requirements for such application within the prescribed period due to circumstances beyond his control, the applicant may request resumption of the application procedures in the following manner:

- A. Filing with the Authority a petition for resumption of the application procedures within two months after the reasons for non-compliance cease to exist or twelve months after the decision issuance date, whichever expires first.
- B. Enclosing reasons for non-compliance with the requirements within the prescribed period and establish that non-compliance was unintentional or due to circumstances beyond his control in spite of exercising due diligence.
- C. Payment of appeal fees.

2. Upon accepting the reasons and justifications of the appeal, the Authority shall notify the applicant thereof. The applicant shall satisfy the requirements within a month from such notification, upon which application procedures shall resume.

3. If the Authority rejects the reasons and justifications of the petition wholly or partially, it shall notify the applicant of the potential rejection decision. The applicant may provide comments concerning the potential rejection within one month from the date of notification.

4. Petition fees may not be recovered if the petition is rejected.

5. The applicant may not file another petition for the same procedure.

**Article 50**

If the applicant is unable to satisfy the requirements within the prescribed period, he may file a petition to extend the prescribed periods provided for in the Law and its Implementing

Regulations for two additional months from the expiry of the original period, save for the period prescribed for payment of annual fees, subject to the following conditions:

1. Filing the petition prior to the expiry of the original prescribed period using the designated form.
2. Payment of extension application fees.
3. Extension application fees may not be recovered in case of rejection.
4. The applicant may not file another petition for the same prescribed period.

## **Chapter 8**

### **Provisions of Infringement and Exploitation**

#### **Article 51**

The following shall not be deemed infringement on a patent:

1. Use of means subject of a patent aboard ships of other countries of the Paris Union, whether in the body of the ship, or its machines, equipment or in any parts thereof when the ship temporarily or incidentally enters the Kingdom's territorial waters, provided that such use is limited to ship needs.
  
2. Use of equipment subject of a patent in the construction or operation of air or land vessels, or their spare parts, belonging to another country of the Paris Union, when such vessels enter the Kingdom temporarily or incidentally.

#### **Article 52**

An application for compulsory license filed by any government agency to exploit an invention shall include a statement of public interest justifications. Such justifications shall be stated in the decision granting the license.



**Chapter 9**  
**National Security-Related Applications**

**Article 53**

Procedures for applications relating to national security shall be as follows:

1. Each government employee, whether military or civilian, who discovers a patentable subject matter relating to national security in the course of performing his duties shall assign the same and all benefits resulting therefrom to the relevant government agency upon its approval.

2. Any person, other than the above mentioned, who discovers a patentable subject matter related to national security shall assign the same and all benefits resulting therefrom to the relevant government agency upon its approval. Said agency shall pay the person a fair compensation.

3. Any person who assigns the above-mentioned rights to the relevant government agency in application of the two preceding paragraphs and all persons who are aware of the assignment shall keep the patentable subject matter and assignment confidential, and not disclose the same except to authorized persons.

4. The relevant government agency may, upon obtaining the necessary assignment, apply to the Authority for a protection document and enclose with the application a request to keep the application confidential. Authority shall apply regular procedures in processing the application and shall undertake not to publish information thereabout.

5. The application, specification, drawings, amendments, protection document and any copy thereof shall be kept in a sealed and stamped file, to be at the disposal of the relevant government agency throughout the term of protection. It may be opened only by the relevant government agency or by its order.

6. Contents of the sealed and stamped file may not be published or accessed by others under any circumstances.

7. The sealed and stamped file shall be delivered at any time during the term of protection to any person at the request of the relevant government agency. Said file shall be sealed and stamped upon its return.

8. The sealed and stamped file shall be sent to the relevant government agency upon expiration of the protection period.

9. An application to invalidate a decision granting the protection document in accordance with this Article may not be processed except with the approval of the relevant government agency.

10. An action for infringement on such patents may not be filed.

11. Correspondences with the relevant government agency in connection with a patent relating to national security for examination of the subject matter of protection as well as actions taken by the agency for such purpose shall not be considered disclosure or use, and shall not affect the entitlement to the protection document.

12. When the Authority decides that a protection application relates to national security and is not assigned to a relevant government agency and that it shall not be published for national security purposes, he may order that such application be treated as if it was assigned to the relevant government agency.

**Chapter 10**  
**Committee-Related Provisions**

**Article 54**

Correspondences with the Committee shall be addressed directly to its Chairman at the designated address.

**Article 55**

Actions shall be submitted to the Committee by a petition of one original and a number of copies equal to the number of litigants, to be delivered to the Secretariat of the Committee or by any other manner acceptable to the Committee provided it includes the following:

1. The plaintiff's full name, profession or position, place of residence, number of his identification document as well as date and place of issuance, address including P.O. Box, telephone number, fax number, commercial name and any other means through which he may be reached. The same applies to his representative, if any.

2. The defendant's full name, profession or position, place of residence, address including P.O. Box, telephone number, fax number, commercial name and any other means through which he may be reached.

3. Statement of the subject matter of the action.

4. Legal grounds and supporting evidence.

**Article 56**

The notice along with a copy of the claim shall be delivered to the defendant's address. The notice shall be in an original and a copy. In case of multiple defendants, the number of copies shall be equal to their number. The notice shall contain the following:

1. Subject and date of the notice.

2. The plaintiff's full name, profession or position, place of residence, and the full name of his representative, his profession or position, and place of residence.

3. Full name of the person served, his profession or position, and place of residence.

## **Article 57**

Litigants shall be notified of the actions filed with the Committee as follows:

1. A copy of the notice shall be delivered to the person to be served at his place of residence or place of work, if any; otherwise, it shall be delivered to any person found at his place of residence who resides with him. If no one is found or the person found refuses to receive the notice, it shall be delivered to the Umdah of the district or the police station, as the case may be.

2. As for government agencies, the notice shall be delivered to the heads or deputies of said agencies.

3. As for companies and private establishments, the notice shall be delivered to one of the joint partners, the board chairman or their designees, or the owner of the private establishment or his designee.

4. As for foreign companies with a branch or an agent in the Kingdom, notices shall be delivered to the manager of the branch or the agent.

5. As for persons residing outside the Kingdom, they shall be notified through the Ministry of Foreign Affairs. In this case, it is sufficient to receive a response indicating delivery of the notice.

6. As for military personnel and employees of military agencies, notices shall be delivered to their place of work.

7. As for prisoners, notices shall be delivered to the prison warden.

The notice shall be valid if it is delivered to the person to be served even in a place other than his place of residence or work. In all cases, the notice may be delivered by registered mail, and such notification shall be legally effective.

**Article 58**

The Committee shall notify the Authority of all decisions issued regarding actions filed therewith.

**Article 59**

The Committee may, immediately upon filing the petition, take precautionary and provisional measures against the defendant, provided the plaintiff provides guarantees acceptable to the Committee to protect the defendant's right in case the claim is not proven.

**Article 60**

If the Committee decides to seek the assistance of experts, it may order any of the litigants to deposit, within a certain period of time, a sum equal to the estimated expenses of experts by a check certified by a licensed bank in the Kingdom. If said litigant fails to deposit the sum within the time specified by the Committee, the other litigant may deposit this sum without prejudice to his right of recourse against his opponent if the case is decided in his favor.

**Chapter 11**  
**Provisions for Applications Filed Pursuant**  
**to the Patent Cooperation Treaty (PCT)**

**Article 61**

The Authority shall assume the duties of the application "Receiving Office" in accordance with the provisions of PCT and its Regulations.

**Article 62**

International applications received (filed) by the Authority shall be processed in accordance with the provisions of PCT and its Regulations.

**Article 63**

If the Kingdom of Saudi Arabia is appointed for protection and the application enters into the national phase, it shall be subject to the Law of Patents, Integrated Circuit Layout Designs, Plant Varieties and Industrial Designs and its Implementing Regulations.

**Article 64**

If the Kingdom of Saudi Arabia is appointed for protection and the application enters into the national phase, the approved date of filing the application in the Kingdom shall be the date of receiving the international application by the "Receiving Office".

**Article 65**

If the Kingdom of Saudi Arabia is appointed for protection and the application enters into the national phase, an annual fee shall be due for the application as of the date of international filing. The applicant shall pay the fees for previous years at the date of the first due fees. In case of non-payment within the period specified by the Law, due fees shall be doubled.

**Chapter 12**  
**Concluding Provisions**

**Article 66**

Necessary amendments to these Regulations shall be issued by board of directions.

**Article 67**

Provisions of these Regulations shall enter into force thirty days following publication in the Official Gazette.

**A table of the expenses stipulated in these regulations\***

No	A statement of the required financial expenditures	Individuals	Institutions
1	Seek correction or addition of precedence	400	800
2	Petition to return the application process	1000	2000
3	Seek extension of time limit	300	600

\*In Saudi Riyals