



شعبة الترجمة الرسمية
Official Translation Department

**Trademark Law of the States of the Cooperation
Council for the Arab States of the Gulf**

Royal Decree No. M/51
May 25, 2014

Translation of Saudi Laws



NOTE:

The translation of Saudi laws takes the following into consideration:

- Words used in the singular form include the plural and vice versa.
- Words used in the masculine form include the feminine.
- Words used in the present tense include the present as well as the future.
- The word “person” or “persons” and their related pronouns (he, his, him, they, their, them) refer to a natural and legal person.



Trademark Law of the States of the Cooperation Council for the Arab States of the Gulf

Chapter 1: Definitions

Article 1: Definitions

In implementing the provisions of this Law, the following terms shall have the meanings assigned thereto unless the context requires otherwise:

GCC States: Member states of the Cooperation Council for the Arab States of the Gulf.

Competent Authority: The ministry in charge of trade and implementation of this Law in each GCC State.

Minister: The minister in charge of implementing the provisions of this Law.

Implementing Regulations: The regulations adopted by the Trade Cooperation Committee for the implementation of this Law.

Register: Trademark Register.

Article 2

A trademark is any distinctive name, word, signature, letter, symbol, numeral, address, seal, drawing, image, inscription, packaging, figurative element, shape, color, set of colors or any combination thereof, or any sign or group of signs used or intended to be used for distinguishing goods or services of one establishment from those of other establishments, indicating the provision of a service or monitoring or inspection of goods or services.

Marks relating to sounds or scents may be deemed trademarks.

Chapter 2: Procedures

Section One: Trademark Registration Procedures

Article 3

None of the following may be deemed a trademark or part thereof, nor may be registered as such:

1. Marks without distinctive features or those consisting of details which are merely the name normally assigned to the relevant goods or services, or common drawings and ordinary images of goods.
2. Expressions, drawings or marks undermining public decency or public policy.
3. Public emblems, flags, military and honorary insignia, national and foreign



- decorations, coins and banknotes and other symbols associated with any GCC or non-GCC state, Arab or international organizations or agencies thereof, or any imitation of the same.
4. Symbols of the Red Crescent, Red Cross or other similar symbols as well as imitations of the same.
 5. Marks which are identical or similar to symbols of pure religious nature.
 6. Geographical names and indications; if using the same would cause confusion in terms of the source or origin of goods or services.
 7. Name, surname, photograph or emblem of a third party, without the prior consent of said third party or his heirs.
 8. Data relating to honorary or academic degrees where the applicant fails to establish legal entitlement thereto.
 9. Marks which would mislead the public or those providing false information relating the origin or source of goods or services or other characteristics thereof, as well as marks containing fictitious, imitated or forged trade names.
 10. Marks owned by natural or corporate persons with whom dealing is prohibited pursuant to a decision issued by the competent authority.
 11. Any trademark identical or similar to a mark previously filed or registered by a third party for the same or relevant goods or services, if using such mark would create the impression of association between it and the goods and services of the owner of the previously registered mark or adversely affect his interests.
 12. Marks the registration of which for certain goods or services may undermine the value of goods or services distinguished by the previous mark.
 13. Marks representing copies, imitations or translations of a famous trademark, or part thereof, owned by a third party, to be used in distinguishing goods or services identical or similar to those distinguished by said famous mark.
 14. Marks representing copies, imitations or translations of a famous trademark, or a material part thereof, owned by a third party, to be used in distinguishing goods or services non-identical or dissimilar to those distinguished by said famous mark, if such use would indicate an association between said goods or services and the famous mark and is likely to adversely affect the interests of the owner of said famous mark.
 15. Marks containing the following words or phrases:
Franchise or “franchisee”, registered or “registered mark”, copyright or similar words and phrases.

Article 4

1. A famous trademark with reputation beyond its registration country may not be registered for identical or similar goods or services unless so requested or explicitly approved by the owner of said mark.



2. In order to determine whether a mark is famous, consideration shall be given to the degree to which it is recognized by the relevant public as a result of promotion or period of registration or use thereof; number of countries where it is registered or famous; or value and impact of such mark on promoting the goods or services distinguished by it.
3. A famous mark may not be registered to distinguish goods or services not identical or similar to those distinguished thereby if the use of such mark:
 - a) implies a connection between the goods or services to be distinguished thereby and the goods or services of the owner of the famous mark; or
 - b) may adversely affect the interests of the owner of the famous mark.

Article 5

The following categories may register their own trademarks:

1. Any natural or corporate person who is a national of a GCC member state, including manufacturers, producers, merchants, artisans and service providers.
2. Foreign residents of any GCC member state who are licensed to engage in commercial, industrial, artisanal or service providing activities.
3. Foreign nationals or residents in states which are members to a multilateral international agreement to which the GCC member state is a party.
4. Public agencies.

Article 6

1. A register called the Trademark Register shall be maintained by the competent authority to record all marks and names and addresses of owners thereof, description of their goods or services, alienation, assignment, licensing, pledging, renewal, deletion or any other amendments. Any interested party shall have access to the register and may obtain certified copies from it.
2. The trademark register in use at the time this Law enters into force shall be merged with and deemed an integral part of the register provided for in the previous paragraph.

Article 7

1. Any person registering a trademark in good faith shall be deemed the owner of said trademark. Ownership of said trademark may not be challenged if it has been used for at least five years without being legally disputed.
2. Any person who had used a mark before its registered owner may apply to the competent court to revoke the registration within five years from the date of registration, unless his explicit or implicit consent that the mark be used by the registered owner is established.



Article 8

An application for trademark registration shall be submitted by the relevant party or representative thereof to the competent authority using the proper form in accordance with the conditions set forth in the Implementing Regulations of this Law.

Article 9

1. A trademark may be registered for one or more classes of goods or services in accordance with the Implementing Regulations of this Law.
2. Goods or services shall not be deemed similar merely because they are listed under the same class, nor shall goods or services be deemed dissimilar merely because they are listed under different classes of the same category.

Article 10

If two or more persons simultaneously apply for the registration of the same or similar marks for the same class of products or services, all applications shall be suspended until one of the disputing parties waives his right in writing and such waiver is attested by the competent authority in favor of one of the parties, or if a final judgment is issued in the dispute.

Article 11

If a trademark registration applicant, or successor thereof, seeks to invoke the right of priority based on a previous application filed in a state that is a member to a multilateral international agreement to which the relevant GCC member state is a party, said applicant shall attach a copy of the prior application and a statement stating the date and number of the prior application and the state where it was deposited, within six months from the date of the registration upon which the right of priority is based; otherwise, such right shall be forfeited.

Article 12

1. The competent authority may impose any restrictions and amendments it deems necessary to define and clarify trademarks in a manner that would prevent the same from being confused with other marks previously registered or applications previously filed, or for any other reason.
2. If the registration applicant fails to respond to the competent authority within 90 days from the date of notification, the application shall be deemed abandoned.
3. If the competent authority refuses to register a trademark for any reason or makes such registration conditional upon satisfaction of certain restrictions or amendments, said authority shall notify the applicant or representative thereof in writing of the grounds for such decision.
4. In any case, the competent authority shall decide on any registration application within 90 days from the date of submission, if the application



satisfies the conditions set forth in this Law and its Implementing Regulations.

Article 13

1. A registration applicant or representative thereof may, within 60 days of notification of the competent authority's decision refusing registration or imposing conditions thereon, appeal said decision before a committee set for such purpose in the Implementing Regulations of this Law. He may appeal such decision before the competent court within 60 days of notification of the decision of said committee.
2. If a registration applicant does not appeal the decision refusing or imposing conditions on registration within the set period or fails to act as instructed by the competent authority within said period, the application shall be deemed forfeited.

Article 14

1. Upon approval of a trademark, the competent authority shall, prior to registering the trademark, publish it in accordance with the Implementing Regulations of this Law at the expense of the applicant.
2. A concerned party may, within 60 days from the date of publication, file with the competent authority a written objection to the registration of a mark. The competent authority shall provide the registration applicant with a copy of said objection within 30 days from the date of submission and the applicant shall provide the competent authority with a written response within sixty days from the date of notification; otherwise, the registration application shall be deemed abandoned.

Article 15

1. The competent authority shall decide on objections referred thereto upon hearing the objecting party and the registration applicant, or either one of them, if necessary.
2. The competent authority shall issue a decision approving or refusing registration and may, in case of approval, impose any restriction it deems necessary.
3. Any stakeholder may, within 30 days from the date of notification of the competent authority's decision, appeal said decision before the competent court. Such appeal shall not result in a stay of registration unless the court decides otherwise.

Article 16

If the statutory objection period lapses without submitting any objection regarding the approval of a trademark registration application, the competent authority shall register said trademark immediately after the lapse of said period.



Article 17

1. A mark shall be deemed registered as of the date of application and the owner of the mark shall be provided with a certificate containing the following:
 - a) Trademark registration number.
 - b) Priority number and date and the country where the relevant application is deposited, if any.
 - c) Application date, registration date and protection expiration date.
 - d) Name, surname, place of residence and nationality of the mark owner.
 - e) A copy of the mark.
 - f) A statement of goods or services to which the mark is assigned, and class of the same.
2. The owner of a registered trademark shall have an exclusive right to use said mark and prevent others from using the same or any identical or similar marks – including geographical indicators – without his consent, in a commercial context, to distinguish goods or services related to those for which the trademark is registered, if such use may cause confusion to the public. Such confusion is assumed to occur if the same or a similar mark is used to distinguish goods or services which are identical to those for which the mark is registered.

Article 18

The owner of a previously registered mark may, at any time, apply to the competent authority to make any additions or amendments to said mark, unless such additions or amendments materially affect the mark. The competent authority shall decide on said application in accordance with the conditions and procedures applicable to original registration applications. Such decision may be appealed in the same manner as decisions pertaining to original applications.

Article 19

The competent authority may add to the register any missing information, and may amend or remove any false information.

Any person with interest may challenge any action taken by the competent authority before the competent court.

Section Two: Trademark Protection Period

Article 20

1. The protection period for a registered mark shall be ten years. The holder of the right may seek extensions for similar periods pursuant to an application submitted in the last year in accordance with the conditions set forth in this Law and its Implementing Regulations.



2. A trademark owner may seek renewal of the registration within six months following the expiration of said registration.
3. If the mark owner fails to apply for renewal within six months from the expiration of registration, the competent authority shall remove the mark from the register.
4. Registration shall be renewed without further examination and shall be published in accordance with the Implementing Regulations of this Law regardless of any objections made by third parties.

Article 21

Marks affixed to goods displayed in official or officially recognized international exhibitions held in the country shall enjoy provisional protection during the period of display, if registration conditions set forth in this Law are satisfied. The Implementing Regulations shall stipulate the rules and procedures pertaining to provisional protection.

Section Three: Trademark Registration Cancellation

Article 22

Without prejudice to the provisions of Article 7 of this Law, the competent authority and any concerned party may apply to the competent court to cancel the registration of an unlawfully registered trademark, and the competent authority shall cancel such registration if provided with a final judgment to this effect.

Article 23

A trademark owner may apply to the competent authority to remove said trademark from the register, for all or part of the goods or services for which the trademark is registered. The application for removal shall be submitted in accordance with conditions and procedures set forth in the Implementing Regulations of this Law. If the use of a mark is licensed under a contract referenced in the register, said mark may only be removed upon a written consent from the licensee, unless he explicitly waives such right.

Article 24

The competent court may, upon request of any interested party, order the removal of the mark from the register if the court establishes that said mark has not been used for five consecutive years, unless the owner of the mark provides justification for not using it.

Article 25

If a mark is removed from the register, it may be reregistered for a third party for the same or similar goods or services upon the lapse of three years from the date of removal, unless the removal is effected by a court decision setting a



shorter period for reregistration of said mark.

Article 26

Removal of a mark from the register shall be published in accordance with the Implementing Regulations of this Law.

Section Four: Trademark Alienation, Pledge and Attachment

Article 27

1. Trademarks may, with or without consideration, be wholly or partially alienated, pledged or attached, along with the business or venture using the trademark to distinguish its goods or services, unless agreed otherwise.
2. Trademarks may be alienated by means of inheritance, bequest or grant.
3. In any case, alienation, pledge or attachment of a trademark shall be deemed effective against third parties if a note to this effect is made in the Trademark Register and published in accordance with the Implementing Regulations of this Law.

Article 28

1. Transfer of ownership of a business or venture shall entail alienation of the trademarks registered under the name of the transferer which may be deemed closely associated with said business or venture, unless agreed otherwise.
2. If the ownership of a business or venture is transferred without alienating the trademark itself, the transferer may continue to manufacture, provide or trade in the same goods or services for which the trademark is registered, unless agreed otherwise.

Chapter 3: Licensing Contracts

Article 29

An owner of a trademark may license any natural or corporate person to use said trademark for all or some of the goods or services for which the trademark is registered. He may also license third parties to use the same trademark and he may use it himself, unless agreed otherwise. The licensing term may not exceed the term set for the protection of the trademark.

Article 30

A licensee may not be subject to limitations not arising from rights granted by registration of the trademark, or are unnecessary for protection of said rights

A licensing contract may contain the following limitations:



1. Designation of geographical area and period of use.
2. Conditions necessary for quality control of goods or services.
3. Licensee's obligation to refrain from all actions which may harm the trademark.

Article 31

A trademark licensing contract may only be deemed valid if executed in writing even if not recorded in the register. If a licensing contract is recorded in the register, the manner of recording and publication shall be specified in the Implementing Regulations.

Article 32

A licensee may not sublicense or assign the license to a third party, unless agreed otherwise.

Article 33

The record of a licensing contract shall be removed from the register upon request of the trademark owner or licensee, subject to furnishing proof of termination or revocation of said licensing contract.

The competent authority shall notify the other party of the application for removal of the license record. A license record may not be removed except upon notification of the other party, who may object to the same in accordance with procedures set forth in the Implementing Regulations.

Chapter 4: Collective Marks, Control Marks and Marks of Public Benefit Entities and Professional Associations

Article 34

1. Collective marks used to distinguish goods or services of establishments owned by members of certain entities with legal personality may be registered.

Applications for registration of collective marks shall be submitted by the representative of said entity for use by its members in accordance with the terms and conditions stipulated by it, subject to the approval of the competent authority.

2. A collective mark registration applicant shall state in the registration application that the application relates to a collective mark and shall attach a copy of the document setting the conditions for use of such mark.

In any case, the owner of a registered collective mark shall notify the competent authority of any changes to said conditions which shall only be deemed effective upon approval by the competent authority.



3. A removed collective mark may not be reregistered under the name of a third party for identical or similar goods or services.
4. The competent court may, upon request of an interested party, order the cancellation of the registration of a collective mark if the court establishes that the registered owner is exclusively using said mark solely, using or allowing others to use it contrary to the conditions referred to in paragraph 2 of this Article or using the mark in a manner that would mislead the public as to the origin or any common characteristic of the goods or services for which said collective mark is registered.

Article 35

1. Corporate persons in charge of controlling or inspecting certain goods or services as regard to their source, components, manufacture method, quality, identity or any other properties thereof, may apply to the competent authority to register their own marks to indicate the compliance with control or inspection requirements.

In any case, such marks may only be registered or alienated upon the approval of the competent authority.

2. A control mark registration applicant shall state in the application that it relates to a control or inspection mark, and shall attach a copy of the conditions for use of such marks.

In any case, the owner of a registered mark shall notify the competent authority of any changes to said conditions which shall only be deemed effective upon approval by the competent authority.

Article 36

Marks for non-commercial purposes, such as emblems used by public benefits entities or professional associations to distinguish their correspondences or as badges for their members, may be registered.

Article 37

1. Signs used in commerce as geographical indicators may constitute authentication or collective marks.
2. The Implementing Regulations shall stipulate the conditions and rules for registration of marks provided for in Articles 34, 35 and 36 of this Law, as well as the documents to be provided for registration purposes and all relevant regulatory matters. Registration of any such mark shall give rise to all the effects provided for in this Law.



Chapter 5: Right Enforcement

Article 38

1. An owner of a right who has acceptable grounds to believe that there is a possibility to import imitated or counterfeit goods or goods bearing a mark similar to his registered trademark in a manner that would confuse the public, may apply in writing to the customs authority not to release said goods and prevent circulation thereof.

Said application shall be supported by sufficient evidence to convince the customs authority of *prima facie* evidence of the existence of an infringement on the applicant's right to the relevant mark. Said application shall contain sufficient information which are reasonably expected to be in the possession of the applicant to enable said authority to reasonably identify the relevant goods.

2. The customs authority shall notify the applicant in writing of its decision on the application within seven days from the filing date. If the application is approved, the decision shall be valid for one year from the filing date or for the remaining trademark protection period, whichever is earlier, unless a shorter period is requested by the applicant.
3. The customs authority may require the applicant to provide an adequate guarantee or equal assurance to protect the defendant and the competent authorities and prevent abuse of the right to request suspension of customs release.
4. Without prejudice to the provisions of previous paragraphs, the customs authority may, on its own motion and without any complaint or application by an owner of a right or any third party, issue a decision suspending release of goods imported, in-transit or intended for export upon arrival in the customs area under its jurisdiction, if *prima facie* evidence exists that said goods are counterfeit or unlawfully bearing a mark similar to a registered trademark in a manner that would confuse the public.
5. If the customs authority, in implementing the provisions of this Article, decides to cease the release of goods arriving in the customs area under its jurisdiction, it shall:
 - a) notify the importer of the goods and the owner of the right of the decision to cease the release of such goods immediately after its issuance.
 - b) notify the owner of the right, upon his written request, of the names and addresses of the consignor, importer, consignee and quantities of the goods.
 - c) Allow interested parties to inspect the goods in accordance with standard customs procedures.

The owner of a right may file a suit concerning the subject matter of the dispute before the competent court and shall notify the customs authority within a period not exceeding ten business days from the date of notification of the decision to suspend customs release of said goods; otherwise, said decision shall be



deemed null and void, unless said authority or the competent court decides to extend said period, at its own discretion, for a period not exceeding ten additional days. If a suit concerning the subject matter of the dispute is filed, the court may affirm, amend or revoke the order.

6. Except as otherwise determined by the court, if the court establishes that the goods subject to suspension of customs release are imitated, counterfeit or unlawfully bear a trademark similar to a registered one in a manner that would confuse the public, it shall order said goods to be destroyed at the expense of the importer or disposed of outside commercial channels if destroying the same would inflict unacceptable harm on public health or the environment.
7. Goods may not, in any case, be released to commercial channels or allowed to be re-exported by merely removing the trademark unlawfully affixed thereto.
8. The Minister of Finance shall, upon coordination with the relevant minister, issue a decision specifying the information, conditions, controls and procedures pertaining to filing an application for suspension of customs release and deciding thereon as well as accompanying documents. Such required information shall not deter from applying for such action.

For purposes of this Article, the term “imitated goods” shall mean goods – including packaging thereof – bearing without license a mark that is similar to a registered trademark for said goods or a mark that cannot be distinguished, in terms of its material components, from said registered trademark.

Article 39

The provisions of Article 38 of this Law shall not apply to:

- a) small quantities, of non-commercial nature, of goods included in passengers’ personal luggage or sent in small parcels; and
- b) goods offered for trading in the exporting country’s market by, or upon consent of, the owner of the right of the relevant trademark.

Article 40

1. In the event of actual or imminent infringement of any of the rights established under this Law, the owner of a right may petition the court considering the subject matter of the dispute to take one or more precautionary measures, including:
 - a) Preparing a detailed description of the alleged infringement, the goods subject of said infringement as well as the materials, tools and equipment used or to be used in such infringement, as well as preserving relevant evidence.
 - b) Attaching the items referred to in the previous paragraph, along with the proceeds of the alleged infringement.
 - c) Preventing the goods subject of the alleged infringement from entering



commercial channels or being exported. This shall include imported goods immediately upon their customs release.

- d) Ending or preventing the infringement.
2. The court may require the petitioner to present any evidence in his possession indicating actual or imminent infringement on his right. The court may require said petitioner to submit sufficient information to enable the authority in charge of enforcing the precautionary measure to identify the relevant goods.
 3. The court shall decide on the petition within a period not exceeding ten days from the filing date, with exception of exceptional cases as the court may decide.
 4. The court may, if necessary, issue an order at the request of the petitioner without summoning the other party, if the delay in issuing said order is likely to inflict irreversible harm on the plaintiff or if there is fear that the evidence may disappear or be destroyed. In such case, the other party shall be promptly notified of the order immediately upon its issuance. Said notification may, if necessary, be effected immediately after enforcement of the order.
 5. If the court orders a precautionary measure without summoning the other party, the defendant may, upon notification of said order, appeal before the competent court within 20 days from the date of notification. In such case, the court may affirm, amend or revoke said order.
 6. The court may require the petitioner to provide adequate guarantee or equal assurance to protect the defendant and prevent abuse of the right. The value of said guarantee, or equal assurance, shall not be unreasonable excessive to a degree that deters from applying the aforementioned precautionary measures.
 7. The owner of the right may file a suit concerning the subject matter of the dispute within 20 days from the date of issuance of the precautionary measure order or the date of notification of the denial of the appeal provided for in paragraph 5 of this Article, as the case may be. Otherwise, said order shall be revoked at the request of the defendant.

Article 41

1. The owner of a right who sustains direct harm as a result of infringement on any of the rights established under this Law may file a suit before the competent court seeking indemnification for damage sustained as a result of said infringement, including profits made by the defendant.

The court shall determine the amount of indemnification, taking into account the value of goods or services subject of infringement commensurate to retail price as specified by the plaintiff or any other criterion evoked thereby or through experts.

2. The owner of a right may, instead of seeking indemnification, including profits made by the infringing party under the previous paragraph, seek, at any time prior to deciding the suit, indemnification if the infringement is established to



- involve using the relevant trademark in a deliberate imitation of the goods or any form of infringement.
3. The competent court may, when considering cases relating to rights established under this Law, order the following:
 - a) Seizure of goods suspected to involve infringement, as well as any materials, tools and documentary evidence associated with said infringement.
 - b) Compelling the infringing party to end the infringement, including preventing the export of goods subject to infringement on any of the rights established under this Law, and preventing imports of the same from entering commercial channels immediately after customs release.
 - c) Compelling the infringing party to provide the court or owner of the right with any information available to him relating to any natural or corporate person who have participated in any aspect of the infringement, as well as production methods and distribution channels used for said goods or services; including disclosing the identity of all parties who have participated in the production or distribution of the goods or services, as well as identifying the infringing party's own distribution channels.
 4. The competent court shall, at the request of the owner of the right, order the destruction of goods established to be imitated, except in certain cases, without compensating the defendant, and order prompt destruction of the materials and tools used in the manufacture or production of imitated goods, without compensating the defendant. The court may also, in certain cases as it may determine, order disposal of said goods outside commercial channels in a manner that deters further infringements.

Instead of destroying the goods, materials and tools used in the manufacture and production of imitated goods, the court may order disposal of the same outside commercial channels, if destroying the same would inflict unacceptable harm on public health or the environment.

5. The removal of trademarks unlawfully affixed to imitated goods shall not be a sufficient reason to release the same to commercial channels.
6. The competent court shall assess the expenses and fees of any experts and specialists assigned thereby to perform any assignments relevant to the case depending on the magnitude and nature of each assignment, in a manner that would not deter resorting to such measures.

Chapter 6: Penalties

Article 42

- A. Without prejudice to any harsher penalty provided for in any other law, any person committing any of the following acts shall be punished by imprisonment for a period not less than one month and not exceeding three



years and a fine not less than five thousand riyals, or equivalent in GCC member states' currencies, and not exceeding one million riyals, or either penalty:

1. Forging or imitating a trademark registered under this Law in a manner that would mislead the public, or using in bad faith a forged or imitated mark.
 2. Affixing on goods or using in his services in bad faith a mark owned by others.
- B. Without prejudice to any harsher penalty provided for in any other law, any person committing any of the following acts shall be punished by imprisonment for a period not less than one month and not exceeding one year and a fine not less than one thousand riyals, or equivalent in GCC member states' currencies, and not exceeding one hundred thousand riyals, or either penalty:
1. Knowingly selling or displaying for sale or circulation or possessing with the intention of selling goods bearing a trademark that is forged, imitated or unlawfully affixed or used, or offering services under such trademark.
 2. Using an unregistered trademark in cases provided for in Article 3(2-11).
 3. Unlawfully making statements in his mark, papers or commercial documents suggesting that said mark is registered.
 4. Intentionally and in bad faith failing to affix his registered trademark on goods or services distinguished thereby.
 5. Possessing tools or materials for the purpose of imitating or forging registered or famous trademarks.

Article 43

Recidivists shall be punished by a penalty not exceeding twice the maximum penalty stipulated for the offense and closing their businesses or ventures for a period not less than fifteen days and not exceeding six months as well as publishing the judgment at the expense of the offender in accordance with procedures set forth in the Implementing Regulations.

Under this Law, a recidivist is any person sentenced for any of the offenses provided for in this Law who repeats the same offense within three years from the date of rendering the judgment in the prior offense.

Article 44

A defendant may initiate proceedings requiring a plaintiff who acted in bad faith to pay compensation he is entitled to as a result of the procedures provided for in Article 40 of this Law within 90 days from the lapse of the period stipulated in said Article if the attaching party does not withdraw his case or the date of issuance of the final judgment in the attaché's suit pertaining to the trademark. In all cases, the financial guarantee may not be paid to the attaché until the issuance of a final judgment convicting the person subject to attachment or



upon the expiration of the deadline set for filing said proceedings, unless the judgment rendered in the attacher's suit includes a decision on the financial guarantee.

Chapter 7: Concluding Provisions

Article 45

Officers in charge of implementing the provisions of this Law and decisions issued for its implementation as well as officers specified pursuant to a decision issued in accordance with applicable procedures in each GCC member state shall have the capacity of a judicial officer and may, in such capacity, enter venues the activities of which are covered by this Law, for the purpose of recording offenses.

The relevant authorities shall provide said officers with the facilities necessary to perform their duties.

Article 46

The competent authority may develop an electronic system and database to be made available to the public, including an online database, for trademark registration and renewal of registration.

Article 47

Trademarks registered under applicable laws and decisions prior to the entry into force of this Law shall be deemed valid and shall enjoy the protection provided under this Law.

Article 48

The provisions of this Law shall apply to undetermined applications for trademark registration filed prior to the effective date of this Law, provided that said applications are amended in accordance with the provisions of this Law.

Article 49

The provisions of this Law shall not prejudice controls and obligations provided for in bilateral and international agreements in force in the relevant member state.

Article 50

The Implementing Regulations shall set the fees for procedures carried out under this Law and its Implementing Regulations.



Article 51

The Trade Cooperation Committee may interpret and propose amendments to this Law.

Article 52

The Trade Cooperation Committee shall issue the Implementing Regulations of this Law.