

# **INTELLECTUAL PROPERTY RIGHTS IN JORDAN**

## **FINAL REPORT**

**U.S. Agency for International Development**

**Prepared for: USAID/Jordan**

**Prepared by: Clark W. Lackert, A.B., J.D., LL.M.  
Nims, Howes, Collision, Hansen & Lackert**

**Sponsored by: Private Enterprise Development  
Support Project III  
Contract No. PCE-9026-Q-00-3031-00  
Delivery Order No. 2  
Prime Contractor: Coopers & Lybrand, LLP**

**June 1995**

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## EXECUTIVE SUMMARY

USAID/Jordan's Sector Policy Reform Program aims to assist in implementing an agenda of policy and administrative reforms in the areas of trade and investment. One component of the reform agenda is a Cabinet-level review of a study assessing: (i) mechanisms to enforce existing copyright and intellectual property laws in Jordan; and (ii) the feasibility for Jordan to ratify international conventions protecting copyrights and other intellectual property. The complete report addresses these two issues in detail; a summary of key findings follows below.

### *Understanding of and Need for Intellectual Property Rights Protection*

From the interviews conducted in Jordan, it appears that there is a lack of understanding about the nature of intellectual property rights and their protection, particularly in the copyright area. This lack of understanding is particularly important now that Jordan is moving from an intellectual property consumer society to an intellectual property producer society. That is, Jordanian companies now produce goods that need to be protected by intellectual property laws; the country no longer merely consumes imported goods whose producers would benefit from intellectual property rights protection in Jordan. As Jordan makes this transition from consumption to production of intellectual property, strengthened intellectual property rights will benefit Jordanian companies and individuals, as well as foreign companies and individuals that trade in Jordan. Indeed, it is possible for Jordan to become a "high technology oasis", but in order to achieve this goal, Jordan must actively educate the public on intellectual property concerns as well as institute needed legal amendments to strengthen intellectual property rights. Taking such steps also will help prevent a "brain drain" from the country, involving Jordanians who produce intellectual property overseas in order to take advantage of stronger intellectual property rights protection in other countries.

### *Benefits and Costs of Improving Intellectual Property Rights Protection*

Expanding intellectual property rights in Jordan could produce benefits in the following areas:

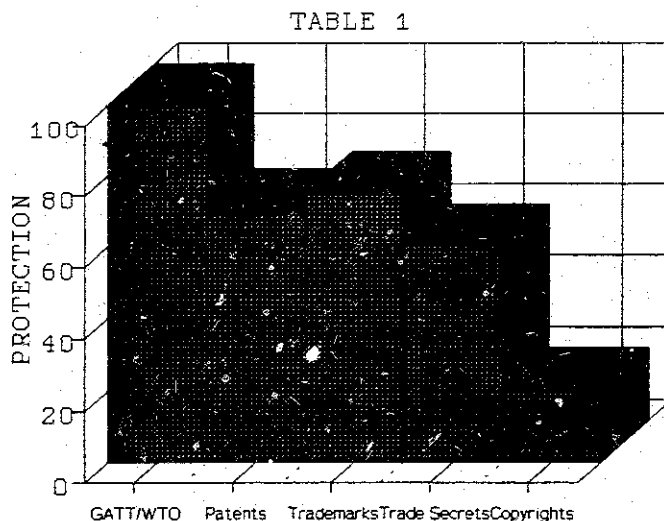
- Increased attractiveness to foreign and local investors;
- Increased transfer of technology;
- Increased export capabilities due to harmonization of intellectual property rights levels in production and export markets;
- Increased availability of advanced software, media, and consumer products; and
- Increased safety for Jordanian citizens as dangerous counterfeits and pirated copies are removed from Jordan.

In addition to the foregoing benefits, short-term adverse impacts may be experienced in the following sectors:

- Universities, libraries and schools;
- Pharmaceutical, chemical and food industries;
- Small businesses;
- Publishing companies; and
- Media.

**Current Protection of Intellectual Property Rights**

Taken as a whole, the current Jordanian intellectual property rights system, compared to the GATT/WTO system, yields the following percentage protection shown in Table 1. As Table 1 demonstrates, in terms of GATT/WTO standards, Jordan's intellectual property rights system scores highest in terms of trademarks, with Jordan's current protection reaching approximately seventy percent of GATT/WTO standards. By contrast, Jordan's system complies with less than twenty percent of GATT/WTO provisions in the area of copyrights. Protection for patents and trade secrets is higher, fulfilling close to sixty percent of GATT/WTO standards.





### **Organizations Involved in Intellectual Property Rights Protection**

The current court system, consisting of regular, religious, and special courts, seems to be functioning adequately for the funding available. However, additional funding should be allocated to the court system to process intellectual property cases in a more effective way.

In the government ministries, the Ministry of Industry and Trade is continuing its computerization program and has currently computerized twenty out of twenty-two sectors. The remaining two sectors are patent and trademark operations. Although the rate of patent processing within the ministry has continued steadily at approximately forty patent grants a year, the number of trademark applications is increasing (for 1994, for instance, new applications are projected to total more than 3,000). Within the last two years there have been more applications by Jordanian citizens than non-Jordanian citizens.

In the Ministry of Culture, which is empowered to administer the Copyright Act, the number of copyright deposits has leveled out. The difficulty with the Copyright Law, contributing to this levelling out, is lack of protection for foreign copyright works and a widespread view that the law is unenforced and unenforceable.

The Customs Department appears to regulate the borders fairly well. However, additional intellectual property rights capabilities for Customs should be considered to assist in dealing with piracies at the border before products enter into the Jordanian market.

### **Enforcement of Intellectual Property Rights**

The essential purpose of the WTO TRIPS Agreement was to raise the level of intellectual property rights enforcement throughout the WTO members. Although adoption of the Berne Convention will significantly enhance the level of copyright protection in Jordan, it must be re-emphasized that unenforced treaties or statutes will not achieve the beneficial results outlined above. If a new regime of strengthened rights is to be implemented, there must be clear word-of-mouth publicity that the government is serious about attacking counterfeiting, piracy and infringements. If and only if active enforcement is coupled with amended statutes will Jordan achieve the WTO TRIPS Agreement compliance which it seeks.

### **Recommendations for Strengthening Intellectual Property Rights**

The most important recommended actions involve new laws and treaties. Specifically, Jordan should adopt the Berne Convention on copyright protection. In addition, efforts should be made in the area of copyrights. In particular, the draft Copyright Law, apparently already being circulated, should be actively considered and enacted as soon as feasible.

The report provides additional specific recommendations concerning the strengthening of intellectual property rights in Jordan whether or not Jordan ratifies the GATT/WTO Agreement in the near future. The highlights of these recommendations in the legal area are:

- Immediate enforcement of the new Copyright Law (1.1);
- Legal authority for the Ministry of Culture to issue orders to local police to raid shops (1.2);
- Enactment of a new Trade Secrets Law (5.1); and
- Adoption of the Berne Convention (8.1), the Geneva Convention (9.1), and the Customs Cooperation Council Model Law (10.1).

In the area of administration, the following actions are recommended:

- Computerization of the Patent Office (15.1);
- Appointment of a special intellectual property judge at the Court of First Instance (17.2);
- Public enforcement of intellectual property laws, along with a proper public relations and education campaign (22.1) and 24.1);
- Implementation of an intellectual property rights symposium in Amman (27.1) in order to highlight the importance of education and to focus public attention on the results of the report and the need for constructive change.

## INTRODUCTION

USAID/Jordan is implementing a Sector Policy Reform (SPR) Program which aims at implementing an agenda of policy and administrative reforms in the areas of trade and investment. Satisfactory implementation of the reform agenda will be the basis for the disbursement of a US\$29,000,000 cash transfer provided under the SPR Program. The reform agenda includes a condition requiring the review, by the Cabinet of Ministers, of a study assessing: (1) mechanisms to enforce existing copyright and intellectual property laws in Jordan; and (2) the feasibility for Jordan to ratify international conventions protecting copyrights and other intellectual property.

What is "intellectual property"? Intellectual property is ownership of the products of invention, creativity, innovation, and commercial goodwill and is legally protected by patents, trademarks, copyrights and trade secrets, among other forms. Intellectual property is more than mere property rights, however, since it also encompasses consumer protection by providing a legal framework for avoiding public confusion as to the source of goods (particularly in the trademark and unfair competition areas). Historically, we can trace trademarks to cattle and sheep brands or the guild marks of medieval Europe. A trademark includes a "famous mark" which is a trademark widely known and recognized. The concept of copyright dates to the end of the medieval period when royal publishing grants were given. Patent and trade secret law dates to the beginning of the Industrial Revolution, when inventors and creators wanted government protection for their creations. Patent law protects inventions, copyright law protects expressions of ideas, and trademark law protects symbols of commercial goodwill. Ideas per se are not protected under any intellectual property rights scheme. The general rule of the 1990s is greater demand for intellectual property protection as high technology developments create need for corresponding legal acknowledgment and increased global commerce produces demand for trademark protection in more countries than one's own as well as legal recognition for so-called "famous" marks. The most severe forms of infringement of intellectual property rights take the form of copyright piracy and trademark counterfeiting, but the scope of possible infringement is greater than these extremes.

The following review will focus on where Jordan is now and where it should go to strengthen its intellectual property rights protection system. The major focal points of the analysis will be:

- A review of current Jordanian innovation and positive and adverse impact of expanded intellectual property rights protection and enforcement;
- The specific laws in the patent, copyright, trademark, unfair competition (including trade secrets/undisclosed information), integrated circuit and related areas; and
- Practical suggestions to expand the Jordanian intellectual property rights system and harmonize it with the international intellectual property rights and GATT systems with minimum cost and disruption to Jordan.

Particular emphasis will be given to existing intellectual property treaties as well as the obligations of the GATT TRIPs (WTO) Agreement (i.e., General Agreement on Tariffs and Trade, Trade Related Aspects of Intellectual Property/World Trade Organization Agreement) although it must be clear that the recommendations given should be taken even if Jordan does not execute the GATT TRIPs (WTO) agreement. The report will demonstrate that extending legal protection in the form of new treaties and laws is not enough; rather, support systems for intellectual property rights, education and awareness training of intellectual property rights, and street enforcement in raids and warnings must also be expanded.

To prepare this review I have:

1. Conducted a survey of Jordanian institutions to determine the level of innovative activity and technology development and their use in Jordan and to assess the possible costs and benefits to Jordan of having a stronger intellectual property rights regime. The survey includes GATT's conditionality regarding intellectual property rights in the form of the GATT TRIPs agreement.
2. Examined the Jordanian intellectual property rights system, and analyzed the legal regime, current enforcement, institutional framework, and human resource capabilities.
3. Recommended improvements in the legal regime governing intellectual property rights protection and its enforcement mechanisms and proposed a development plan to strengthen institutional and human resources capabilities and included in such analysis a cost/benefit review.
4. Reviewed and assessed Jordan's membership in related international conventions that protect intellectual property and copyrights and recommended other conventions that are advantageous for Jordan to join, considering its stage of economic development, in particular, the services sector.

The following report provides a practical and workable framework for positive change and takes full cognizance of the existing reality in Jordan. The following discussion, then, should generate constructive dialogue on intellectual property rights goals and programs for Jordan.

# **I. TECHNOLOGY AND INNOVATIVE ACTIVITY IN MODERN JORDAN AND RELATED COSTS AND BENEFITS OF EXPANDED INTELLECTUAL PROPERTY RIGHTS PROTECTION**

## **A. Technology and Innovative Activity**

After extensive discussions in Amman, I have reached the following conclusions about current technology and innovative activity in modern Jordan:

In various interviews in Jordan I have conducted, there has been a lack of understanding about the nature of intellectual property rights and their protection, particularly in the copyright area. This is understandable, since patents, trademarks, copyrights and trade secrets are difficult legal concepts. The lessons learned by the public are the results of inadequate intellectual property rights protection: the availability of pirated software, videos and records, counterfeit products in the stores, and concern from possible joint venture partners abroad about transferring the latest (not 1970's) technology to Jordan.

It has been emphasized to me that Jordan has been an intellectual property consumer society, not an intellectual property producer society. Accordingly, intellectual property rights were viewed as benefitting only non-Jordanian companies which removed profits and royalties from Jordan but did not reciprocate in returning capital and new products. This ethos created a common perception that computer software, videos, and publications should be freely copied without compensation and that patented products in the health area should be subjected to compulsory licenses or simply denied legal protection. The practice of copying copyrighted materials is common from school days onward.

In Jordan, over 50 percent of private companies are barely above the minimum capitalization requirements of JD 30,000. These companies argue that it is difficult to develop new industries or technology if such companies must spend JD 5,000 to JD 10,000 on start-up software. The challenge, we are told, is to amortize the software costs over the whole production of the private company, and to reduce per item overhead. Nevertheless there is a favorable mix in Jordan of a well-educated workforce with relatively low wages (Jordanian per capita income being about JD 1,200/year). Accordingly, new Jordanian high technology industries should create a "High Technology Oasis" if the proper intellectual property rights safeguards are instituted.

These temporary dislocations have not dissuaded the Jordanian private sector in expanding its high technology, services or artistic exports, but such companies need reciprocal respect for intellectual property rights in their export markets. For example, Jordanian technology industries now must first publish their discoveries abroad (e.g., in the United States or Switzerland) to take advantage of the Berne international copyright treaty which gives these Jordanians protection in all major world markets. Such companies will not publish first in Jordan for fear that such innovations will not be protected in Jordan. Moreover, in the October 20, 1994 edition of the "Jordan Times", Weekender Section Page A, an interesting article was

published on Jordanian musicians struggling to have their music and records legally protected. As the article states, "In justifying local artists' practice of making their recordings in Cairo, Abu Jaber said: 'The main reason for this is because Egypt has a very strict copyright law protecting artists' works. Thus a recorded tape is impossible to reproduce for commercial purposes without proper license and authority. However, in Jordan and despite the existence of a copyright law, reproducing artistic work is widespread because there is no authorized department to follow-up on the implementation of the laws. Hence only those who can afford to go to Cairo, secure their recordings". Accordingly, whether the individual is a computer programmer or a musician, the result is the same, namely, a "brain drain" for Jordan.

There is some debate among economists as to whether Jordan is a developing country or a newly industrialized country. For this report it is sufficient to state that Jordanian industries are growing, not only from joint ventures but also from Jordanian start-up companies. The current analysis for innovative and technological development has focused on growing labor (manual and mental) intensive industries where good education and lower wages can make a difference. Several of these growing or future industries are:

1. Engineering (specialty vehicles, specialty agricultural products, integrated circuits)
2. Pharmaceuticals (one company exports 80 percent of its goods)
3. Consumer electronics (70 percent are currently exported)
4. Automobiles
5. Jordanian software applications and Arabic software generally
6. Aerospace parts or products
7. Arabic music, films, video (i.e., media)
8. Apparel/Textile
9. Mineral Processing
10. Plastics

Service sector growth areas are:

1. Banking/Financial Services
2. Accounting
3. Hotels/Restaurants
4. Legal Services
5. Tourism

As one example of an innovative industry, let us turn our attention to a bright spot in the Jordanian economy, namely, the pharmaceutical industry. In an interview conducted with a pharmaceutical company, there was some concern about an increase in short term costs for expanded patent protection for pharmaceuticals. However, it was also clearly expressed that the private sector views expanded intellectual property rights protection as inevitable in a changing Jordanian economy and that common sense states that everyone wants to benefit from their ideas.

Granting product patents for pharmaceuticals (which are not currently granted in Jordan but mandated by GATT) was seen as fair as long as there was a "grace period" for implementation of the new regime.

Of concern, however, was the lack of adequate trade secret (i.e., confidential business information, know-how, and show-how) protection in Jordan since the products that are not sufficiently new, useful and inventive (the three requirements for patent protection) are being copied (but could be protected under a trade secret system). A new trade secrets law would address these concerns.

The company interviewed exports 80 percent of its products to local Arab countries, East Asia and the United States. Importantly, less than 2 percent of the company's technology is subject to license agreements with non-Jordanian companies, and 98% of its technology comes from its own research and development in Jordan. Indeed, this company was transferring its technology on innovative drugs to Western European countries. Of more importance to local industry are government policies to deregulate key export industries, to strengthen the science and technology programs at Jordanian universities and to focus on increasing the quality of Jordanian exports under a "total quality management" approach.

Accordingly, although some industrialists/enterprise owners voice concern about temporary problems concerning higher prices for software (although some software companies already have a lower pricing structure for the region) or stronger patent protection, other voices are being heard in Jordan, the voices of honest citizens who do not want the Jordanian economy to grow as a result of illicit activity and of Jordanian entrepreneurs and artists who want protection for their creations and inventions. In other words, once educated about the illegality of intellectual property rights infringement, most Jordanians interviewed wanted it stopped.

## **B. Costs and Benefits of Expanded Intellectual Property Protection**

The list below summarizes the major issues concerning a cost/benefit analysis of expanding intellectual property rights protection in Jordan's current state of technological innovation. It is not, however, an economic analysis of costs and benefits which would require a detailed economic study. Rather, the foregoing is an analysis based on my extensive experience in various countries in the world, particularly in the developing countries.

### **POSITIVE IMPACT ON JORDAN OF EXPANDED INTELLECTUAL PROPERTY RIGHTS PROTECTION:**

1. **ATTRACTION OF FOREIGN AND LOCAL INVESTMENT:** An expanded intellectual property rights protection program with a well-conducted public relations campaign can reassure local and foreign investors that their intellectual property (in addition to plants and equipment) are safe in Jordan. This issue cannot be overemphasized and is perhaps the strongest economic (as opposed to legal, moral, or religious) reason for respecting the property of others. In the

corporate boardrooms of New York, Frankfurt and Tokyo, intellectual property rights issues are of great importance due to the value of intellectual property rights. For example, the MARLBORO trademark was recently valued at US\$ 30 billion. In other words, if all plants, machinery and plantations were destroyed tomorrow, the MARLBORO trademark alone would be worth US\$ 30 billion!

2. **INCREASE OF TRANSFER OF TECHNOLOGY:** Just as Jordan modernizes its physical infrastructure, a modernized technological/intellectual property rights infrastructure will encourage companies to transfer technology and not "hold back" or give outdated technology either in products or services sector. In addition to the foregoing, respect for trademarks and copyrights will encourage local innovation and technological progress. At the moment, Jordanian companies face reluctance from North American, Japanese and European companies in further joint ventures, licenses or even pure manufacturing because of fear of inadequate protection, whereas Jordanian inventors and artists go abroad for copyright protection, thus creating the "brain drain". This trend can be reversed.
3. **INCREASED EXPORT CAPABILITIES DUE TO HARMONIZATION OF INTELLECTUAL PROPERTY RIGHTS LEVELS IN PRODUCTION AND EXPORT MARKETS:** As Jordan and its export markets integrate their trading systems, harmonized intellectual property rights systems will facilitate trade. As the Uruguay Round of GATT has clearly shown, intellectual property rights are now regarded as important commodities. A significant disharmony in two countries' intellectual property rights systems will disrupt expansion of Jordan's export potential.
4. **INCREASED AVAILABILITY OF ADVANCED SOFTWARE, MEDIA AND CONSUMER PRODUCTS:** There is no question that increased local and international confidence in the Jordanian intellectual property rights system will raise the Jordanian standard of living by making advanced products more available. This issue should be understood as impacting not only foreign investment, but also impacting Jordanians who must now "publish" and develop their products abroad in countries with more intellectual property rights protection (again, creating a "brain drain").
5. **INCREASED SAFETY FOR JORDANIAN CITIZENS AS DANGEROUS COUNTERFEITS AND PIRATED COPIES ARE REMOVED FROM JORDAN:** As counterfeit products such as baby shampoo, pharmaceuticals, automobile parts, and medical devices are removed from circulation, safety will increase. Although it may be said that such products are not found in quantity, the neighbors of Jordan have such problems. Sooner or later, the problem will get worse in Jordan unless it is stopped by stronger laws, stronger Customs, stronger enforcement and a more urgent sense of necessity for action. Economically,



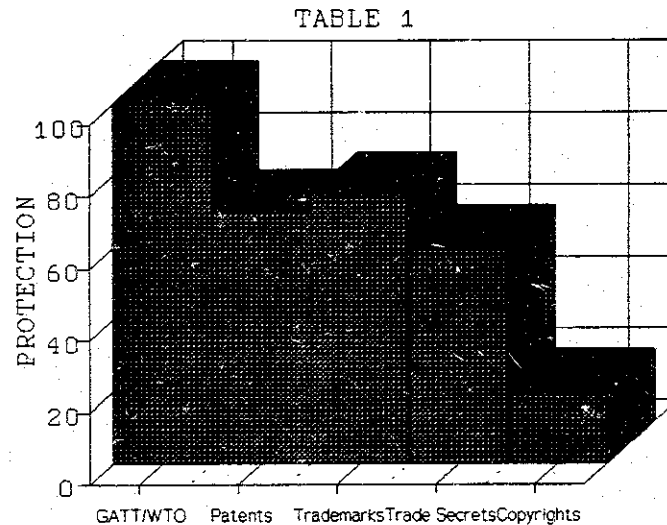
Jordanian consumers, who are paying full price for counterfeits, should be able to buy the authentic product for full price.

#### SHORT-TERM ADVERSE IMPACT ON JORDAN OF EXPANDED INTELLECTUAL PROPERTY RIGHTS PROTECTION:

1. **UNIVERSITIES, LIBRARIES AND SCHOOLS:** Restricting illegitimate copying may raise prices for books and computer programs in the short term. However, the Berne Convention permits limited translation and reproduction licenses in developing countries. Moreover, the University of Jordan has advised that they purchase all of their books and software and budget accordingly. Additionally, computer software companies may offer special discounts for the Jordanian market and perhaps additional technical support and upgrades.
2. **PHARMACEUTICAL, CHEMICAL AND FOOD INDUSTRIES:** Increased patent protection for product patents (not only process patents) in this area may create higher competition and increased costs in the short term. However, increased patent and trade secret protection will create a more attractive climate for investment and technology transfer and make more advanced products available to the Jordanian public.
3. **SMALL BUSINESSES:** Computer software may be more expensive for these companies thus increasing overhead and per item costs. Apparently, most large companies and government ministries use legitimate software, but small businesses may be hurt in the short run. As mentioned above, computer companies may be flexible in providing cost reductions, more technical assistance and warranties, and companies must learn to buy software as they buy stationery.
4. **PUBLISHING COMPANIES:** Jordanian publishing companies which copy foreign (unprotected) works in English and translate them into Arabic may have increased prices as legitimate translation and reproduction licenses are sought. As was mentioned above, the Berne convention permits limited translation and reproduction licenses to developing countries. Additionally, a strengthened intellectual property rights climate may encourage more development of Arabic works, such as the very successful WINDOWS in Arabic wordprocessing software from Microsoft.
5. **MEDIA:** Increased costs are possible from negotiating licenses in the areas of broadcasting, videos, records/CDs, and movie films, as well as buying and distributing legitimate copies of same. Ultimately, Jordan will receive a wider variety of media products with original quality if intellectual property rights are enforced. Additionally, video and record/CD piracy are the most visible forms of copyright infringement and thus create the largest and most urgent public relations problem for Jordan in the intellectual property rights area.

## II. CURRENT LOCAL PROTECTION IN JORDAN FOR INTELLECTUAL PROPERTY RIGHTS

Table 1 demonstrates my analysis of current levels of intellectual property rights protection in Jordan with 0% being no protection and 100% being GATT/WTO protection. This analysis shows that Jordan scores lowest on copyright protection, with mid-level protection of trade secrets, and slightly higher protection of patents and trademarks.



### A. Legal Infrastructure

#### 1. Patents

The current statutes concerning patents are Law 22/1953 and Law 8/1986. Highlights of the laws include:

- A first-to-invent system;
- An apparent lack of non-obviousness examination;
- Lack of protection for product patents for medical drugs, pharmaceutical compositions or foods;
- A duration of 16 years from date of application compared to 20 years for most industrialized countries;
- Very low fines (up to JD 100); and
- Compulsory licensing.

The patent law itself is basically sound, but patent litigation is rare in Jordan and thus there are few reported cases on the subject or actual judicial experience in interpreting the patent law.

The patent regime is administered by the Patent Office, in the Ministry of Industry and Trade. Only applicants which file in Jordan first have their application examined, whereas foreign applicants have their applications essentially deposited and registered without examination.

The greatest administrative issue confronting the Patent Office is manual searching and filing and the need for computerization. Such constraints on administration also hamper intellectual property rights protection, since patents should be promptly examined and registered to facilitate court enforcement which in Jordan requires such registration. In the Recommendations section of this report, the position is stated that the Patent Office should be computerized (in connection with the current Ministry of Industry and Trade automation program of 22 sectors of computerization) and a regional Patent Documentation Center initiated under the auspices of the Ministry of Industry and Trade.

## 2. Trademarks

The current statute concerning trademarks is Law 33/1952 and the current statute concerning merchandise generally is Law 19/1953. Highlights of the trademark law include

- Adoption of the International (Nice) classification system
- an opposition procedure;
- Lack of registration protection for service marks;
- Very low fines (up to JD 100);
- A registration duration of seven years from date of application, renewable for 14-year periods;
- User requirement of two years; and
- Assignment of the business required when assigning a trademark.

The trademark law itself is basically sound, and trademark litigation is more common in Jordan resulting in more reported cases on the subject and actual judicial experience in interpreting the trademark law.

The merchandise law covers unregistered trademarks, unfair competition, geographical indications and remedies at Customs, but does not cover explicitly infringement of unregistered service marks or trade names.

The Patent Office and the courts apparently give some protection for internationally famous trademarks (e.g., SONY, KODAK, NESTLE) even without local trademark registration, but detailed proof of the international fame of the mark must be submitted. The use of famous foreign marks by local Jordanian companies, such as the DOMINO'S restaurant, MAKDONAL hamburger restaurant, RAMADA hotel, K-MART store, UNITED TECHNOLOGIES company, and HARD ROK CAFE restaurant create a public image that trademark piracy is not being addressed. Apart from the legal issue as to how much proof is necessary to convince the Patent Office or a court that a "famous" mark has been stolen and should be returned, a well-conducted

public relations and enforcement campaign would notify the international trademark owner of the problem, send the appropriate warning letter to amend the name to avoid confusion with the famous name, and conduct a well-publicized raid when feasible. Additionally, there should be some concern as to the use and registration of internationally "famous" marks by Jordanians which will require lengthy Patent Office and court proceedings. One estimate of the duration of a trademark infringement case in the local civil Court of First Instance was five years at considerable expense even for multinational corporations and certainly for Jordanian individuals.

### 3. Copyrights

The current statute concerning copyrights is Law 22/1992 with related Regulation 4/1994 which replaces the old Ottoman law (under which fewer than ten cases were apparently brought in almost one hundred years). The Copyright Law is not to be confused with the Press and Publications Law (Law 10/1993) which regulates the press and publishing industries, issues licenses, and provides for disciplinary action.

Highlights of the Copyright Law include:

- Denial of protection for works of non-Jordanian authors published outside of Jordan (which are most computer programs, records/CDs and videos);
- A deposit requirement at the Copyright Registration Center;
- Very low fines (up to JD 1000);
- cited protection for computer software and audio-visual works inter alia;
- term of thirty years from the death of the author or publication for certain works and fifteen years from the death of the author for other works; and
- lack of implementing regulations, enforcement education and guidelines, and actual street enforcement.

Although the new Jordanian Copyright Law was an improvement over the old Ottoman law, significant changes will be needed to bring the law up to international standards.

Jordan is a member of one international copyright convention, the Arabic Copyright Convention (1982), which has six members, namely, Jordan, Iraq, Tunisia, United Arab Emirates, Sudan and Yemen. Another convention is now being circulated, namely, the Islamic Copyright Convention.

There appears to be a widespread lack of knowledge of the new Copyright Law and its implications and enforcement, even among legal professionals in the intellectual property rights field. Additionally, copying books and other media is a common and accepted practice, from the time an individual is a schoolboy or schoolgirl through his or her education at the university. Educational and media campaigns could easily address this problem, which is perhaps the most important reason for the widely held perception in interested circles that the current law is not being enforced.

As newspaper articles and a site inspection in Amman show, pirated software and videos are available throughout Amman. If Jordan's intellectual property rights system is to be taken seriously, these piracies should be treated as any other type of crime, and police raids and negative publicity should ensue. Moreover, piracy and counterfeiting are more than trade or financial issues, since the law enforcement/organized crime dimension should be explored as well. In a related development, the "Jordan Times" reported in its October 8, 1994 edition that an Indian publisher of reprinted books created for the Indian market only was banned from the Amman International Book Fair in early October 1994 by the Union of Jordanian Publishers (presumably pursuant to the Press and Publications Law and breach of reprint contracts). Similar decisive action should be contemplated for enforcement of the Copyright Act with accompanying international publicity.

Even if Jordan does not join the Berne Convention or GATT within the near future, the existing Copyright Law should be enforced because failure to do so will make the current conditions worse. As was noted above concerning Jordanian musicians going to Cairo for copyright protection, the widespread belief that the copyright law is not being enforced should be addressed directly. Specifically, further regulations and enforcement guidelines should be promulgated immediately, the public should be advised by newspaper articles and seminars, and several well-publicized raids in central Amman should be undertaken to demonstrate that the Law is now being enforced. Under current Copyright Office practice, a foreign work which is republished in Jordan can come under the new Law and this important point should be publicized. Moreover, Jordan may decree unilaterally that foreign copyrighted works from abroad are now protected in Jordan since the Law states that reciprocity will be honored. The decree mechanism can avoid unnecessary delay in clarifying and expanding the 1992 Copyright Act.

For a good example of an Arab country with no external copyright relations and an unimplemented copyright law, we should review the Dubai model. The Dubai copyright law was enacted about the same time as the Jordanian law and was not actively enforced until September 1, 1994. The Dubai government had found that valuable foreign investment was diverted elsewhere due to Dubai's growing reputation as a haven for piracy. The Dubai government decided to abandon "gradualism" in implementing its law, and unilaterally offered to immediately enforce the law. More importantly, Dubai already had existing agents in the Ministry of Information and Culture (in Jordan there are separate ministries) which were skilled in conducting raids on shops which sold pornographic videos. Accordingly, the Dubai government combined the two operations and gave the Ministry of Information and Culture and its agents the authority to raid shops which sold pirated software and videos (including the authority to confiscate the computers on which the pirated software was loaded). Of equal deterrent value, the raids were widely publicized in the Dubai newspapers to expose the pirates and perhaps drive them out of business. Private sector associations such as the BSA, the Business Software Alliance, were actively involved in conducting one day seminars with Ministry of Information and Culture agents, Customs agents, and other law enforcement officials to properly train them on their expanded responsibilities. At the same time, private software vendors conducted a direct mail and newspaper advertising campaign to educate the consumer.

In Dubai, local software copying by business and individuals was more of a problem than imports, although the reverse was true for videos. Accordingly, the Ministry of Information and Culture and Customs work together to fight piracy in Dubai.

Egypt is an example of an Arab country with external copyright relations (i.e., adherence to the Berne Convention). Although adherence to the Berne Convention was an important legal step, enforcement was a more critical issue. Egypt has now made a concerted effort to stem the rise in illicit goods through a special "Intellectual Property Rights Police". The Intellectual Property Rights Police have direct authority from the Egyptian government to enforce the intellectual property rights laws including receiving private sector complaints, initiating investigations, undertaking raids, confiscating contraband and arresting pirates, and cooperating with the courts.

For Jordan, a concerted effort should be made to upgrade its intellectual property rights protection public image, and stop any increase in piracy before it worsens. Accordingly, the public relations dimension should not be ignored. In the Recommendations Section, I recommend that the Dubai model be used, specifically, that protection of foreign works be unilaterally offered, with expanded authority for the Ministry of Culture to supervise raids (in addition to strongly recommending immediate adherence to at least the Berne Convention but preferably the Berne and Geneva Conventions) before membership in GATT requires Jordan to do so.

## **B. Legal Institutions**

### **1. Court System**

The current court system consists of regular (civil and criminal) courts, religious courts (Shari'a courts) and special courts (Jordanian Constitution Article 99). The civil law system is based on the French, Ottoman (Al-Majalat) and Shari'a legal systems (although the intellectual property rights system is based on British laws and concepts) and is administered by a three-tiered system of the Court of First Instance (or the Magistrate's Court depending on the monetary amount in issue) in civil and criminal areas, the Court of Appeal (civil and criminal) and the Court of Cassation. The High Court of Justice is a separate appellate court and hears the appeals from the quasi-judicial decisions of the Patent Office.

There are "special" (sometimes called "private") courts in specialized areas such as tax, state domains, land and water settlement, and customs administered by the Ministry of Justice and the tribal tribunal and state security court attached to other ministries. The courts are mandated to apply international treaties directly into effect without need for implementing legislation (e.g., if Jordan joined Berne, the provisions of Berne would become effective immediately without the necessity of changing the Copyright Act of 1992) although some treaties specifically mandate implementing legislation.

The Jordanian courts do not decide a significant number of intellectual property rights cases and thus additional education is needed to alert judges, clerks and other legal staff as to the importance of intellectual property rights protection in both issuing informed decisions and

assuring that judgments are actually levied and enforced. Such training may be available from the UN-related World Intellectual Property Organization (WIPO) in Switzerland which would focus on legal issues and requirements, but not enforcement or appropriate penalty issues. Accordingly, education should also come from interested private sector associations and not just WIPO.

## 2. Ministry of Industry and Trade

The Ministry of Industry and Trade (MOIT) within its Patent Office regulates patents and trademarks within the Jordanian intellectual property rights system. The history of the Patent Office can be viewed as progressing from the 1978 WIPO Report, Situation of Industrial Property in the Arab States, page 52, which indicates that in 1973, 43 patents were granted and 683 trademark registrations were granted, with a staff of seven (7) members consisting of four (4) professionals and three (3) clerical workers, namely the Head of the Office, his assistant and two (2) Examiners, and three (3) people in charge of administrative and clerical work. In the 1978 WIPO Report, page 52, it was indicated that the Patent Office had five (5) rooms and no reproduction equipment was available (Table 2).

By contrast, in 1993 the Patent Office granted 34 patents and 2282 trademark registrations, published 7 official gazettes in English and Arabic, with one active Patent Examiner, 3 active Trademark Examiners with a total staff of approximately 20 (Table 2). Most importantly, in 1992 more trademark registrations were granted to Jordanian citizens than to non-Jordanian citizens (962 to 803), a trend which continued in 1993 (1309 to 974). This trend indicates the growth of local Jordanian industry and the need for an expanded MOIT/Patent Office function to meet Jordanian goals. The Patent Office is in need of computerization, and one private agent firm has offered its patent and trademark database to the MOIT for free if the MOIT would obtain the computers to receive it. At the moment, the MOIT advises that 20 out of 22 sectors of its operations have been computerized (the remaining two being patents and trademarks). Apparently, there may not be sufficient funds to finish the project without additional assistance. Current projections for 1994 indicate over 3,000 trademark applications filed.

**TABLE 2**  
**Patent Office Growth**

	1973	1993
PATENTS	43	34
TRADEMARKS	683	2282
STAFF	7	20

Moreover, if Jordan were to join international treaties such as the Patent Cooperation Treaty (PCT) and Madrid Trademark Treaty, WIPO may be able to provide compatible software. Specific personnel, hardware and budget recommendations concerning Patent Office computerization are discussed in the Recommendations Section at the end of this report (15.1).

Additionally, the Patent Office needs its own expanded space and a Patent Documentation Center with at least 2.5 million documents but preferably 10 million documents to create a truly influential regional patent, science and media center (Recommendation 16.1).

### 3. Ministry of Culture

The Ministry of Culture (MOC) is empowered to administer the Copyright Act. Table 3 gives the number of works deposited at the MOC:

**TABLE 3**  
**Copyright Deposits**

	1993	1994*	Total
Books	500	251	751
Computer Programs	18	14	32
Cassettes	85	22	107
Paintings/ Lithographs	153	19	172
Audio-visual Works	29	7	36

\*First six months of 1994.

Since the first year presumably represented previous demand up to such year, the 1994 statistics should be more indicative of use of the MOC Deposit Center. The deposited works are not examined but merely given to the clerk to be assigned a deposit number. At the moment, approximately 800 new books are published in Jordan a year, with additional significant supply coming from outside.

Although foreign works first published outside of Jordan (i.e., **imports**) are not protected under Jordanian copyright law, foreign works which are **republished** in Jordan may be deposited at the MOC according to current MOC practice. In other words, foreign computer programs such as a Microsoft program must be taken out of the package, reproduced in Jordan, and afterward be deposited. Needless to say, the republication requirement is burdensome and effectively denies any protection to foreign works.



Theoretically, the Copyright Act may be implemented for a raid by a complaint being filed with the Ministry of Culture, the MOC contacting either the Ministry of Information or the Ministry of Justice to issue an order which will be enforced by the police. The Ministry of Culture has no power to issue such an order in its own right. The new regulation, No. 4/1994, does authorize the MOC to investigate such infringements, but there is apparently not sufficient personnel to conduct such reviews and no power to issue enforcement orders.

The Ministry of Culture appears ready to work more closely with Customs to be sure that pirated products are kept at the border and destroyed.

#### **4. Ministry of Information**

The Ministry of Information (MOI) is empowered to administer the Press and Publications Act and the Cinema Films Licensing Act. It has the power to issue enforcement orders to the police and is used by the Ministry of Culture when the Ministry of Culture needs enforcement of the Copyright Law (since the Ministry of Culture at present does not have such power).

#### **5. Customs**

Jordanian Customs has the responsibility of regulating the flow of goods through the border and has a good reputation for strict control of Jordanian borders. The current legal system in Jordan does not permit registration of patents, trademark or copyrights at Customs, although Customs is given a significant position in the Merchandise Act, Trademark Act, intellectual property rights systems in other countries and in GATT 51.

Although Customs appears willing to receive more intellectual property rights responsibility from the Government, the current Customs system is aimed more at assessing duties than monitoring intellectual property rights piracy and counterfeiting. Most computer software piracy appears to come from within Jordan in the form of copying programs by computer dealers, large companies and individuals, but pirated videos (at as little as JD 1 each at retail prices) appear to come primarily from outside Jordan (even with Chinese labels and subtitles), thus creating a Customs problem.

Since current regulations direct Customs to send certain categories of goods to the appropriate ministry for review before introduction into the market (e.g., sending videos suspected of being pornographic to the Ministry of Information), there is no mechanism for dealing with pirated videos. Additionally, counterfeit merchandise cannot be interdicted at Customs without a court order, but presumably the counterfeit nature of the product will affect its import duty and then be released. In other systems, copies of registered trademarks and copyrights are deposited at each entry point and Customs checks all shipments for possible contraband. If a problem is suspected, a Customs official will telephone the intellectual property rights holder or his/her attorney to determine if the goods should be held (without the necessity of a court order).

Finally, Customs should consider implementing the new Customs Cooperation Council, soon to be called the World Customs Organization, Model Legislation on Intellectual Property Rights (CCC Document 38.980 E, T7-74, TE7-80108, Brussels, September 28, 1994) which gives Customs a prominent role in interdicting piracy and counterfeiting at the border. The CCC/WCO legislation was specifically inspired by GATT 51.

## **C. Human Resources**

### **1. Ministry of Industry and Trade**

The MOIT/Patent Office has the Director, one active Patent Examiner, three active Trademark Examiners with a total staff of approximately 20. At least one more examiner in each class and one new clerk in each class are needed. If and when the Patent Office computerizes, additional personnel will be needed.

### **2. Ministry of Culture**

The MOC/Copyright Office has one registrar and one clerk to deposit copyrighted materials. The staff should be increased to accommodate the increased workload of the Ministry of Culture, and particularly two enforcement agents should be hired when the regulations are amended to permit MOC enforcement orders.

### **3. Ministry of Information**

The MOI should work more closely with the Ministry of Culture in enforcing the Copyright Law since it already has a good agent bases. If the enforcement is to be joint, at least two more enforcement agents will be needed to investigate piracy and take appropriate action.

### **4. Customs**

Customs will have to be expanded with at least four new agents to accommodate the increased workload of intellectual property rights protection.

### III. Current and Proposed International Protection in Jordan for Intellectual Property Rights

Table 4, below, summarizes recommendations concerning current intellectual property treaties.

**TABLE 4**  
**Intellectual Property Treaties**

Treaty	Current Jordan Ratification	Required by GATT	Recommended
Paris Convention	Yes	Yes	Yes
World Intellectual Property Organization	Yes	No	Yes
Patent Cooperation Treaty	No	No	Yes
Patent Harmonization Treaty	No	No	
Hague Convention	No	No	Yes
Madrid Arrangement	No	No	Yes
Madrid Protocol	No	No	
Trademark Law Treaty	No	No	Yes
Berne Convention	No	Yes	Yes
Universal Copyright Convention	No	No	
Geneva Phonogram Convention	No	No	Yes
Rome Convention	No	No	
Brussels Satellite Convention	No	No	Yes
Washington Convention	No	No	

## **A. Current Protection**

### **1. Paris Convention (1883)**

Currently Jordan is a member of the Paris Convention and has various intellectual property rights obligations, including protection of service marks (6 sexies) and famous marks (6 bis), and against unfair competition (10 bis). According to Jordanian law, an international treaty is generally effective immediately without the need of implementing legislation.

### **2. World Intellectual Property Organization (1967)**

At the moment, Jordan is a member of the WIPO Convention and is a full member of the WIPO Industrial Property Rights Council but only an observer at the WIPO Copyright Council since it has not joined the Berne Copyright Convention. In the recent WIPO Forum in Amman on August 27 - 29, 1994, Jordan was encouraged to modernize its intellectual property rights system and WIPO has offered to help Jordan computerize its registration of patents and trademarks, train government officials and institute an on-line government network.

## **B. Proposed Protection**

### **1. Patents**

#### **a. Patent Cooperation Treaty (1970)**

The so-called PCT is an international patent filing treaty coordinated through WIPO. Although PCT membership is not mandated by GATT, the PCT has continued to increase in popularity as set forth in the September 26, 1994 report of WIPO Director General Dr. Arpad Bogsch. Specifically, PCT membership has increased by ten (10) countries in the first six months of 1994 and the number of international applications has increased by 14.82% over the respective period in 1993. In the first six months of 1994, 16,290 PCT international applications were filed, of which 186 were filed directly with WIPO.

It has been the experience of practitioners in the field that PCT increases revenue for local patent offices, particularly if the local patent offices do not usually have a large number of filings, as well as increases revenue for the local agents who must prosecute these local extensions of the PCT applications. In other words, if a country is listed on the PCT "Checklist", such country may be more likely included on a patent filing list (presumably Jordan would receive more than the 40 patent applications/year it now receives). At the moment, the interested circles are uncertain about what introduction of the PCT would mean. Additionally, the Patent Office would need full computerization, WIPO software and perhaps the Patent Documentation Center to fully implement this treaty.

**b. Patent Harmonization Treaty**

This treaty is now under consideration concerning harmonization of various substantive aspects of the patent law. Of particular concern to Jordan as well as the United States was the first-to-file, first-to-invent controversy.

**c. Budapest Treaty on the International Recognition of the Deposit of Microorganisms (1977)**

Consideration should be given to joining this treaty, although not required by GATT.

**d. Hague Agreement Concerning the International Deposit of Industrial Designs (1925)**

Consideration should be given to joining this treaty, although not required by GATT.

**e. Hague Convention Abolishing the Legalization Requirements for Foreign Public Documents ("Apostille Convention") (1961)**

Although not a patent treaty per se, consideration should be given to joining this treaty, although not required by GATT. This treaty would significantly reduce the time and expense in "legalizing" documents for use in Jordanian intellectual property rights applications. Although joining the Madrid Arrangement would assist European applicants, U.S. and Japanese applicants would be unaffected (since the United States and Japan are not parties to Madrid). However, the Hague Convention would be a direct benefit to U.S. and Japanese applicants, not only in filing applications but also in other intellectual property rights areas such as submission of affidavits in the Patent Office or the courts, powers of attorney, etc. Of course, abolition of all legalization is preferable, but the Hague Convention is a positive step in streamlining intellectual property rights procedures.

**2. Trademarks**

**a. Madrid Arrangement (1891)**

The Madrid Arrangement (Madrid Trademark Treaty) continues to be a popular international trademark filing treaty, with Arab countries such as Algeria, Egypt, Morocco and Sudan being members. In the September 1994 WIPO Report cited above, Dr. Bogsch indicated that four new countries joined the Madrid Arrangement in the first six months of 1994 and trademark application volume increased 10.50% over the respective period in 1993. Although adherence to the Madrid Arrangement is not mandated by GATT, it has attracted a number of countries to its system of Madrid applications numbering 8,405 in the first six months of 1994. Even though the United States, United Kingdom, Japan and Taiwan are not members of this

treaty, joining the Madrid Arrangement would assist in trademark filings from Europe. The Patent Office as well as the interested circles appear positive about adhering to this treaty as long as the Patent Office has the additional funding, training, computers, WIPO software and space required.

**b. Madrid Protocol**

The Madrid Protocol is a new system based on the Madrid Arrangement which eliminates certain aspects of the Madrid Arrangement and essentially is an international trademark filing treaty. Adherence in the trademark area to the Madrid Protocol should be considered along with the Madrid Arrangement. The United States is considering this treaty.

**c. Trademark Law Treaty**

The Trademark Law Treaty (TLT) was the subject of a diplomatic conference in Geneva from October 10 - 28, 1994. The main subject of this treaty is the simplification of formalities which will facilitate the registration and protection of trademarks and service marks. In Jordan, for example, documents are still required to be legalized, which significantly increases the time burden for persons pursuing intellectual property rights applications in Jordan. Either adoption of the TLT or at least the Hague ("Apostille") Convention should be considered.

**3. Geographical Indications**

**a. Madrid Agreement for the Repression of False or Deceptive Indication of Source of Goods (1891)**

This agreement affects false or misleading indications of source (country or place of origin) placed on goods. Arab countries such as Egypt, Lebanon, Morocco, Syria and Tunisia are members. Adherence to this agreement is not mandated by GATT and may cause conflicts with existing trademark rights.

**b. Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration (1958)**

This agreement concerns the protection of registration of appellations of origin, specifically the geographical names of the country, region or locality which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors. Adherence to this agreement is not mandated by GATT and may cause conflicts with existing trademark rights.

#### **4. Copyrights/Neighboring Rights**

As was noted above, copyright protects the expression of ideas and is sometimes called the "rights of the author" (*droits d' auteur*). "Neighboring Rights" (*droits voisins*) are related rights to copyright, and take the form of performance rights, sound recording, and broadcasting.

##### **a. Berne Convention (1886)**

The Berne Convention for the Protection of Literary and Artistic Works (1886) is the premier international copyright convention. It includes the concept of national treatment as well as minimum standards for copyright protection ("*Berne minima*") in each member state. Accordingly it is the standard by which all other copyright treaties and statutes are judged.

Additionally, GATT requires compliance with Berne Convention Articles 1 - 21 and Appendix, either in fact or adherence to the treaty. At the moment, Jordan does not have external copyright relations and the 1992 law only protects works of Jordanian citizens or works of foreign authors first published or printed in Jordan (which would be the rare exception to foreign works such as books, software, records/CDs or videos which are usually first published abroad and then imported and distributed in Jordan). However, the Ministry of Culture has indicated that Jordan is actively considering joining the Berne Convention, and that a draft of a new, conforming copyright law is about to be circulated. If only one action were taken to dramatically raise the level of intellectual property rights in Jordan, joining the Berne Convention would be such step. In my analysis of current intellectual property rights protection, I gave Jordan a 20% for copyright protection. If Jordan joined Berne, that percentage would go up to 70%. The reason for this upgrade is not only the addition of the protection of foreign works, but also the general expansion of rights for Jordanians as well.

##### **b. Universal Copyright Convention (1952)**

The Universal Copyright Convention (UCC), administered by UNESCO, although providing some protection to copyright owners, is not perceived to be as comprehensive as the Berne Convention. The main achievement of the UCC is the concept of national treatment, but formalities are still permitted both inside and outside of the country in issue. Additionally the term of the copyright is shorter and the scope of protected works is less. Although adherence to the UCC, as was done recently in Saudi Arabia (although a huge deposit fee is charged), is a step in the right direction, the UCC does not adequately protect copyright owners' rights, does not protect phonograms, and does not comply with GATT.

##### **c. Geneva Phonogram Convention (1971)**

The Geneva Convention protects phonograms (sound recordings) and is viewed as a complement to the Berne Convention, since there is doubt in some countries as to whether sound recordings are protected under Berne. Accordingly, although adherence to the Geneva Convention is not required under GATT, Jordan should join Geneva to adequately cover issues

relating to piracy of videos (Berne) and sound recordings (Geneva). "Berne plus Geneva" would be considered a very positive message to international and Jordanian business circles that Jordan is serious about adopting international conventions in the copyright and neighboring rights area. Since treaties do not need implementing legislation, Geneva could immediately be effected and enforced. Although Berne should be given top priority, the Geneva Convention should not be forgotten after Berne is implemented.

**d. Rome Convention (1961)**

The Rome Convention has limited appeal to the various interested circles but is mentioned in passing in GATT, although adherence to the Rome Convention is not required.

**e. Brussels Satellite Convention (1974)**

Although the specific contents of the Brussels Satellite Convention are not required under GATT, it is a step towards protection of new technologies and a preferred convention in bilateral treaties with the U.S., which usually encompass (1) Paris, (2) Berne, (3) Geneva and (4) Brussels.

**5. Integrated Circuits**

**a. Washington Convention (1989)**

Although it is not mandatory to join the Washington Convention, GATT does discuss integrated circuits (mask works) protection generally in Part II Section 6, Articles 35 - 38. Accordingly some protection should be given to integrated circuit layouts, under current patent and/or copyright regimes.



#### IV. GATT TRIPs REQUIREMENTS AND INTELLECTUAL PROPERTY RIGHTS IN JORDAN

##### GATT: A General Overview

From Punta del Este, Uruguay in 1986 to Marrakesh, Morocco in 1994, the General Agreement on Tariffs and Trade (GATT) has been seen by intellectual property law experts as a new way to strengthen trademark rights. On January 1, 1995, a new "World Trade Organization" (WTO), with expanded powers, is scheduled to replace GATT.

The General Agreement on Tariffs and Trade was created in 1947. GATT currently has 120 members accounting for approximately 90% of world merchandise trade and is based on several major economic principles, the most important of which is the "most favored nation" (non-discrimination) principle. There are provisions for the reduction of customs and duties restrictions, fair not free trade, and national treatment of foreign goods. GATT also incorporates a dispute resolution procedure. GATT views trademark counterfeiting and intellectual property irregularities as distortions of legitimate trade. Its solution, therefore, involves confronting the trade-related aspects of intellectual property (TRIPs) in order to maintain a "level playing field." Added to the TRIPs discussions were two new GATT innovations, namely, trade in services and "TRIMs" ("trade-related investment measures").

Although GATT covers the complete spectrum of trade in goods (and now services) between contracting parties, the three Articles that are of specific interest to the trademark experts are Article XX(d) concerning trademarks and Articles XII:3(c)(iii) and XVIII: Section B(10) which govern restriction of imports. A review of these provisions indicates that GATT deals with anti-counterfeiting and broad issues of protection of intellectual property rights in only a general and tangential manner.

GATT's involvement in anti-counterfeiting and intellectual property is essentially a political development. Traditionally, the World Intellectual Property Organization (WIPO) had been considered the proper forum for addressing intellectual property matters at the international level. WIPO currently administers such international intellectual property treaties as the Patent Cooperation Treaty, the Madrid Trademark Treaty and the Berne Copyright Convention, among many others. However, because of WIPO's perceived ineffectiveness in combatting counterfeiting and the increased importance in the world of intellectual property as a "commodity", it was inevitable that GATT would become involved in seeking a solution to combatting counterfeiting and raising worldwide "minimum standards" for intellectual property protection.

In the Tokyo GATT Round of the 1970's, and later in the early 1980's, it was seriously debated if GATT would be the proper tool to help foster intellectual property rights. Slowly, efforts in creating a GATT "anti-counterfeiting code" were replaced by work to create "minimum standards" for intellectual property protection. The pro-GATT position reached fruition in the so-called Punta del Este Resolution of 1986, which states:

"In order to reduce the distortions and impediments to international trade, and taking into account the need to promote effective and adequate protection of intellectual property rights, and to ensure that measures and procedures to enforce intellectual property rights do not themselves become barriers to legitimate trade, the negotiations shall aim to clarify GATT provisions and elaborate as appropriate new rules and disciplines.

Negotiations shall aim to develop a multilateral framework of principles, rules and disciplines dealing with international trade in counterfeit goods, taking into account work already undertaken in GATT.

These negotiations shall be without prejudice to other complementary initiatives that may be taken in the World Intellectual Property Organization and elsewhere to deal with these matters".

After the TRIPs were placed on the GATT agenda, the Geneva Round of negotiations marked the first true entry of GATT negotiators into the intellectual property forum. The negotiating plan established for the Geneva Round reaffirmed the Punta del Este Resolution.

Whether the GATT members are ready or not, the latest TRIPs text (the "Dunkel" text) has come into effect as a result of the culmination of the Uruguay Round in Marrakesh on April 15, 1994 (in the following analysis, all GATT references are to the Dunkel TRIPs text). The following discussion will focus on specific GATT requirements and relate these requirements to existing Jordanian laws on patents, trademarks and copyrights. After this review, we will look at what other new laws and actions are necessary for Jordan to implement a new framework of expanded intellectual property rights protection.

## **PART I: GENERAL PROVISIONS AND BASIC PRINCIPLES**

### **National Treatment (GATT 3)**

Jordan is required to provide for non-Jordanian nationals no less favorable treatment than its own nationals in the intellectual property rights area.

**PART II:**  
**STANDARDS CONCERNING THE AVAILABILITY,**  
**SCOPE AND USE OF INTELLECTUAL PROPERTY RIGHTS**

**Section 1:**  
**Copyright and Related Rights**

**Law 22/1992 Compared to GATT**

**General Comments: Berne Convention**

GATT 9(1) states that members shall comply with Articles 1 - 21 and the Appendix of the Berne Convention (Paris 1971), with the exception of Berne Article 6 bis (*droit moral*, i.e., "moral rights"). Jordan should join the Berne Convention and amend its copyright law accordingly. Since this review is to compare GATT and Berne with the Jordanian copyright law, Berne will be discussed in general terms. A line by line comparison of the Jordanian copyright law with possible Berne implementation or a suggested revision of the Jordanian Copyright Act are beyond the scope of this review. Apparently, WIPO is already comparing the Copyright Law with Berne requirements, and thus the following will be an additional Berne review as well as a focus on GATT requirements.

I have conducted a detailed analysis of the 1992 Copyright Act and related it to requirements of Berne and GATT. Due to the detailed nature of my review, I have segregated this analysis in Annex I. It is hoped that Annex I will be of particular interest to the Ministry of Culture and copyright experts. However, the following are needed amendments: (1) protection of foreign works, (2) elimination of the deposit of the work as a prerequisite of copyright protection, (3) amendment of the term of protection to "life plus 50" as the standard term, (4) increase of penalties of imprisonment (up to 5 years) and fines (up to JD 50,000), (5) elimination of reproduction and translation compulsory licenses except as provided by the Appendix to the Berne Convention (Paris, 1971), and (6) empowerment of the Ministry of Culture to issue enforcement orders to the police.

**Sections 2 and 3:**  
**Trademarks and Geographical Indications**

**Laws 33/1952 and 19/1953 Compared to GATT**

I have conducted a detailed analysis of the 1952 Trademark Act and related it to requirements of GATT. Due to the detailed nature of my review, I have segregated this analysis in Annex II. It is hoped that Annex II will be of particular interest to the Ministry of Industry and Trade and trademark experts. However, the following are needed amendments: (1) registration of service marks, (2) extended protection for famous marks, (3) elimination of

business transfer requirement in trademark assignment, (4) increase of penalties of imprisonment (up to 5 years) and fines (up to JD 50,000) copy and (5) extension of user term from two years to three years.

**Sections 4, 5 and 6:  
Industrial Designs, Patents and Mask Works**

**Laws 22/1953 and 8/1986 Compared to GATT**

I have conducted a detailed analysis of the 1953 and 1986 Patent Acts and related them to requirements of GATT. Due to the detailed nature of my review, I have segregated this analysis in Annex III. It is hoped that Annex III will be of particular interest to the Ministry of Industry and Trade and patent experts. However, the following are needed amendments: (1) extension of protection to pharmaceutical product patents, (2) extension of term of the patent to 20 years from application date, (3) increase of penalties of imprisonment (up to 5 years) and fines (up to JD 50,000), and (4) clarifying claim drafting requirements.

**Section 7: Protection of Undisclosed Information**

Jordan appears to provide protection for trade secrets in its general civil code on tort law, although there is little or no litigation on the issue. It is advisable to specify trade secret infringement as an enumerated tort to make this protection clear. Accordingly, a new trade secret law is needed.

Moreover, Jordan, as a member of the Paris Convention, should protect trade secrets anyway as part of its obligations under Article 10 bis(2).

**Section 8: Control of Anti-Competitive  
Practices in Contractual Licenses**

GATT provides that licensing be subject to the relevant antitrust laws under certain circumstances. Since Jordan does not have an antitrust law, this provision does not seem relevant.

**PART III: ENFORCEMENT**

**Section 1: General Obligations**

Generally, GATT requires the smooth and efficient enforcement of rights without unnecessary delay or expense.

Although GATT 41 (4) does not require the member state to create its own intellectual property rights enforcement system, certain countries, such as China, have formed such systems

to assist in upgrading compliance. In the following Recommendations Section, I suggest intellectual property rights judges and "special" courts, an Intellectual Property Rights Task Force and Intellectual Property Rights ADR Council.

## **Section 2: Civil and Administrative Procedures and Remedies**

In general, Jordan's civil court system seems sufficient to implement expanded intellectual property rights legislation. In actual practice, Jordanian judges, lawyers, intellectual property rights agents, police and others must be trained on the value of intellectual property, the theft of intellectual property as theft itself and the importance of intellectual property protection for Jordan's future.

## **Section 3: Provisional Measures**

Jordan must initiate a new system of expedited, ex parte procedures for satisfying GATT 50.

For example, in the Copyright Law Article 46 (c), the arguments of "both sides" must be heard. GATT 50 discusses judicial procedures for "provisional measures inaudita altera parte" to assist the IP owner.

## **Section 4: Special Requirements Related to Border Measures**

GATT 51 - 60 provide an important system for border control of infringing merchandise. It is important to understand that counterfeit or pirated goods can be more effectively controlled at the border by Customs or a Jordanian court before the goods enter Jordan and are distributed throughout Jordan. Jordanian Customs appears willing to accept additional responsibility in the area. In other countries, such as Dubai, the customs function has been enhanced with positive results. Additionally, U.S. Customs is willing to work with local customs agencies on intellectual property rights awareness, training and implementation. Accordingly, Jordanian Customs must be strengthened and given additional legal authority to make effective seizures (GATT 51). Additionally consideration should be given to the new Customs Cooperation Council model law just promulgated in Brussels.

## **Section 5: Criminal Procedures**

Please refer to my comments concerning Jordanian Copyright Act Articles 51 and 52 concerning GATT 61, specifically I recommend much higher penalties including longer imprisonment terms from six (6) months to five (5) years per infringed work and fines of no less than JD 10,000 and no more than JD 50,000 per infringed work.

**PART IV: ACQUISITION AND MAINTENANCE OF  
INTELLECTUAL PROPERTY RIGHTS AND RELATED  
INTER-PARTES PROCEDURES**

GATT 63 discusses the general conditions concerning inter partes procedures and administrative actions.

**PART V: DISPUTE PREVENTION AND SETTLEMENT**

Articles 63 and 64 deal generally with transparency and dispute settlement concerning promulgation of laws pertaining to GATT and dispute concerning implementation.

**PART VI: TRANSITIONAL ARRANGEMENTS**

GATT allows a developing nation such as Jordan an additional four years to implement the agreement after the initial deadline of January 1, 1996, i.e., before January 1, 2000 (GATT 65 (2)). However, Jordan should be encouraged to implement change sooner rather than later.

GATT 67 requires that developed countries provide technical and financial assistance to developing countries to prepare appropriate domestic legislation on GATT compliance as well as for intellectual property rights enforcement.

**PART VII: INSTITUTIONAL ARRANGEMENTS; FINAL PROVISIONS**

GATT 68 creates the TRIPs Council which will monitor GATT TRIPs compliance issues.

Importantly, GATT 69 requires countries to cooperate in sharing intelligence and in other ways to fight piracy and counterfeiting.

## **V. RECOMMENDATIONS FOR REVISIONS IN THE INTELLECTUAL PROPERTY RIGHTS IN JORDAN**

After reviewing all the foregoing statistics and analyses, we must determine how best to amend Jordan's current intellectual property rights system and, if necessary, implement GATT. The following recommendations take full cognizance of the current reality in Jordan and what can be reasonably achieved in the next several years.

### **A. Legal Infrastructure**

#### **1. Domestic**

##### **1. COPYRIGHT LAW ENFORCEMENT AND AMENDMENTS:**

1.1. Issue additional regulations, enforcement guidelines and enforcement date certain of September 1, 1995 for the 1992 Copyright Act and notify the general public, Jordanian industries and businesses, government ministries and international organizations of this action. These new regulations should include protection for foreign works.

1.2 Grant the Ministry of Culture the legal authority to issue orders to the local police to raid shops and take other action to enforce the Copyright Law (a power the Ministries of Information and Justice now have). This action will send a positive message that the new law is being implemented.

1.3 Consider and ratify the new copyright law which presumably conforms with Berne requirements. For specific recommendations in amendment of the copyright law, please see the copyright law analysis in Annex I. However, the major areas of change are: (1) protection of foreign works, (2) elimination of the deposit of the work as a prerequisite of copyright protection, (3) amendment of the term of protection to "life plus 50" as the standard term, (4) increase of penalties of imprisonment (up to 5 years) and fines (up to JD 50,000), (5) elimination of reproduction and translation compulsory licenses except as provided by the Appendix to the Berne Convention (Paris, 1971), and (6) empowerment of the Ministry of Culture to issue enforcement orders to the police.

##### **2. PATENT LAW AMENDMENTS:**

2.1 Grant the Ministry of Industry and Trade the power to issue enforcement orders to the police as the Ministries of Information and Justice.

2.2 Implement the changes suggested in the patent law section, Annex III, namely, (1) extend protection to pharmaceutical product patents, (2) extend the term of the patent to 20 years from application date, (3) increase penalties of imprisonment (up to 5 years) and fines (up to JD 50,000), and (4) clarify claim drafting requirements.

### 3. TRADEMARK LAW AMENDMENTS:

3.1 Grant the Ministry of Trade and Industry the power to issue enforcement orders to the police as the Ministries of Information and Justice.

3.2 Implement the trademark law and merchandise law changes stated in Annex II, including (1) registration of service marks, (2) extended protection for famous marks, (3) elimination of business transfer requirement in trademark assignment and (4) increase of penalties of imprisonment (up to 5 years) and fines (up to JD 50,000) per copy, and (5) extension of user term from two years to three years.

3.3 Amend the Merchandise Law to deal with the HARD ROK CAFE situation (famous foreign service mark) by adding protection for unregistered service marks by clarifying that any false designation of origin or source is illegal.

### 4. GATT COMPLIANCE:

4.1 Implement changes set forth in Annexes I-III of this report in preparation for adherence to GATT. Even if GATT adherence is not anticipated in the near future, the foregoing compliance with GATT TRIPs standards into national legislation may be seen as a positive signal that the Jordanian intellectual property rights system is changing.

### 5. NEW TRADE SECRETS LAW:

5.1 Draft and implement a new trade secrets law. A statute or amendment to an existing statute should specifically address the growing problem of lack of trade secret protection. If there is a drafting question, I can provide model trade secrets laws from the United States or from WIPO.

### 6. HAGUE CONVENTION:

6.1 Abolish legalization of documents or at the very least adopt the Hague ("Apostille") Convention. Any loss in legalization consular fees should be offset by increasing filing fees revenue from the Patent Office.

### 7. BOYCOTT:

7.1 Abolish boycott against Israel pursuant to Article 7(2)(a) of the Jordan - Israel Peace Treaty since such boycott hampers foreign intellectual property rights protection (and foreign investment) in Jordan.

## 2. International

### 8. BERNE CONVENTION:



8.1 Ratify and implement the Berne Convention before January 1, 1996 in order to immediately correct the mos. serious problem in the Jordanian intellectual property rights system.

8.2 Educate the public under the auspices of the Intellectual Property Rights Task Force (discussed infra in Recommendation 22) on the extent of copyright protection and its importance for Jordanian development.

## 9. GENEVA CONVENTION:

9.1 Ratify and implement the Geneva Phonograms Convention before January 1, 1997 to send a strong signal that recording piracy will not be tolerated in Jordan. As was mentioned previously, the ideal formula for protection is "Berne plus Geneva." As was noted above, Jordanian musicians now record in Cairo to protect their music and recordings. Since there may be a problem with absorbing too much change at once, I have recommended another year beyond Berne to comply.

## 10. CUSTOMS COOPERATION COUNCIL MODEL LAW ON INTELLECTUAL PROPERTY RIGHTS PROTECTION (DOCUMENT 38.980 E):

10.1 Ratify and implement the Customs Cooperation Council, soon to be called the World Customs Organization, Model Legislation on Intellectual Property Rights (CCC Document 38.980 E, T7-74, TE7-80108, Brussels, September 28, 1994) to give Customs a prominent role in interdicting piracy and counterfeiting at the border. Such legislation was specifically designed to comply with the expanded role Customs will play under GATT 51.

## 11. MADRID TRADEMARK TREATY:

11.1 Ratify and implement the Madrid Treaty (Madrid Arrangement) to facilitate international trademark filings (presumably in a computerized Patent Office). A significant upsurge in foreign filings from Europe should offset or supersede costs for computerization to handle the new filings.

## 12. PCT:

12.1 Ratify and implement the PCT to facilitate the working of the Jordanian patent system by increase of patent filings, patent examination and related matters (presumably in a computerized Patent Office). Additionally, as was mentioned previously, the PCT already provides an international patent search from WIPO thus assisting the Jordanian Patent Office.

A significant upsurge in foreign filings (with corresponding increase of receipt of official fees) from Europe should offset or exceed costs for computerization to handle the new filings.

13. BRUSSELS CONVENTION:

13.1 Ratify and implement the Brussels Satellite Convention to complete the international regime of protection for copyrighted works. As was mentioned, bilateral agreements usually include four conventions, namely, Paris, Berne, Geneva and Brussels. Adherence to Berne should be given priority, however.

14. BILATERAL:

14.1 Ratify and implement a bilateral intellectual property rights treaty between the United States and Jordan, or with other states, while adherence to international intellectual property rights treaties is under consideration, to avoid further delay as well as to send a clear message as to where Jordan is heading, i.e., for stronger intellectual property rights protection. This agreement could take the form of a bilateral intellectual property rights treaty or as a portion of a Bilateral Investment Treaty (BIT), or elsewhere.

B. Legal Institutions

15. PATENT OFFICE MODERNIZATION:

15.1 Computerize the Patent Office for a one time cost of approximately JD 50,000. The Ministry of Industry and Trade has already computerized 20 of of 22 sectors, the two remaining sectors being the patent and trademark sectors.

15.2 From information available to us, the preliminary cost analysis is found in Tables 5 and 6.

TABLE 5  
HARDWARE COSTS

HARDWARE	UNITS	COST
PC Workstations	10	JD 25,000
Server, UNIX OS, ORACLE RDBMS	1	JD 3,000
Laser Printers	2	JD 4,000
Cable, connections	1	JD 1,000
UPS (uninterruptible power supply)	1	JD 500
Optical Scanner	1	JD 2,500
Hub	1	JD 2,000

**TABLE 6  
SOFTWARE/SUPPORT COSTS**

<b>SOFTWARE/SUPPORT</b>	<b>COST</b>
Customized Software	JD 2,000
One month for programmer to bring up system	JD 600
Data entry/maintenance clerk	JD 3,000/year
Initial data input cost	JD 5,000
On site training for staff	JD 1,000
General software (WordPerfect, Lotus, etc.)	JD 2,000
Data Manager	JD 10,000/year

15.3 Move the Patent Office into a larger office to facilitate expansion. The new office should include at least 50% more square meters of space.

16. **PATENT DOCUMENTATION CENTER:**

16.1 Establish the Patent Documentation Center for an additional one-time cost of JD 10,000 for a Jukebox Optical Disk Storage and Write To System, an additional optical scanner for JD 2,500, two PCs for JD 5,000 and JD 10,000 for initial data entry. The Patent Documentation Center should be considered after the computerization of the Patent Office is completed or almost completed.

17. **COURTS:**

17.1 Revise judicial and administrative rules and regulations to comply with GATT Parts IV, V and VI with the specific goal of making the judicial and administrative proceedings streamlined, efficient, responsive and cost effective. Intellectual property rights cases should first be transferred to the Intellectual Property Rights ADR Council (discussed infra in Recommendation 23) to speed possible resolution of the problem.

17.2 Appoint a specialty in intellectual property rights to a judge in the Amman Court of First Instance to facilitate processing of cases in this area. The Court already has specialties in other areas, including the Press and Publications Law.

17.3 Publish decisions of the Court of First Instance in addition to the higher courts to determine how intellectual property rights are being handled.

17.4 Consider a separate intellectual property rights Special Court if the caseload becomes too great.

17.5 Increase the court budget by 10% to handle the additional caseload.

18. **MINISTRY OF INDUSTRY AND TRADE BUDGET:**

18.1 Increase the budget of the MOIT to handle the increased workload of monitoring and protecting intellectual property rights (including new agents to investigate problems). It must be made clear that intellectual property rights protection must be given new prominence and urgency, and the appropriate funds must be allocated to the respective ministries. My specific recommendation is to increase the MOIT budget by no less than JD 100,000/year (not including the computerization budget) and to earmark those funds for intellectual property rights only.

18.2 Select the Director of the Patent Office and one additional Patent Office representative for an advanced training course in the U.S. Patent and Trademark Office. Such course should not last more than two weeks with funding available from other sources.

19. **MINISTRY OF CULTURE:**

19.1 Increase the budget of the MOC to handle the increased workload of monitoring and protecting intellectual property rights. It must be made clear that intellectual property rights protection must be given new prominence and urgency, and the appropriate funds must be allocated to the respective ministries. My specific recommendation is to increase the MOC budget by no less than JD 50,000/year and to earmark those funds for intellectual property rights only.

19.2 Select the Director of the Copyright Office and one additional Copyright Office representative for an advanced training course in the U.S. Patent and Trademark Office. Such course should not last more than two weeks with funding available from other sources.

20. **CUSTOMS:**

20.1 Use Customs as damage control to assist in fighting piracy and counterfeiting before the situation is too serious.

20.2 Request the assistance of the U.S. Customs, International Division, in Washington for training and technical assistance.

20.3 Increase the budgets of Customs to handle the increased workload of monitoring and protecting intellectual property rights. My specific recommendations are to increase the Customs budget to no less than JD 75,000/year.

**21. INTELLECTUAL PROPERTY RIGHTS SQUAD IN AMMAN POLICE:**

21.1 Create an Intellectual Property Rights Squad in the Amman police department.

21.2 Expand the number of police to handle the increased activity. My recommendation for Amman is an initial Intellectual Property Rights Squad of 10 officers for an additional budget item of JD 30,000/year.

**C. Enforcement**

**22. INTELLECTUAL PROPERTY RIGHTS TASK FORCE:**

22.1 Institute an Intellectual Property Rights Task Force which will conduct a public relations and education campaign to heighten the awareness of the Jordanian people that intellectual property rights theft is theft and will not be ignored.

22.2 The Intellectual Property Rights Task Force will consist of the Ministers of Industry and Trade, Culture, Information, Justice, and Planning (or their designates) as well as representatives from the bar, industry and trade organizations (for an initial limit of 15 members) with an initial budget of JD 10,000/year.

22.3 The Intellectual Property Rights Task Force will meet quarterly to discuss the progress of implementing intellectual property rights changes as well as focus on upcoming events.

22.4 The Intellectual Property Rights Task Force will coordinate all aspects of the effort, including: (1) television, radio and newspaper campaigns, (2) seminars, trade shows and roundtables sponsored by the interested private sector companies, and (3) WIPO educational program for judges and law enforcement officials to explain intellectual property rights.

**23. INTELLECTUAL PROPERTY RIGHTS ADR COUNCIL:**

23.1 Create an Intellectual Property Rights Alternative Dispute Resolution (ADR) Council, to manage intellectual property rights arbitration, mediation, mini-trials or other ADR formats, with or without judicial review.

23.2 The Council will handle licensor/licensee problems, conflicts as to intellectual property rights infringement which are referred by the courts for initial evaluation and conflicts with the Patent Office and/or Copyright Office. Such a panel could be convened before a dispute went to the court, or after (i.e., the judge would refer the matter to an intellectual property rights ADR panel, give them 60 days to reach a mediated solution, and if not, go to a different intellectual property rights arbitration panel or back to the court). Although some

companies may be hesitant to subject issues of patent, trademark, or copyright ownership or validity to arbitration, this issue could be handled by mediation as well as any other issues by arbitration.

23.3 Select a pool of "neutrals" who are knowledgeable in the intellectual property rights field. From this neutral pool, one or three neutrals could be selected for an ADR panel. I recommend an initial pool of 10 persons, including advocates, solicitors and agents.

23.4 The Intellectual Property Rights ADR Council can be assisted by the National U.S.-Arab Chamber of Commerce ADR Panel as well as the current USAID review on the subject of ADR generally.

23.5 The Intellectual Property Rights ADR Council neutral pool should be selected by July 1, 1995, should be operating by October 1, 1995 and have an initial operating budget of JD 25,000/year.

#### 24. POLICE RAIDS:

24.1 Before July 1, 1995, conduct at least three widely publicized raids of computer, video and record/CD shops in Amman which are selling illegal copies of copyrighted works which are deposited at the Ministry of Culture. The Ministry of Culture should take appropriate action to arrange for the police raid orders from either the Ministry of Justice or the Ministry of Information (at the moment, the Ministry of Culture does not have this power).

#### D. Human Resources

#### 25. PATENT OFFICE PERSONNEL REQUIREMENTS:

25.1 Implement new regulations confirming that all new personnel hired by the Patent Office should have college degrees.

25.2 Implement new regulations confirming that all new trademark and trade name examiners should be lawyers and patent examiners should at least be engineers with patent agent certification or preferably be patent lawyers.

#### 26. COPYRIGHT OFFICE PERSONNEL REQUIREMENTS:

26.1 Implement new regulations confirming that all new personnel hired for the Copyright Office should have college degrees.

26.2 Implement new regulations confirming that all new copyright examiners should be lawyers.

**E. General Issues**

**27. INTELLECTUAL PROPERTY RIGHTS SYMPOSIUM IN AMMAN:**

27.1 Conduct an intellectual property rights symposium for a general audience in Amman in late 1994 or early 1995 for a wide scope of interests and purposes. Such symposium should attempt to reach as wide an audience as possible and should be well-publicized. Unlike the planned WIPO symposium on international intellectual property rights standards as applied in Jordan for government leaders (which is also important), this symposium will focus on Jordanian intellectual property rights and their importance to Jordan's future.

27.2 Discuss the findings of this intellectual property rights report and include representatives from government, private sector, interested associations, practicing advocates and agents, and the general public.

**28. INTERNATIONAL ASSISTANCE:**

28.1 Recruit the assistance (usually without fee) of various international non-governmental organizations such as International Trademark Association, International Intellectual Property Alliance, and AIPPI to provide the needed assistance to facilitate the foregoing program using the vast resource of lawyers throughout the world. Presumably each of these organizations would be pleased to be of assistance to the government of Jordan as it implements its intellectual property rights restructuring.

## CONCLUSION

Although this analysis is lengthy and detailed, it is merely the first step on the road to a complete reevaluation of the intellectual property rights system in Jordan. If the changes noted above are instituted, all intellectual property rights levels in Jordan should move to GATT compliance. As was mentioned in the Introduction, the issues and recommendations which have been raised should generate debate and discussion and create positive change in Jordan. As this report has shown, the situation in Jordan requires additions to legal infrastructure, restructuring of certain legal institutions, reprioritizing of enforcement, increases in human resources and re-focusing of public opinion. All of these initiatives are not easy to implement, but with the assistance of international institutions, other governments and private parties, Jordan should be able to achieve these goals and follow the foregoing framework.



# **ANNEX I**

**ANNEX I: COPYRIGHT AMENDMENTS  
LAW 22/1992 COMPARED TO THE BERNE CONVENTION AND GATT**

**Article 1**

Acceptable.

**Article 2**

Acceptable.

**Article 3**

This article more or less parallels Berne 2(1). Most importantly, computer programs (3)(B)(viii) are considered works within the scope of copyright GATT 10(1).

This article covers the general subject matter of copyright. Most of the provisions under Article 2(1) of the Berne Convention are covered under Article 3(B) of the Jordanian Copyright Act. However, there are some discrepancies, as follows:

The language covering movie and broadcasting works in Article 3(b)(v) does not track well with Article 2(1) of the Berne Convention. While the Jordanian Copyright Act covers "movie and broadcasting works, whether audio or video," the Berne Convention describes "cinematographic works to which are assimilated works expressed by a process analogous to cinematography." However, the two definitions may be considered analogous.

"Drawing" and "lithography" are not explicitly mentioned in Article 3(B) of the Jordanian Copyright Act as under the Berne Convention in Article 2(1).

The protection of "decoration" under the Jordanian Copyright Act may exceed the minimum requirements set out in the Berne Convention depending upon the definition of "decoration".

The Jordanian Copyright Act protects "sketches," while the Berne Convention refers to "designs." These two words may or may not be equivalents; however, they do appear in respectively similar places in each document.

The Jordanian Copyright Act protects "important works related to geography and topography" while the Berne Convention covers "three-dimensional works relative to geography, topography, architecture or science." The Jordanian Copyright Act's use of "important" is a more ambiguous standard than "three-dimensional," and the Jordanian Copyright Act neglects the components of "architecture" and "science."

The Jordanian Copyright Act Article 3(B) is acceptable under GATT 9(2) (i.e., copyright does not extend to ideas per se). However, the express prohibition in GATT 9(2) against according copyright protection to "ideas, procedures, methods of operation or mathematical concepts" is not specifically set out under the Jordanian Copyright Act.

The Jordanian Copyright Act Article 3(B)(viii) is acceptable under GATT 10(1) since both protect computer programs. However, GATT 10(1) specifically mentions that computer programs are protected, whether in source or object code, while Article 3(B)(viii) of the Jordanian Copyright Act makes no such distinction.

There is no provision under the Jordanian Copyright Act that satisfies Article 2(2) of the Berne Convention, which requires legislation prescribing that works shall not be protected unless they have been fixed in some material form ("fixation").

"Performers" do not appear to have any rights under the Jordanian Copyright Act which speaks in terms of "authors" (i.e., a "performer" is not an "author"). Consequently, GATT 14(1) is violated since it grants performers certain rights, namely, the right to their performance in a phonogram and the right to prevent the fixation of their unfixed performance and the reproduction of their unfixed performance by third parties.

GATT 14(1) is also violated since it grants performers the right to prevent the broadcasting by wireless means and the communication to the public of a performer's live performance.

Since performers are not protected under the Jordanian Copyright Act, the provisions of the Rome Convention are violated pursuant to Articles 7 and 8 (GATT 14(6)).

#### **Article 4**

Acceptable.

#### **Article 5**

In general, the requirements of the Berne Convention 2(3), which covers derivative works, seem to have been met in Article (5) of the Jordanian Copyright Act. The Berne Convention simply refers to "translations, adaptations, and arrangements of music and other alterations of a literary or artistic work" while the Jordanian Copyright Act describes the same works in a more detailed fashion.

In regard to adaptations, the last clause in Article 5(A) of the Jordanian Copyright Act states "in order to present [the work] in an entirely new form." This appears to impose a higher standard on adaptations than is required under the Berne Convention 2(3), since the Berne Convention does not have any such purpose requirement.

Article 5(C) covers encyclopedias and anthologies "due to the effort exerted to select and compile their materials." This "sweat-of-the-brow" standard, while perhaps not specifically violative of any provision in Berne, inappropriately places emphasis on the work of the author, rather than the work itself.

The requirement of reference to the original source and author under Article 5(C) of the Jordanian Copyright Act exceeds the minimum requirements of the Berne Convention (i.e., such requirement is not in Berne).

Article 5(C) of the Jordanian Copyright Act, which protects encyclopedias and anthologies, is the closest Article in the Act to GATT 10(2) which covers the compilation of data or other material. In order to fully comply with GATT 10(2), however, Article 5 of the Jordanian Copyright Act needs to include coverage of "compilations of data or other material, which by reason of the selection or arrangements of their contents constitute intellectual creations."

GATT 10(2) also contains a prohibition against extending protection to the data or material itself. Since Article 5 of the Jordanian Copyright Act states that such protection shall be without prejudice to the rights of an author of an original work, it satisfies the "without prejudice" clause contained in GATT 10(2).

#### **Article 6**

Article 6 of the Jordanian Copyright Act appears to be a "work made for hire" clause, e.g., Copyright Act of the United States § 201(b), with no equivalent under the Berne Convention.

#### **Article 7**

Article 7 (B) of the Jordanian Copyright Act may violate certain provisions of the Berne Convention, since it denies copyright protection to the extremely broad category of "published or broadcast news". The exception for works which have called for a "special personal effort and creativeness in drafting them" mitigates the harsh application of this section, but should not save it from substantial revision for the following reasons.

Preliminarily, published or broadcast news may not always be a "collective work," as indicated by the reference in Article 7 to the "following collective works." For example, published news can often be found in the form of a single article and broadcast news can at times cover a single feature topic.

Article 2(8) of the Berne Convention states that the Convention shall not apply to news of the day or to miscellaneous facts having the character of mere items of press information. This is a narrower standard than the broad category of published or broadcast news denied protection under the Jordanian Copyright Act.

Article 10 bis(1) of the Berne Convention leaves member countries to permit reproduction "by the press" of articles or broadcast works on "current economic, political or religious topics," where the rights are not expressly reserved. This is a narrower limitation on the rights of the copyright holder than the limitation imposed by Article 7(B) of the Jordanian Copyright Act, since Berne requires that:

- 1) the right may be expressly reserved;
- 2) it applies only to reproduction or rebroadcast by the press; and
- 3) it covers only "current" economic, political or religious topics.

Finally, the source must always be clearly indicated.

In order to conform with Article 18 of the Berne Convention, Article 7(C) of the Jordanian Copyright Act should use the term "public domain," rather than "public ownership."

To the extent that national folklore falls within the subject matter of copyright, the Berne Convention is violated by the failure to accord it copyright protection under the Jordanian Copyright Act. Perhaps Article 17 of the Berne Convention, which recognizes the right of the government to control certain works, may provide a basis for the denial of copyright protection to national folklore.

#### **Article 8**

For the most part, this Article conforms to Article 6 bis of the Berne Convention on "moral rights" (which is exempted from GATT). However, the Jordanian Copyright Act is silent on the reservation of moral rights after the transfer of economic rights. Perhaps it is simply implied.

An author cannot object to a translation in advance of the harm sought to be prevented, even if the translation "would" be prejudicial to his honor and reputation as under Article 6 bis(1) of the Berne Convention. Article 8(D) of the Jordanian Copyright Act uses the past tense to state that the author can object if the translation "has harmed" the author's position.

The moral rights protected under the Jordanian Copyright Act Article 8(D) do not provide for the protection of the rights after the death of the author. Article 6 bis(2) of the Berne Convention states that, in such a case, the country's legislation may provide that some of the rights may, after the author's death, cease to be maintained. The Berne Convention does not provide any further guidance on which of these rights may cease to be maintained.

Under Article 8(E) of the Jordanian Copyright Act, an author's right to withdraw a work from circulation even after another party has acquired the rights to market the work can deprive a legitimate copyright holder's right to protection. However, this provision may be acceptable under Article 6 bis(3) of the Berne Convention, which leaves the means for safeguarding the

author's moral rights with each country. In any event, GATT 9(1) specifically exempts "moral rights" from Berne requirements.

### **Article 9**

Article 9 of the Jordanian Copyright Act states the author's rights "shall include" the topics which follow. To the extent that the list is comprehensive, it may leave out certain rights in violation of the Berne Convention.

Article 9 of the Jordanian Copyright Act does not specifically protect the rights of broadcasting organizations in accordance with GATT 14(3). However, GATT 14(3) does have an exceptions clause. It states, "[w]here Members do not grant such rights to broadcasting organizations, they shall provide owners of copyright in the subject matter of the broadcasts with the possibility of preventing the above such acts, subject to the provisions of the Berne Convention." Consequently, Article 9 of the Jordanian Copyright Act may satisfy the exceptions clause in its grant to the author of the right to exploit his work by any method he chooses, including the right to perform the work publicly through radio or television. The copyright owner can then prevent such unauthorized acts through the mechanism provided by Article 46(A)(i) of the Jordanian Copyright Act.

The Jordanian Copyright Act violates Article 13 of the Rome Convention, which provides certain specifically enumerated rights to broadcasting organizations.

### **Article 10**

Article 10 of the Jordanian Copyright Act may violate the exclusive rights of an author to authorize the reproduction of his work, (Berne 9(1)), by requiring the prior permission of the addressee or the addressee's heirs to publish the author's letters.

### **Article 11**

In general, the Jordanian Copyright Act complies with the requirements of Article II of the Appendix of the Berne Convention. Article 11(B) of the Jordanian Copyright Act should be placed before 11(A) since it sets out the initial 5 year period after the date of first publication. This period fulfills the requirement under Article 11(2)(a) of the Berne Convention regarding a minimum 3-year period during which there has been no publication of a translation in the language of general use within the country.

Article 11(A) of the Jordanian Copyright Act complies with the requirements under Article 11(4)(a) of the Berne Convention to the extent that a further period of 6 months elapse before a license to translate a work can be granted. However, the Berne Convention requires that this period be in addition to the initial waiting period of 3 years or longer. Article 11 of

the Jordanian Copyright Act fails to separate the further six-month period from the period in section (B). This time frame and procedure should be clarified in accordance with Berne Appendix II.

Article II(4)(a) of the Appendix to the Berne Convention, which imposes additional requirements, must be read in conjunction with Article IV (1) and (2) of the Berne Appendix. Under Article IV(1), the applicant for a license must establish that he has either requested, and been denied, authorization by the owner of the right to make and publish the translation or to reproduce and publish the edition, or that after due diligence he was unable to find the owner of the right. Under Article IV(2), when the identity or address of the owner of the right of translation is unknown, the applicant must comply with certain requirements.

The Jordanian Copyright Act also fails to mention situations where the owner of the right of translation subsequently publishes a translation of the work. This should result in a denial of a license to the applicant under Article II(4)(b) of the Berne Convention or termination of a license under Article II(6) of the Berne Convention.

Article II(8) of the Berne Convention states that no license shall be granted when an author has withdrawn from circulation all copies of his work. There is no similar provision under the Jordanian Copyright Act.

Importantly, Article II(5) of the Berne Convention states that translation licenses shall be granted only for the purpose of "teaching, scholarship or research." The Jordanian Copyright Act fails to limit licenses to these purposes.

Article II of the Appendix to the Berne Convention governs licenses for the translation of works "published in printed or analogous forms of reproduction." The Jordanian Copyright Act fails to so limit the works which are covered by its licensing procedure to printed or analogous forms of reproduction.

Article II (7) and (9) of the Appendix to the Berne Convention have additional provisions which are not addressed under the Jordanian Copyright Act, regarding illustrations and broadcasting organizations, respectively.

Article IV(3) of the Appendix to the Berne Convention, which requires that the name of the author and the title of the work be indicated on all copies of the translation or reproduction published under license of Article II, is not in the Jordanian Act.

Article IV (4) and (5) of the Appendix to the Berne Convention, which contains territorial restrictions on works translated under a license granted pursuant to Article II, is not in the Jordanian Act.

Article 11(A) of the Jordanian Copyright Act satisfies the due compensation requirement set out in Article IV(6)(a) of the Berne Convention.

There is no explicit provision under Article 11 of the Jordanian Copyright Act regarding the accurate translation mandate of Article IV(6)(b), of the Appendix to the Berne Convention.

The translation provisions under Article 11 of the Jordanian Copyright Act are presumably valid under GATT 13, which governs limitations and exceptions. Translation constitutes a "special case" which is explicitly recognized for developing countries by Article II of the Appendix to the Berne Convention. To fully comply with GATT 13, however, such limitation or exception must not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the copyright holder. Of course, Jordan is not required to avail itself of the developing country exemption. Moreover, Berne Appendix compulsory licenses are generally viewed as unsatisfactory.

### **Article 12**

Article 12 of the Jordanian Copyright Act is unclear on many points. For instance:

- 1) Who would attempt to withhold an author's copyright?
- 2) How would an author's copyright be withheld?
- 3) When is it permissible to impound issues of a work?
- 4) The last sentence is unclear since it states that a work can be impounded only if it is proven that the author approved its publication before his death.

### **Article 13**

Article 13 of the Jordanian Copyright Act is connected with Article 9 since both require written consent before an author can authorize another party to reproduce a work. Although a requirement of written consent may be considered a formality, it merely regulates the transfer of rights, rather than regulate copyright protection. Consequently, it does not violate the Berne Convention.

### **Article 14**

Acceptable.

### **Article 15**

Acceptable. The separation between a physical work and a copyright based on the work, does not violate any provision of the Berne Convention.

### **Article 16**

Acceptable. Article 16 of the Jordanian Copyright Act covers the infringement of protected photographs. The Berne Convention covers the grant of copyright protection, rather than the details of copyright infringement.



## Article 17

Two of the provisions of Article 17 of the Jordanian Copyright Act exceed the fair use provisions of Article 10 of the Berne Convention:

First, Article 17(A) of the Jordanian Copyright Act permits the use of a published work without the author's permission in family gatherings, society meetings, private forums, and schools. This violates the Berne 11 right to performance and should be deleted.

Second, Article 17(B) of the Jordanian Copyright Act permits use and allows the user to make a single copy of the work. This violates the Berne 9 right to reproduction and should be deleted.

Sections 17(C) and 17(D) of the Jordanian Copyright Act are acceptable under Articles 10 (1) and 10 (2) of the Berne Convention, respectively. Section 17(C) permits the use of a work for teaching, and (D) permits the use of quotations. Both sections require indication of the name of the author, and the title of the work, in conformity with Article 10(3) of the Berne Convention.

The fair use exceptions under the Jordanian Copyright Act Article 17 may violate the provisions of GATT 13, which states that members shall confine limitations or exceptions to certain special cases which do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the copyright holder.

## Article 18

The first sentence of Article 18 of the Jordanian Copyright Act merely recognizes the exclusive right of authors to authorize reproduction of their work under Articles 8(B) and 9(A). The second sentence falls under Article 10 bis of the Berne Convention, which defers to each member country to permit reproduction by the press of articles or broadcast works on current economic, political or religious topics. While the Berne Convention uses the word "current" to modify the enumerated topics, the Jordanian Copyright Act uses the term "public interest." Indication of source exceeds the minimum requirements of the Berne Convention.

Article 10 bis(1) of the Berne Convention leaves member countries to permit reproduction by the press of articles or broadcast works on "current economic, political or religious topics," where the rights are not expressly reserved.

This is a narrower limitation on the rights of the copyright holder than Article 7(B) of the Jordanian Copyright Act since Berne requires that:

- 1) the right may be expressly reserved;
- 2) it applies only to reproduction or rebroadcast by the press; and
- 3) it covers only "current" economic, political or religious topics.

The provision that newspapers can reproduce news items and articles of a political, economic or religious natures that are of public interest may violate GATT 13, governing limitations and exceptions.

### **Article 19**

Article 19 of the Jordanian Copyright Act is acceptable under Article 2 bis(2) of the Berne Convention since the Convention leaves each member country to determine the conditions under which public addresses can be reproduced, rebroadcast and communicated to the public by the press.

Indication of source and author, as required by Article 19 of the Jordanian Copyright Act, exceeds the minimum standards of the Berne Convention. The right to publish such works in a book conforms with Article 2 bis (3) (collections of works) of the Berne Convention.

Article 19 of the Jordanian Copyright Act may violate GATT 13, governing limitations and exceptions.

### **Article 20**

This article violates the Berne 9 right of reproduction. Public libraries, noncommercial documentation centers, educational institutions and cultural establishments do not explicitly enjoy a right of fair use under the Berne Convention. While Article 10(2) of the Berne Convention allows illustrations in publications, broadcasts or sound or visual recordings for "teaching," Article 20 of the Jordanian Copyright Act allows copying by any method for any purpose. Consequently, Article 20 exceeds the bounds of fair use established by Article 10 of the Berne Convention.

The Berne 9 right of reproduction will not permit libraries or other institutions to copy protected works without permission of the author. The exception to this rule is Berne Appendix Article III for developing nations, which permits compulsory licenses after the expiration of specific waiting periods, e.g., usually: five (5) years, except, sciences and technology, three (3) years, and fiction, seven (7) years. Accordingly, a blanket exemption should not be made. The exemption should be disallowed entirely. Moreover, Berne Appendix compulsory licenses are generally viewed as unsatisfactory.

Article 20 of the Jordanian Copyright Act may also violate GATT 13, governing limitations and exceptions.

### **Article 21**

Under Article 2(6) of the Berne Convention, copyright protection operates for the benefit of the author and his successors in title. However, a "successor in title" can also refer to an assignee which is not necessarily an heir. To the extent that the "heirs" referred to in Article

21 of the Jordanian Copyright Act are the equivalent of the "successors in title" referred to in the Berne Convention, the Convention will not be violated.

#### **Article 22**

Same rationale as Article 21.

#### **Article 23**

Article 23 of the Jordanian Copyright Act violates the author's exclusive rights to authorize broadcasting of his work under Berne 11 bis(1) and reproduction under Berne 9.

Article 9(2) of the Berne Convention provides a possible exception to the exclusive right to authorize reproduction, but it requires that the exempted reproduction not conflict with a normal exploitation of the work and not unreasonably prejudice the legitimate interests of the author. Government radio and television broadcast of a copyrighted work without the author's permission probably interferes with the normal exploitation of the work, since consumers presumably have free access to government broadcast, and, therefore, do not have to pay the copyright holder.

While the provisions regarding fair compensation and attribution may mitigate the harshness of the application of Article 23, it still violates the Berne Convention.

An argument may also be made that Article 11 bis(2) of the Berne Convention provides a basis for government rebroadcast of original works shown in public places. The display of an original work in a public place may entail the communication by wireless diffusion of signs, sounds or images as under 11 bis(1)(i). Article 11 bis(2) of the Berne Convention then provides that it is a matter for legislation in each country to determine the conditions under which the right mentioned in 11 bis(1) may be exercised. One such condition might be to allow government broadcast of the work itself. However, 11 bis(3) states that absent contrary stipulation, the article shall not imply permission to record the work broadcast.

Article 23 of the Jordanian Copyright Act may violate GATT 13, governing limitations and exceptions.

#### **Article 24**

Article 24 of the Jordanian Copyright Act is acceptable under Article 11 bis(3) of the Berne Convention, which leaves it as a matter for legislation in each country to determine the regulations for ephemeral recordings.

Article 24 of the Jordanian Copyright Act may violate GATT 13, governing limitations and exceptions.

## **Article 25**

This rule probably falls under the right of the government, recognized in Article 17 of the Berne Convention, to prohibit the exhibition of any work which the government finds necessary to prohibit. Moreover, it is a right to privacy or a right to publicity issue.

Article 25 of the Jordanian Copyright Act may violate GATT 13, governing limitations and exceptions.

## **Article 26**

Acceptable under Article 15(3) of the Berne Convention.

## **Article 27**

Article 27 of the Jordanian Copyright Act, which allows the Minister of Culture to exercise rights not exploited by the author's heirs or successors, may violate the provision of Article 2(6) of the Berne Convention which states that copyright protection shall operate for the benefit of the author and his successors in title.

Article 9(1) of the Berne Convention grants authors the exclusive right of authorizing the reproduction of works, while Article 9(2) of the Berne Convention allows each country to permit the reproduction of such works in certain cases. The failure of an author's heirs or successors to commercially exploit a work may be such a case. Article 27 of the Jordanian Copyright Act contains language limiting such reproduction to cases where it does not infringe on the right of the heirs or successor to obtain fair compensation. Article 9(2) of the Berne Convention has similar language regarding normal exploitation of the work.

If Article 27 of the Jordanian Copyright Act was written with compliance of Article III of the Berne Convention in mind, it falls far short of satisfying the requirements for many of the reasons set forth with regard to Article 11 of the Jordanian Copyright Act.

Article III of the Appendix to the Berne Convention provides a mechanism whereby developing countries can substitute a system of non-exclusive and non-transferable licenses for the exclusive right of reproduction granted in Article 9.

As with Article II of the Appendix to the Berne Convention, which governs a system of non-exclusive licenses for translations, Article III imposes detailed rules with which the applicant must comply.

Article 27 of the Jordanian Copyright Act may violate GATT 13, governing limitations and exceptions.

## Article 28

Acceptable since it comes under Articles 9(1) and 2(6) of the Berne Convention. Although it is not explicitly stated under these Articles of the Berne Convention, the author has the right to dispose of his rights in his work in any manner.

## Article 29

The language of Article 14 ter(2) of the Berne Convention, governing *droit de suite* (i.e., an artist's continued economic interest in his or her work of fine art even after copyright transfer), suggests that protection is a permissive right since protection can only be claimed in a country of the Union where legislation so permits. If *droit de suite* is read as mandatory, however, then the Jordanian Copyright Act should be read in the following manner:

Article 29 of the Jordanian Copyright Act does not fully comply with Article 14 ter(1) of the Berne Convention which grants the right, to any persons or institutions, to an interest in any sale of the work.

Article 29 of the Jordanian Copyright Act does not cover authors of original manuscripts of writers as required by Article 14 ter(1) of the Berne Convention.

The Berne Convention considers the right to be "inalienable," (as are "moral rights"), while the Jordanian Copyright Act limits the right to where it has not been "freely conceded."

The Berne Convention covers "any sale," while the Jordanian Copyright Act merely covers "any public auction."

In the Jordanian Copyright Act, the rule does not apply to works in the fields of architecture and applied arts.

It is unclear what "system" sets the conditions for exercising the right under the Jordanian Copyright Act, but Article 14 ter(3) of the Berne Convention allows the procedure to be determined by national legislation.

## Article 30

Article 30 of the Jordanian Copyright Act, which provides a term of protection of life plus at least 30 years, violates Article 7(1) of the Berne Convention which requires a term of life plus at least 50 years after death.

Depending upon interpretation, the provision on joint works can mean life plus 30 years or merely protection expiring upon the death of the last author. In either case, the provision fails under Article 7 bis of the Berne Convention which requires life plus at least 50 years after the death of the last surviving author of a joint work.

## **Article 31**

Article 31 of the Jordanian Copyright Act does not comply with GATT 12, which imposes a term of protection of life plus 50 years, when the term of protection is calculated on a basis other than the life of a natural person (except for photography and works of applied art which are at least 25 years from the making of the work under Article 7(4) of the Berne Convention). Under Article 31 of the Jordanian Copyright Act the term of protection is based on the date of publication, rather than on the life of a natural person.

A separate article needs to be set out to satisfy GATT 14(5), which sets out a term of protection for performers and producers, from the end of the calendar year in which the fixation was made or performance took place. This term is to last for a period of at least 50 years.

If a separate right is granted to broadcasters pursuant to GATT 14(3), then a separate term of protection needs to be set out of at least 20 years from the end of the calendar year in which the broadcast took place under GATT 14(5).

Article 31(A) of the Jordanian Copyright Act grants cinematographic works a term of protection of 30 years from date of publication. This provision fails under Article 7(2) of the Berne Convention, which grants cinematographic works protection of at least 50 years after publication, or, failing such an event, 50 years after the making.

Article 31(B) of the Jordanian Copyright Act, which grants works of applied art protection for a period of 30 years, exceeds the 25 years minimum imposed by Article 7(4) of the Berne Convention. Note, Article 7(4) uses the word "making" while Article 31(B) uses the word "publication."

Article 31(C) of the Jordanian Copyright Act separately protects a work whose author or owner is a corporation. However, the 30 year period of protection provided in the section falls short of the 50 year requirement imposed under Article 7(1) of the Berne Convention.

Article 7(1) of the Berne Convention imposes a term of the life of the author plus at least 50 years after his death where the author died before publication. Regardless of whether the work has been published, protection would run for at least 50 years after death. Therefore, Article 31(D) of the Jordanian Copyright Act fails because it provides a term of protection of only 30 years after death.

Article 31(E) of the Jordanian Copyright Act, which covers anonymous and pseudonymous works, fails because it provides only a 30 year period of protection.

## **Article 32**

Article 32(A) of the Jordanian Copyright Act fails since computer programs, although not explicitly mentioned as a protected work under Article 2 of the Berne Convention (but are

mentioned in GATT 10(1)), are still entitled to life plus at least 50 years under the Berne Convention as a literary work.

Article 32(B) of the Jordanian Copyright Act fails since translations are accorded life plus at least 50 years under the Berne Convention.

Article 32(C) of the Jordanian Copyright Act fails since photographic works are entitled to a minimum period of protection of 25 years from the making of the work, while the other subjects are entitled to life plus at least 50 years.

### Article 33

The definition of "published" is broader under Article 33(A) of the Jordanian Copyright Act than under Article 3(3) of the Berne Convention. Under the Jordanian Copyright Act a work is considered "published" as of the date it is placed into the hands of the public for the first time, while the Berne Convention requires that public demand for the work be satisfied. It should be noted that under Article 3(3) of the Berne Convention, the performance of a dramatic, dramatico-musical, cinematographic or musical work, the public recitation of a literary work, the communication by wire or the broadcasting of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

Additionally, the Berne Convention requires that publication be with the consent of the author, while the Jordanian Copyright Act leaves open the possibility that publication can occur without the consent of the author.

33(B) is acceptable.

### Article 34

The Berne Convention does not specifically address the consequences of the expiration of the term of protection provided in Article 7 of the Convention. However, the Berne Convention refers to the "public domain" in respect of other conditions, see Article 18, leading one to believe that a reversion to public ownership is anticipated under the Convention.

The last sentence of Article 34(A) of the Jordanian Copyright Act is ambiguous in that it suggests that where a work has been printed, published or translated before, a person cannot print, publish or translate it, despite it already having fallen into the public domain.

The issue of whether or not the author has heirs or successors should be irrelevant to copyright protection. Likewise, whether or not a work is printed, published or translated should be irrelevant as to whether others can do so if the work is in the public domain.

Article 34(B) is similarly confusing in that while 34(A) stated that any person can print, publish or translate a previously unprinted, unpublished or untranslated work, such person

requires the permission of the Minister of Culture. To the extent that such conditions apply to a work which has fallen into the public domain under both the Berne Convention and the Jordanian Copyright Act, the conditions need not be considered. Moreover, whether or not a work is printed, published or translated should be irrelevant as to whether others can do so if the work is in the public domain.

### **Article 35**

The Berne Convention addresses joint authorship only under Article 7 bis, regarding the applicable term of protection. Article 35(A) of the Jordanian Copyright Act may violate the general provisions of the Berne Convention regarding protected works, by requiring a collective agreement among joint authors in order for any to claim copyright to the work. This may be considered an impermissible formality under the Berne Convention, since the Berne Convention does not place restrictions on the right of joint authors to obtain copyright protection in their works.

Similarly, Article 35(B) of the Jordanian Copyright Act may violate the Berne Convention to the extent that it requires the claimed copyright not harm commercial exploitation of the work or infringe upon the rights of other parties.

The Berne Convention does not contain any provisions regarding works made for hire.

### **Article 36**

The Berne Convention does not explicitly address the relationship between music and lyrics as set out in Article 36(A) of the Jordanian Copyright Act. Article 36(A) imposes limitations on the rights of the lyricist which might violate Berne 2(1) rights in literary works.

Article 36(B) of the Jordanian Copyright Act also deals with rights of authors to a joint work where the work is accompanied by music. The Berne Convention places no limitations on the rights of authors to a joint work. Consequently, the limitations placed on musical shows under Article 36(B) of the Jordanian Copyright Act may violate the broad protection offered by the Berne Convention.

### **Article 37**

Article 37(A) of the Jordanian Copyright Act is governed by Article 14 bis(2)(a) of the Berne Convention to the extent that movie and television productions are considered cinematographic works. Article 14 bis(2)(a) of the Berne Convention leaves it to the legislation of each member country to determine ownership of copyright in a cinematographic work. Therefore, the scenarist, lyricist, author, composer and director can all be considered owners of copyright in the cinematographic work.



It is unclear how "radio" productions fit into this section. The Berne Convention's coverage of cinematographic works does not seem to extend to radio productions. Perhaps radio productions should be considered as dramatico-musical works as listed in Article 2(1) of the Berne Convention.

Article 37(B) of the Jordanian Copyright Act is acceptable. The Berne Convention does not contain any prohibitions against making the author of an original cinematographic work a partner in a derivative work.

Article 37(C) of the Jordanian Copyright Act must be read under Article 14 bis (b) and (d) of the Berne Convention. Article 14 bis(b) states that the authors may not object to subsequent use in the "absence of any contrary or special stipulation." Article 14 bis(d) then defines this phrase as "any restrictive condition which is relevant to the aforesaid undertaking." However, it is not clear whether this condition applies to national legislation or any agreement between the authors if one so exists. In either case, the writer and composer are subject to restrictive conditions which do not apply to the other authors of the work.

Article 37(D) of the Jordanian Copyright Act probably falls under Article 14 bis(2)(a) of the Berne Convention, which leaves ownership of copyright in a cinematographic work to the legislation of each country.

Concerning 37(E) of the Jordanian Copyright Act, the Berne Convention does not contain a corresponding definition of a producer.

Concerning 37(F) of the Jordanian Copyright Act, this section appears to violate the Berne Convention. The Convention deals with the protection of the rights of "authors" in their literary and artistic works. See Berne Article 1. Article 9 of the Berne Convention grants authors the exclusive right of authorizing the reproduction of their works. Consequently, the grant to the producer, who is the "representative of the authors," and not an author himself, to reproduce the work violates the terms of the Berne Convention.

Article 37(F) of the Jordanian Copyright Act may satisfy GATT 14(2) to the extent that a "movie, radio or television production" is the equivalent of a "phonogram." Both sections grant the right to producers to reproduce the work, although GATT has more comprehensive language including the "right to authorize or prohibit." However, "phonogram" connotes both sound and fixation in a medium while "movie, radio or television production" suggests different characteristics. Consequently, the Jordanian Copyright Act should be amended to include rights granted to the producers of phonograms in accordance with GATT 14(2).

The same rationale applies to Article 10 of the Rome Convention which grants producers of phonogram the exclusive right to authorize or prohibit the direct or indirect reproduction of their phonogram.

## Articles 38-45

Articles 38-45 of the Jordanian Copyright Act cover the deposit rules. Importantly, Article 45 of the Jordanian Copyright Act makes deposit a necessary condition of copyright protection. Conversely, Article 5(2) of the Berne Convention specifically states that formalities must be eliminated for the "enjoyment and exercise" of copyright. Accordingly, the deposit requirement is suspect and should be eliminated entirely, or at least removed as a requirement for copyright protection.

Article 38 makes every work published in Jordan, whether by a Jordanian or non-Jordanian author, subject to the deposit rules in the Jordanian Copyright Act. While Jordan can make such a formality a precondition to securing copyright protection for its own nationals, it must accord copyright protection to members of other Berne countries without any formalities in order to comply with Berne *minima*.

The provision regarding publication by a Jordanian author outside of Jordan is probably acceptable, since formalities can still be imposed on a country's own nationals.

It is interesting to note that under the Jordanian Copyright Act, the owner of the printing press in which a work has been printed falls under the deposit laws.

## Article 46

Article 46(A)(ii) of the Jordanian Copyright Act, which provides that copies of infringing works can be impounded, satisfies the seizure requirements set out in Article 16(1) of the Berne Convention and Article 51 of GATT.

Article 46(A) (i), (iii), and the portion of (ii) relating to materials, exceeds the minimum requirements of the Berne Convention and adds to the protection afforded the copyright owner.

Article 46(B) of the Jordanian Copyright Act, which requires an undertaking, is consistent with the discretion accorded each country under Article 16(3) of the Berne Convention, which states that seizure shall take place in accordance with the legislation of each country.

In regard to Article 46(C) of the Jordanian Copyright Act, the Berne Convention has no corollary provision regarding appellate procedure; however, the appointment of a "caretaker" to republish a work until the completion of the trial raises the troubling prospect of further violation of the copyright owner's rights by the state itself. Furthermore, the court can apparently decide to deposit all of the resulting revenue in its own treasury, making the entire mechanism rather self-serving.

## **Article 47**

Article 47(A) of the Jordanian Copyright Act, governing the destruction and disfigurement of infringing materials, is valid under the Berne Convention since the Convention only mandates a minimum standard of impounding infringing copies. The Jordanian remedy of destruction and disfigurement merely adds to the protection afforded the copyright owner.

The provision under Article 47(B) of the Jordanian Copyright Act, forbidding the destruction or disfigurement of a work translated into Arabic, may be an acceptable exception due to the strong religious belief in Jordan in the sacredness of the Arabic language in any form.

Article 47(C) of the Jordanian Copyright Act is acceptable.

Article 47(D) of the Jordanian Copyright Act appears to violate Article 16(1) of the Berne Convention by forbidding the seizure of buildings, and the engravings, paintings and decorations on them where an architect's plans or designs have been infringed. Article 16(1) of the Berne Convention makes no such exception for buildings, and, therefore, seizure must be considered a minimum standard to which member countries must adhere for all protected works.

## **Article 48**

This article is ambiguous and has no counterpart under the Berne Convention.

## **Article 49**

The provision for fair compensation to an author whose work has been violated involves a remedy which is not in the Berne Convention. However, GATT 45 states that the judicial authorities shall have the authority to order an infringer to pay adequate damages to compensate the injured author. Since actual damages are often difficult to prove, statutory damages should be considered in order to implement GATT 45. A recommendation is JD 10,000/infringed work. GATT 45 also suggests awards of attorneys' fees for the prevailing party.

## **Article 50**

Acceptable under GATT 41(3).

## **Articles 51 and 52**

Criminal sanctions are covered by GATT 61 and are fairly broadly defined. GATT 61 requires penalties "sufficient to provide a deterrent, consistent with the level of penalties applied for crimes of a corresponding gravity". The current Jordanian penalties under the Jordanian Copyright Act are:

1. Violations of substantive rights (Articles 8 - 10):
  - imprisonment: no more than three (3) months
  - fine: JD 500 - 1,000
2. Violation of deposit requirements (Articles 39, 40, 42 and 43):
  - imprisonment: no provision
  - fine: JD 20 - 100

These penalties are well below even newer laws (i.e., not the patent and trademark laws of the early 1950's) such as the Press and Publications Law (Law 10/1993) which provides for a maximum penalty fines of JD 6,000 (Article 49a).

Since copyright theft is theft, it should be dealt with commensurately. For example, if a thief stole a diamond which was worth JD 1 million, the thief would be severely punished. Accordingly, a person who steals a film worth JD 1 million should also be severely punished. The proposed amended criminal penalties to enforce GATT 61 are:

- imprisonment: no less than six (6) months nor more than five (5) years per infringed work
- fine: no less than JD 10,000 nor more than JD 50,000 per infringed work

#### **Article 53**

This article clearly excludes a major object of piracy, namely piracy of works by foreign authors first published outside of Jordan but now circulated in Jordan. Accordingly, adherence to the Berne Convention or its provisions will require equal treatment for works by foreign authors first published outside of Jordan. Although the Ministry of Culture will deposit (and therefore protect) a foreign work first published outside of Jordan if it is republished in Jordan, this is an unnecessary and in some cases an impossible burden and should be eliminated by granting protection to foreign works first published outside of Jordan outright, and with no formal conditions.

#### **Article 54**

The provisions regarding formalities should not apply to non-Jordanian copyright holders (Berne 5 (2)).

#### **Article 55**

Acceptable.

## **Article 56**

There should be some indication of a starting date for computation of when terms run, as in Article 7(5) of the Berne Convention which provides for terms to begin on the first of January of the year following the death or such event.

## **Article 57**

The Council of Ministers should issue additional regulations to implement the current law (beyond Regulation 4/1994) and certainly new regulations to implement an amended law conforming to GATT and Berne. Since the Jordanian Copyright Act does not give specifics on enforcement, for example if, when, and where an author can enforce his copyright, these regulations should be given priority. Additionally, Berne 36 requires such implementing legislation.

## **Article 58**

Acceptable.

## **Article 59**

Article 36 of the Berne Convention requires implementation by appropriate governmental authorities.

Supplement: Rental Rights under GATT 11 and GATT 14(4):

The GATT text on the issue of rental rights should be added to any amendments to the Jordanian Copyright Act since there is currently no provision for these rights.

# ANNEX II

**ANNEX II: TRADEMARK AMENDMENTS  
LAWS 33/1952 AND 19/1953 COMPARED TO GATT**

**Article 2:**

The definition of "trademark" must be expanded to include a mark which is used for all types of services as well as goods. GATT specifically recognizes service marks and service mark registration in GATT 15(1). Apparently, the Patent Office and the interested circles have been discussing this important change for quite some time.

**Article 8:**

1. In Paragraph (7), marks with geographical significance may be excluded. This provision must be conformed with GATT provisions on protection of geographical indications in GATT 22-24. However, geographical indications do appear to be protected under Article 8(6) of the Trademark Act and under Article 2 of the Merchandise Law.

2. Famous marks must be protected both under the Paris Convention Article 6 bis and GATT 16(2) and 16(3). Article 8 should be amended to include a provision to bar registration of famous marks in the name of third parties. Apparently, there is some protection given under Articles 8(6) and 8(9) of the Trademark Law, but this protection may need clarification. The use of famous foreign marks by local Jordanian companies, such as the DOMINO'S restaurant, MAKDONAL hamburger restaurant, RAMADA hotel, K-MART store, UNITED TECHNOLOGIES company, and HARD ROK CAFE cafe, create a public image that trademark piracy is not being addressed. Apart from the legal issue as to how much proof is necessary to convince the Patent Office or a court that a "famous" mark has been stolen and should be returned, a well-conducted public relations and enforcement campaign would notify the international trademark owner of the problem, send the appropriate warning letter to amend the name to avoid confusion with the famous name, and conduct a well-publicized raid when feasible.

**Article 19:**

Jordanian law requires that a registered trademark may be assigned only with the goodwill of the business (Article 19(1)). The provision contradicts GATT 21 which states that a registered trademark may be assigned "with or without the business to which the trademark belongs".

**Article 22:**

In Article 22(1), the user requirement for registered trademarks is two (2) years. This provision must be changed since GATT 19 requires a three (3) year user term.

### **Article 38**

The fines and imprisonment should be increased to up to five years and up to JD 50,000 per infringement. GATT 61.

### **Article 2 of the Merchandise Act:**

The definitions of "merchandise" and "trade mark" should specifically include "services" and "service marks" respectively pursuant to GATT 15(1) and the general desirability of protecting services from unfair competition. This is particularly important as services become even more important to the Jordanian economy.



# **ANNEX III**

**ANNEX III: PATENT AMENDMENTS  
LAWS 22/1953 AND 8/1986 COMPARED TO GATT**

**SECTION 4: INDUSTRIAL DESIGNS  
Law 22/1953 Compared to GATT**

**Article 32:**

1. The term of protection for designs is five (5) years from the date of registration, but two five-year renewals are permitted. Accordingly, this term should conform with the 10 year term in GATT 26(3).

2. Although a minor point, using the term "copyright" for a design may create confusion with the copyright law. It is best if this term is changed to "right to use" or other terminology.

**SECTION 5: PATENTS  
Law 22/1953 and Law 8/1986 Compared to GATT**

**Chapter One**

**Article (2): Explanation of terms**

1. In the definition of "invention", Jordanian law only considers whether an invention is (1) novel and (2) useful, and does not take into account whether the invention is (3) non-obvious. There is evidence that in fact non-obviousness is examined since searches for applications based on applications first filed outside of Jordan are taken at face value while applications first filed in Jordan (usually by Jordanians) are searched at the Royal Scientific Society, universities, Ministry of Health, or at other relevant institutions. Private sector interviews have voiced dissatisfaction with this form of search and examination, and would prefer the Patent Office to conduct its own searches and review. Of course, such expansion of the Patent Office's role would require examiners who are both lawyers and engineers with an accompanying document center. Since GATT requires that an invention be novel, "capable of industrial application", i.e., be useful, and "involve an inventive step", i.e., be non-obvious (GATT 27(1)), this issue needs clarification. Presumably, if the Patent Office became computerized and created its own Patent Documentation Center, novelty searched could be conducted in Amman.

2. The law must also be amended concerning the scope of novelty. At present, only publications, public use or sale within Jordan prior to the date of application are events which destroy novelty (Jordanian Act II(1)(d)). To bring this into conformance with GATT, any disclosure of the subject matter of the patent application before the date of application or the date

of priority, anywhere in the world should be a basis for a finding of lack of novelty of the invention. In the United States, publications alone are grounds for attacking novelty while in many European countries both written and oral disclosures sufficient to enable one to practice the invention are considered in analyzing novelty. Consequently, the law should be amended to state that the state of the art comprises all written (or oral descriptions) prior to the filing date or priority date of the application.

3. If these changes are made, then there is a requirement that the scope of examination be expanded to include preparation of a novelty search report. While this may be difficult to complete within Jordan, it is common for the European Patent Office to provide this service for a fee (e.g., Turkey avails itself of EPO assistance). As noted above, creation of a Patent Documentation Center could facilitate searching in Amman.

## **Chapter Two**

### **Article (4): The Inventor's Right of a Patent**

1. A Jordanian patentee has the right to use, exploit, utilize, manufacture, produce, prepare, sell, or grant licenses to others. Most countries do not confer active rights of selling of manufacturing a product, but only the right to exclude others from doing so. The Jordanian rights are different from GATT's bundle of rights, which prevent third parties from making, using, offering for sale, selling, and importing (GATT 28 (1) (a & b)).

2. Paragraph 1 also states that the patent goes to the "first original inventor", the "first to invent" system. GATT does not have any particular requirement that the patent be awarded to the first inventor or first to file; so there is no conflict here. However, as this provision has been subject to much negotiation during the US-Europe-Japan harmonization effort (and many would predict that the US may ultimately go to a first-to-file system), perhaps this provision should be re-evaluated. The pros and cons of a first to invent versus a first to file system are voluminous; both systems have their advocates. However, if the patent law is to be amended, consideration should be given at that time to conforming with the worldwide trend of "first to file".

3. The new amendment (Law 8/1986 Article 2, Paragraph 3) which adds paragraph 3, prohibits granting patents on chemical products relating to medical drugs, pharmaceutical compositions and foods, although it will allow patents on processes. This provision must be changed to comply with GATT 27(1), which states that "any inventions, whether products or processes, in all fields of technology" are patentable. Although there is an exception in GATT 27(2) that matters of health protection may give an exclusion, this would require Jordan to prove why pharmaceutical product patents fit into each exclusion. Additionally, it appears easy to show that a copied pharmaceutical was made by a slightly different process to avoid infringement (e.g., compound A was heated to 35 degrees instead of 36 degrees at minute X in the reaction).

4. Article 4 must be amended pursuant to GATT 28(b), to state that process patent protection extends to the acts of using, offering for sale, selling or importing the product obtained directly by the process in Jordan.

5. GATT requires members to provide protection for plant varieties either by patents or another method. It does not appear that Jordan covers plant protection at this time under Article 4 although this is required in GATT 27 (3) (b).

#### **Article (6): Descriptions**

This article must be amended to state specifically that the description of the invention shall be disclosed "in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art" and additionally may require the applicant to indicate the best mode for carrying out the invention (GATT 29(1)).

#### **Article (8): Examination and Modification of Specifications**

These provisions deal with situations where the claimed invention is not considered novel. The Registrar can require the specification be amended to distinguish over the prior invention, if possible. If the specification cannot be amended to the Registrar's satisfaction, it can be rejected. As mentioned in the comments of paragraph 1, Point 3, an EPO search may be of assistance.

Since these provisions relate to the rights of a Jordanian patent which are different than a GATT patent, these provisions may need amendment accordingly.

#### **Article (15): Duration of Patent**

Patents are valid for 16 years from the date thereof, which is from the date of filing and stamping, as set forth in Article (14). GATT requires members to have protection for at least 20 years from the filing date. The term of the Jordanian patent should be changed from "16 years from the date thereof" to "20 years from the date of application" (GATT 33).

#### **Article (16): Patent of Addition**

"Patents of Addition" are improvement patents on original patents. They expire the same time as the underlying original patent. GATT requires a term of at least 20 years from date of filing of the underlying patent (GATT 33).

#### **Article (22). Compulsory Licenses**

Three years after the patent grant, anyone may ask for a compulsory license or patent cancellation. The Registrar may then refer this to the Court, who determines the conditions of the license, if any, or it may order cancellation. Grounds for cancellation include unfair

prejudice to a Jordanian industry, or if demand for patented item cannot be met by patentee, or if grounds for license are too harsh. GATT allows member states to have compulsory licensing, but it is of a more restricted scope. There are no grounds for an outright cancellation for non-competition reasons. GATT has the following requirements for a compulsory license: authorization for license is to be considered on its individual merits; user has to first try to get a voluntary license; scope and duration of license is limited; non-exclusive license; non-assignable license; authorized for the domestic market of the individual Member; can be terminated if circumstances change; adequate payment to patentee; decision can be reviewed by higher Court or body; if in a blocking patent situation, the owner of the underlying patent gets a cross-license (GATT 31).

#### **Article (38): The Government's Right to Use**

The Government stands as any other person regarding use of patents. The Ministry can use the patent after the Minister of Finance consents to terms agreed upon. See comments to Article (22) Compulsory Licenses.

Article 38 concerns the government's right to use this patent. This requires substantial revision to fall within the terms of GATT 31 (b) concerning the scope of the license and reasonable conditions, and that it be a non-exclusive license and non-assignable for domestic use. In addition, the decision should be subject to judicial review. These provisions are also applicable to the compulsory license Article (22).

#### **Article (53): Offenses**

The imprisonment and fines should be increased in subsection (1) to up to five years and up to JD 50,000 per infringement.  
GATT 61.

### **SECTION 6: LAYOUT DESIGNS (TOPOGRAPHIES) OF INTEGRATED CIRCUITS**

Apparently, Layout Designs (Topographies) of Integrated Circuits ("mask works") can be protected under the current Jordanian patent and copyright laws since they are not specifically excluded.

However, the bundle of rights would have to be expanded to include "importing, selling or otherwise distributing for commercial purposes" (GATT 36 (1)).

Additionally, the term of protection would be ten (10) years counted from the date of filing an application for registration or from the first commercial exploitation wherever in the world it occurs.

# ANNEX IV

## INTERVIEW LIST

1. Government Ministries
  - a. Industry and Trade
    - Her Excellency Rima Khalaf, Minister
    - Mr. M. Khreisat, Director of the Patent Office
    - Mr. O. Al-Sous, Project Manager
  - b. Justice
    - His Excellency Hashem Tal, Minister
    - Hon. M. Hadidi, Judge
    - Hon. A. Louze, President, Court of First Instance
  - c. Planning
    - Dr. N. Ammari, Secretary General
  - d. Culture
    - Mr. O. Mikdadi, Director of the National Library and Archives and Documentation Centre
  
2. Private Agents and Advocates
  - a. Saba & Co.
    - Ms. G. Ala Eddin, Agent
    - Mr. M. Dajani, Partner
  - b. TAGI/TMP Agents
    - Ms. S. Fahoum, Agent
    - Dr. S. Al-Bashir, Lawyer
    - Dr. K. Baino, Former Director of the Patent Office
    - Ms. A. Adamo, Lawyer
  - c. Law Offices of I. Dallal
    - Dr. I. Dallal, Advocate
    - Dr. V. Nuqul, Advocate
    - Dr. M. Dallal, Advocate
  - d. Law Offices of H. Naddy
    - Dr. H. Naddy, Advocate
  - e. Law Offices of T. Nabeel
    - Dr. T. Nabeel, Advocate
  
3. Private Sector
  - a. Jordan Technology Group
    - Mr. L. Al-Qassem, Chief Executive Officer
  - b. MMIS
    - Ms. Salwa Bamieh, Director

- c. Microsoft
  - Mr. A. Al-Taji, Area Sales Manager
  - Mr. A. Sharma (Dubai), Sales Manager
- d. The Arab Pharmaceutical Mfg. Co. Ltd.
  - Dr. M. Shuqair, President
  - Dr. I. Al-Kharouf, Vice President
- e. Jordan Yellow Pages
  - Mr. Robert Mackett, General Manager
- f. Jordan Spinning & Weaving Co. Ltd.
  - Mr. E. El-Shamma, General Manager

4. Associations:

- a. Jordan Computer Society
  - Mr. K. Kawar, Vice President
  - Mr. K. Zou'bi, Computer Director, Customs
  - Mr. M. Bataineh, Deputy General Manager, CATS
  - Mr. M. Abdin, Advocate
- b. Amman Chamber of Commerce
  - Mr. M. Asfour, Chairman
- c. Jordan National Committee, International Chamber of Commerce
  - Mr. A. Hussein, Secretary General
- d. Amman World Trade Center
  - Mr. H. Hawari, Marketing Manager

5. Universities

- a. University of Jordan
  - Dr. K. Toukan, Associate Dean

6. USAID

- Mr. T. Oliver, Director
- Mr. H. P. Delp, Director, TIP Office
- Mr. B. Khatib, Project Management Specialist

7. U.S. Embassy

- Mr. D. Neumann, Chief Economic Officer
- Mr. R. AbderRahim, Senior Economic/Commercial Specialist
- Mr. P. Kovach, Counselor, Press and Cultural Affairs
- Mr. V. Ram, Press Attache



8. World Bank

- Mr. Chang-Po Yang, Senior Economist